responsibility. The Committee will indicate in the course of this Report how they visualise the relations between the two parts of the provincial government, but they wish to place in the forefront of the Report their opinion that they see no reason why the relations should not be harmonious and mutually advantageous. They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of his government, and indeed that he should insist upon it in all important matters of common interest. He will thus ensure that ministers will contribute their knowledge of the people's wishes and susceptibilities, and the members of his Executive Council their administrative experience, to the joint wisdom of the government. But while the Committee anticipate much advantage from amicable and, as far as possible, spontaneous association for purposes of deliberation, they would not allow it to confuse the duties or obscure the separate responsibility which will rest on the two parts of the administration. Each side of the government will advise and assist the other; neither will control or impede the other. The responsibility for administrative and legislative action in their own field will be fixed beyond possibility of doubt on ministers and on the majorities of the provincial legislatures which support them; and they will be given adequate power to fulfil their charge. Similarly within that field for which he remains accountable to Parliament, the responsibility for action must be fixed on the Governor-in-Council, and he must possess unfailing means for the discharge of his duties. Finally, behind the provincial authorities stands the Government of India.

6. The change which this Bill will make in the political structure and life of India is very important. It marks a great step in the path of self-government, and it is a proof of the confidence reposed by His Majesty's Government in the loyalty, wisdom and capacity of our Indian fellow-subjects. At the same time it points to the desirability of keeping Parliament in closer touch with Indian affairs than has recently been possible. The Committee accordingly propose that a Standing Joint Committee should be appointed by both Houses of Parliament for that purpose. It should have no statutory functions, but a purely advisory and consultative status; and among its tasks is one of high importance, the consideration of amendments to rules made under this Bill. For the plan on which the Bill has been drafted, and in the opinion of the Committee rightly drafted, will necessitate the completion of some of its main provisions by a large number of rules and other documents which will have to be framed before the machinery established by the Bill can come into working order. Many of these rules and documents will be drafted in India for the approval of the Secretary of State. When they come to England, it may be found convenient that the present Committee be re-appointed to advise Parliament in regard to them.

7. The Committee will now proceed to indicate the nature of the changes they have made in the Bill, and also their suggestions for action to be taken under it, either in the framing of rules or by executive process hereafter.

PREAMBLE.

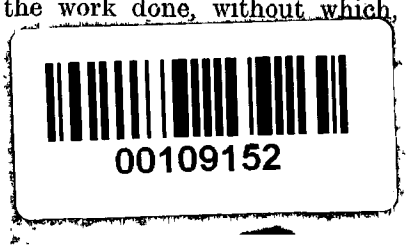
The Preamble of the Bill, as drafted, was based on the announcement of His Majesty's Government in Parliament of the 20th August, 1917, and it incorporated that part of the announcement which pointed to the progressive realisation of responsible government in British India as an integral part of the Empire, and to the expediency of gradually developing self-governing institutions in India, and it referred to the granting to the Provinces of India of a large measure of independence of the Government of India. It did not, however, deal with those parts of the announcement which spoke of the increasing association of Indians in every branch of the administration, and declared that the progress of this policy could only be achieved by successive stages, and that Parliament, advised by his Majesty's Government and by the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian people, must be the judge of the time and measure of each advance, and be guided by the co-operation received from those upon whom new opportunities of service are conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

The Committee have enlarged the preamble so as to include all parts of the announcement of the 20th August, 1917. Their reason for doing so is that an attempt has been made to distinguish between the parts of this announcement, and to attach a different value to each part according to opinion. It has been said, for instance, that whereas the first part is a binding pledge, the later part is a mere expression of opinion of no importance. But the Committee think that is of the utmost importance, from the very inauguration of these constitutional changes, that Parliament should make it quite plain that the responsibility for the successive stages of the development of self-goverment in India rests on itself and on itself alone, and that it cannot share this responsibility with, much less delegate it to, the newly-elected legislatures of India.

They also desire to emphasize the wisdom and justice of an increasing association of Indians with every branch of the administration, but they wish to make it perfectly clear that His Majesty's Government must remain free to appoint Europeans to those posts for which they are specially required and qualified.

PART I.

Clause 1.—The Committee wish to take this opportunity of acknowledging the debt they owe to the work of the two Committees on Franchise and Functions presided over by Lord Southborough. If they are not able to accept all the conclusions of these Committees, and if they recommend some additional provisions to those included in those reports, it does not mean that they are not very sensible of the value of the work done, without which, indeed, this constitutional change could not have been effected.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The lists of central, provincial and transferred subjects included in the Functions Committee's report have been somewhat altered after consultation with the India Office (*see* Appendix F *to the Minutes of Evidence*); and as so amended they are accepted by this Committee, subject to certain general observations at the end of this Report. It must not, however, be concluded that these partitions of the functions of government are absolutely clear-cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Functions Committee's report, and with due regard to the necessity for special procedure in cases where their orbits overlap.

The Committee have given much attention to the difficult question of the principle on which the provincial revenues and balances should be distributed between the two sides of the provincial governments. They are confident that the problem can readily be solved by the simple process of common sense and reasonable give-and-take, but they are aware that this question might, in certain circumstances, become the cause of much friction in the provincial government, and they are of opinion that the rules governing the allocation of these revenues and balances should be framed so as to make the existence of such friction impossible. They advise that, if the Governor, in the course of preparing either his first or any subsequent budget, finds that there is likely to be a serious or protracted difference of opinion between the executive council and his ministers on this subject, he should be empowered at once to make an allocation of revenue and balances between the reserved and transferred subjects, which should continue for at least the whole life of the existing legislative council. The Committee do not endorse the suggestion that certain sources of revenue should be allocated to reserved, and certain sources to transferred subjects, but they recommend that the Governor should allocate a definite proportion of the revenue, say, by way of illustration, two-thirds to reserved and one-third to transferred subjects, and similarly a proportion, though not necessarily the same fraction, of the balances. If the Governor desires assistance in making the allocation, he should be allowed at his discretion to refer the question to be decided to such authority as the Governor-General shall appoint. Further, the Committee are of opinion that it should be laid down from the first that, until an agreement which both sides of the Government will equally support has been reached, or until an allocation has been made by the Governor, the total provisions of the different expenditure heads in the budget of the province for the preceding financial year shall hold good.

The Committee desire that the relation of the two sides of the Government in this matter, as in all others, should be of such mutual sympathy that each will be able to assist and influence for the common good the work of the other, but not to exercise control over it. The budget should not be capable of being used as a means for enabling ministers or a majority of the legislative council to direct the policy of reserved subjects; but on the other hand the executive council should be helpful to ministers in their desire to develop the departments entrusted to their care. On the Governor personally will devolve the task of holding the balance between the legitimate needs of both sets of his advisers.

Clause 2.—This clause has been inserted to regularise the raising of loans by local governments on the special security of their own provincial revenues.

Clause 3.—The question has been raised as to the communications between the Governors of provinces and the Secretary of State. The question as to whether such communications shall in future take place, and as to the procedure to be adopted in them, may well be left to the Secretary of State. In the opinion of the Committee there is no cause at present for disturbing the existing position, except to the extent to which the Secretary of State relaxes his powers of direction and control over local governments. To that extent the Government of India will also withdraw from intervention; but India is not yet ripe for a true federal system, and the central government cannot be relegated to functions of mere inspection and advice. The Committee trust that there will be an extensive delegation, statutory and otherwise, to provincial governments of some powers and duties now in the hands of the Government of India; and they trust also that the control of that Government over provincial matters will be exercised with a view to preparing the provinces for the gradual transfer of power to the provincial government and legislature.

Clause 4.—The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council, enjoying its confidence and capable of leading it. A minister will have the option of resigning if his advice is not accepted by the Governor; and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election; but if this course is adopted the Committee hope that the Governor will find himself able to accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers, while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so; and in the opinion of the Committee it is better that they should, and therefore that the fact should be recognised on the face of the Bill. They advise that the status of ministers should be similar to that of the members of the executive council, but that their salaries should be fixed by the legislative council. Later on in this Report it will be suggested that Indian members of the Council of India in London should be paid a higher scale of remuneration than those members of the Council domiciled in the United Kingdom. The same principle might suggest to the legislative council that it was reasonable for the ministers of the provincial government domiciled in India to be paid on a lower scale of remuneration than the European members.

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Provision has been made in this clause for the appointment, at the Governor's discretion, of non-official members of the legislative council to fill a role somewhat similar to that of the Parliamentary Under-Secretary in this country.

Clause 5.—The Committee are of opinion that the normal strength of an executive council, especially in the smaller provinces, need not exceed two members. They have not, however, reduced the existing statutory maximum of four; but if in any case the council includes two members with service qualifications, neither of whom is by birth an Indian, they think that it should also include two unofficial Indian members.

Clause 6.—The Committee desire at this point to give a picture of the manner in which they think that, under this Bill, the government of a province should be worked. There will be many matters of administrative business, as in all countries, which can be disposed of departmentally; But there will remain a large category of business, of the character which would naturally be the subject of Cabinet consultation. In regard to this category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects. But the Committee attach the highest importance to the principle that, when once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore, in the opinion of the Committee, after such consultation, and when it is clear that the decision lies within the jurisdiction of one or other half of the Government, that decision in respect of a reserved subject should be recorded separately by the executive council, and in respect of a transferred subject by the ministers, and all acts and proceedings of the government should state in definite terms on whom the responsibility for the decision rests. It will not always, however, be clear, otherwise than in a purely departmental and technical fashion, with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration; and it will equally be his duty to see that a decision arrived at on one side of his government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

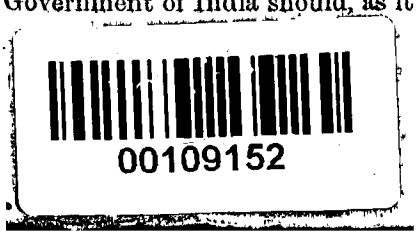
The position of the Governor will thus be one of great responsibility and difficulty, and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his government in their new responsibilities. He should never hesitate to point out to ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to adopt his advice, then, in the opinion of the Committee, the Governor should ordinarily allow ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility.

In the debates of the legislative council members of the executive council should act together and ministers should act together, but members of the executive council and ministers should not oppose each other by speech or vote; members of the executive council should not be required to support either by speech or vote proposals of ministers of which they do not approve, nor should ministers be required to support by speech or vote proposals of the executive council of which they do not approve; they should be free to speak and vote for each other's proposals when they are in agreement with them. All other official members of the legislative council should be free to speak and vote as they choose.

Clause 7.—The Committee have altered the first schedule to the Bill, so as to show only the total strength of the legislative council in each province. They have retained the provision, now in sub-clause (2), that at least 70 per cent. of the members shall be elected, and not more than 20 per cent. shall be officials. This general stipulation will govern the distribution of the seats in each province; but in certain respects the detailed arrangements will require further consideration, and proposals should be called for from the Government of India in regard to them. The points in question, as well as some disputable matters on which the Committee wish to endorse the proposals of the Franchise Committee's report, are dealt with in the following recommendations :—

(*a*) The Committee regard the number of seats allotted to the rural population, as distinct from the urban, as disproportionately low and consider that it should receive a larger share of representation. They also think that an attempt should be made to secure better representation of the urban wage-earning class; and they are convinced that an effort should be made to remedy in part at least the present disparity between the size of the electorates in the different provinces. In all those matters no definite instructions need be given. The Government of India should be left a wide discretion in adjusting the figures, subject, however, to the understanding that the adjustment should be effected in all cases rather by enlargement than by diminution of the representation proposed in the Franchise Committee's report.

(*b*) The Committee are of opinion that the representation proposed for the depressed classes is inadequate. Within this definition are comprised, as shown in the report of the Franchise Committee, a large proportion of the whole population of India. They think that the Government of India should, as it advises, be instructed to give such classes a larger share of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representation by nomination, regard being had to the numbers of depressed classes in each province, and after consultation with the Local Governments. This representation should, if necessary, be in addition to, but not in diminution of, the general electorate. Whenever possible, other persons than members of the Civil Services should be selected to represent the depressed classes, but if a member of those services, specially qualified for this purpose, has to be appointed, his nomination should not operate to increase the maximum ratio of official seats.

(*c*) In the Madras Presidency the Committee consider that the non-Brahmins must be provided with separate representation by means of the reservation of seats. The Brahmins and non-Brahmins should be invited to settle the matter by negotiation among themselves; and it would only be, if agreement cannot be reached in that way, that the decision should be referred to an arbitrator appointed for the purpose by the Government of India.

(*d*) The Committee would recommend that similar treatment be accorded to the Mahrattas in the Bombay Presidency.

(*e*) The question whether women should or should not be admitted to the franchise on the same terms as men should be left to the newly elected legislative council of each province to settle by resolution. The Government of India should be instructed to make rules so that, if a legislative council so voted, women might be put upon the register of voters in that province. The Committee have not felt able to settle this question themselves, as urged by the majority of witnesses who appeared before them. It seems to them to go deep into the social system and susceptibilities of India, and, therefore, to be a question which can only, with any prudence be settled in accordance with the wishes of Indians themselves as constitutionally expressed.

(*f*) The Committee are of opinion that the franchise as settled by the rules to be made under this Act should not be altered for the first ten years, and that it should at present be outside the power of the Legislative Councils to make any alteration in the franchise. The recommendation, therefore, in respect of woman suffrage, is to be regarded as altogether exceptional, and as not forming any precedent in respect of proposals for other alterations.

(*g*) The special representation of landholders in the provinces should be reconsidered by the Government of India in consultation with the local governments.

(*h*) The franchise for the University seats should be extended to all graduates of over seven years' standing.

(*i*) The Government of India should be instructed to consult with the Government of Bengal in respect of the representation of Europeans in Bengal. It appears to the Committee that there are good reasons for a readjustment of that representation. The recommendations of the report of the Franchise Committee in respect of European representation in other provinces may be accepted.

(*j*) The question whether the rulers and subjects of Indian States may be registered as electors or may be elected to the legislative councils should be left to be settled in each case by the local government of the province.

(*k*) The Committee are of opinion that dismissal from the service of the government in India should not be a disqualification for election, but that a criminal conviction entailing a sentence of more than six months' imprisonment should be a disqualification for five years from the date of the expiration of the sentence.

(*l*) The compromise suggested by the Franchise Committee in respect of the residential qualification of candidates for legislative councils whereby the restriction was to be imposed only in the provinces of Bombay, the Punjab, and the Central Provinces may be accepted.

(*m*) The recommendations of the Franchise Committee in respect of the proportionate representations of Mohammedans, based on the Lucknow compact, may be accepted.

Two further observations must be made on this question of franchise. It seems to the Committee that the principle of proportional representation may be found to be particularly applicable to the circumstances of India, and they recommend that this suggestion be fully explored, so that there may be material for consideration by the Statutory Commission when it sits at the end of ten years. Further it has been strongly represented to the Committee, and the Committee are themselves firmly convinced, that a complete and stringent Corrupt Practices Act should be passed and brought into operation before the first elections for the legislative councils. There is no such Act at present in existence in India, and the Committee are convinced that it will not be less required in India than it is in other countries.

Clause 9.—The Committee have considered carefully the question who is to preside over the legislative councils in the provinces. They are of opinion that the Governor should not preside, and they advise that, for a period of four years, the President should be appointed by the Governor. Wherever possible it would be a great advantage if someone could be found for this purpose who had had parliamentary experience. The legislative council should itself elect a Vice-President, and at the end of four years the nominated President would disappear, and the President and Vice-President would be elected by the councils. The Committee attribute the greatest importance to this question of the Presidency of the legislative council. It will, in their opinion, conduce very greatly to the successful working of the new councils if they are imbued from the commencement with the spirit and conventions of parliamentary procedure as developed in the Imperial Parliament. The Committee will recur to this subject in dealing with the question of the President of the Legislative Assembly of India.

Clause 11.—The Committee think that the provincial budget should be submitted to the vote of the legislative council, subject to the exemption from this process of certain charges of a special or recurring character which have been set out in the Bill. In cases where the council alter the provision for a transferred subject, the Committee consider that the Governor would be justified, if so advised by his ministers, in re-submitting the provision to the council for a review of their former decision; but they do not apprehend that any statutory prescription to that effect is required. Where the council have reduced a provision for a reserved subject which the Governor considers essential to the proper administration of the subject concerned, he will have a power of restoration. The Committee wish it to be perfectly clear that this power is real and that its exercise should not be regarded as unusual or arbitrary; unless the Governor has the right to secure supply for those services for which he remains responsible to Parliament, that responsibility cannot justly be fastened upon him.

Whenever the necessity for new taxation arises, as arise it must, the questions involved should be threshed out by both parts of the Government in consultation together, and it is especially important that in this matter both parts of the Government should, if possible, be in agreement when the proposals of the Government are laid before the legislature.

Clause 13.—The Committee have rejected the plan of Grand Committees as drafted originally in the Bill. They have done so because in their opinion the Grand Committee did not give the Governor the power of securing legislation in a crisis in respect of those matters for which he is held responsible, and because in respect of ordinary legislation about reserved subjects it perpetuated the system of securing legislation by what is known as the "official bloc," which has been the cause of great friction and heartburning. The responsibility for legislation on reserved subjects is with the Governor in Council, and, when the "official bloc" has been put into operation, it has been put into operation by him, and is merely an indirect way of asserting his responsibility. The Committee think it much better that there should be no attempt to conceal the fact that the responsibility is with the Governor in Council, and they recommend a process by which the Governor should be empowered to pass an Act in respect of any reserved subject, if he considers that the Act is necessary for the proper fulfilment of his responsibility to Parliament. He should not do so until he has given every opportunity for the matter to be thoroughly discussed in the legislative council, and as a sensible man he should, of course, endeavour to carry the legislative council with him in the matter by the strength of his case. But, if he finds that cannot be so, then he should have the power to proceed on his own responsibility. Acts passed on his sole responsibility should be reserved by the Governor-General for His Majesty's pleasure, and be laid before Parliament. His Majesty will necessarily be advised by the Secretary of State for India, and the responsibility forthe advice to be given to His Majesty can only rest with the Secretary of State. But the Committee suggest that the Standing Committee of Parliament, whose appointment they have advised, should be specially consulted about Acts of this character. Provision, however, is made in the Bill for the avoidance of delay in case of a grave emergency by giving the Governor-General power to assent to the Act without reserving it, though this of course would not prevent subsequent disallowance by His Majesty in Council.

Clause 15.—The Committee have two observations to make on the working of this Clause. On the one hand, they do not think that any change in the boundaries of a province should be made without due consideration of the views of the legislative council of the province. On the other hand, they are of opinion that any clear request made by a majority of the members of a legislative council representing a distinctive racial or linguistic territorial unit for its constitution under this Clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed by the Secretary of State, and that it should not be a bar to the appointment of such a commisson of inquiry that the majority of the legislative council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit.

Part II.

Clause 18.—As will be explained below, the Committee do not accept the device, in the Bill as drafted, of carrying government measures through the Council of State without reference to the Legislative Assembly, in cases where the latter body cannot be got to assent to a law which the Governor-General considers essential. Under the scheme which the Committee propose to substitute for this procedure, there is no necessity to retain the Council of State as an organ for government legislation. It should therefore be reconstituted from the commencement as a true Second Chamber. They recommend that it should consist of sixty members, of whom not more than twenty should be official members. The Franchise Committee advise that the non-official members should be elected by the same group of persons as elect the members of the Legislative Assembly and in the same constituencies. This is a plan which the Committee could, in no circumstances, accept. They hope and believe that a different system of election for the Council of State can be devised by the time the constitution embodied in this Bill comes into operation, and they recommend that the Government of India be enjoined forthwith to make suggestions accordingly, to which effect can be given without delaying the inauguration of the new constitution. If the advice of the Committee that it be re-appointed for the purpose of considering the rules to be framed under this Bill be approved, it should have an opportunity of considering the proposals made for the election of the Council of State.

Clause 19.—For the Legislative Assembly the Committee are equally unwilling to accept, as a permanent arrangement, the method of indirect election proposed in the report of the Franchise Committee. If by no other course it were possible to avoid delay in bringing the constitution

enacted by the Bill into operation, the Committee would acquiesce in that method for a preliminary period of three years. But they are not convinced that delay would be involved in preparing a better scheme of election, and they endorse the views expressed by the Government of India in paragraph 39 of its despatch dealing with the subject. They accordingly advise that the Government of India be instructed at once to make recommendations to this effect at the earliest possible moment. These recommendations as embodied in draft rules would also be subject to examination by this Committee if re-appointed.

Clause 20.—The Committee think that the President of the Legislative Assembly should for four years be a person appointed by the Governor-General. He should be qualified by experience in the House of Commons and a knowledge of parliamentary procedure, precedents, and conventions. He should be the guide and adviser of the Presidents of the provincial councils, and he should be chosen with a view to the influence which it is hoped he would have on the whole history of parliamentary procedure in India. He should be paid an adequate salary.

Clause 25.—This is a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly, on the understanding that this body is constituted as a chamber reasonably representative in character and elected directly by suitable constituencies. The Committee consider it necessary (as suggested to them by the consolidated fund charges in the Imperial Parliament) to exempt certain charges of a special or recurring nature, which have been set out in the Bill, *e.g.*, the cost of defence, the debt charges and certain fixed salaries, from the process of being voted. But otherwise they would leave the Assembly free to criticise and vote the estimates of expenditure of the Government of India. It is not, however, within the scheme of the Bill to introduce at the present stage any measure of responsible government into the central administration, and a power must be reserved to the Governor-General in Council of treating as sanctioned any expenditure which the Assembly may have refused to vote if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good government of the country. It should be understood from the beginning that this power of the Governor-General in Council is real, and that it is meant to be used if and when necessary.

Clause 26.—For reasons which prompted their rejection of the process of certification by a Governor to a grand committee in a province, the Committee are opposed to the proposals in the Bill which would have enabled the Governor General to refer to the Council of State, and to obtain by virtue of his official majority in that body, any legislation which the lower chamber refuse to accept, but which he regards as essential to the discharge of his duties. The Committee have no hesitation in accepting the view that the Governor-General in Council should in all circumstances be fully empowered to secure legislation which is required for the discharge of his responsibilities; but they think it is unworthy that such responsibility should be concealed through the action of a Council of State specially devised in its composition to secure the necessary powers. They believe that in such a case it would add strength to the Government of India to act before the world on its own responsibility. In order, however, that Parliament may be fully apprised of the position and of the considerations which led to this exceptional procedure, they advise that all Acts passed in this manner should be laid before Parliament, who would naturally consider the opinion of the standing committee already referred to.

Clause 28.—The recommendation of the Committee is that the present limitation on the number of the members of the Governor-General's Executive Council should be removed, that three members of that Council should continue to be public servants or ex-public servants who have had not less than ten years' experience in the service of the Crown in India; that one member of the Council should have definite legal qualifications, but that those qualifications may be gained in India as well as in the United Kingdom; and that not less than three members of the Council should be Indians. In this connection it must be borne in mind that the members of the Council drawn from the ranks of the public servants will, as time goes on, be more and more likely to be of Indian rather than of European extraction.

Clause 29.—The Committee have inserted this provision to allow of the selection of members of the legislature who will be able to undertake duties similar to those of the Parliamentary Under-Secretaries in this country. It should be entirely at the discretion of the Governor-General to say to which departments these officers should be attached, and to define the scope of their duties.

PART III.

Clause 30.—The Committee think that all charges of the India Office, not being "agency" charges, should be paid out of moneys to be provided by Parliament.

Clause 31.—The Committee are not in favour of the abolition of the Council of India. They think that, at any rate for some time to come, it will be absolutely necessary that the Secretary of State should be advised by persons of Indian experience, and they are convinced that, if no such Council existed, the Secretary of State would have to form an informal one if not a formal one. Therefore, they think it much better to continue a body which has all the advantages behind it of tradition and authority, although they would not debar the readjustment of its work so as to make it possible to introduce what is known as the portfolio system. They think, also, that its constitution may advantageously be modified by the introduction of more Indians into it and by shortening of the period of the service upon it, in order to ensure a continuous flow of fresh experience from India and to relieve Indian members from the necessity of spending so long a period as seven years in England.

Clause 33.—The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial governments. In the relations of the Secretary of State with the Governor-General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor-General remains responsible to Parliament; but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to anyone else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

The relations of the Secretary of State and of the Government of India with provincial governments should, in the Committee's judgment, be regulated by similar principles, so far as the reserved subjects are concerned. It follows, therefore, that in purely provincial matters, which are reserved, where the provincial government and legislature are in agreement, their view should ordinarily be allowed to prevail, though it is necessary to bear in mind the fact that some reserved subjects do cover matters in which the central government is closely concerned. Over transferred subjects, on the other hand, the control of the Governor-General in Council, and thus of the Secretary of State, should be restricted in future within the narrowest possible limits, which will be defined by rules under sub-clause 3 of Clause 1 of the Bill.

Rules under this clause will be subsidiary legislation of sufficient moment to justify their being brought especially to the notice of Parliament. The Secretary of State might conveniently discuss them with the Standing Committee whose creation has been recommended in this Report; and Parliament would no doubt consider the opinion of this body when the rules come, as it is proposed that they should do, for acceptance by positive resolution in both Houses. The same procedure is recommended by the Committee for adoption in the case of rules of special or novel importance under other clauses of the Bill. It must be for the Secretary of State to decide which of the many rules that will fall to be drafted by the Government of India can be sufficiently dealt with by the ordinary process of lying on the table of Parliament for a certain number of days. In deciding this point, however, he may naturally have recourse to the advice of the Standing Committee, should it happen to be in session, and obtain their assistance in determining which rules deserve to be made the subject of the more formal procedure by positive resolution.

Clause 35.—This clause carries out the recommendation of Lord Crewe's Committee to appoint a High Commissioner for India, to be paid out of Indian revenues, who will perform for India functions of agency, as distinguished from political functions, analogous to those now performed in the offices of the High Commissioners of the Dominions.

PART IV.

Clause 36.—The Committee do not conceal from themselves that the position of the public services in working the new constitutions in the provinces will, in certain circumstances, be difficult. They are of opinion that these services have deserved the admiration and gratitude of the whole Empire. They know that some members of the services regard the wisdom of the proposed changes with grave misgiving, and that some fear that those changes will not tend to the welfare of the Indian masses. They are convinced, however, that the services will accept the changing conditions and the inevitable alteration in their own position, and devote themselves in all loyalty to making a success, so far as in them lies, of the new constitution.

In the provinces, officers serving in a reserved department will be controlled by the Governor in Council, and in a transferred department by the Governor acting with ministers, but in both cases alike the personal concurrence of the Governor should be regarded as essential in the case of all orders of any importance prejudicially affecting the position or prospects of officers appointed by the Secretary of State.

The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited, and they have introduced fresh provisions into this clause to that end. If friction occurs, a re-adjustment of persons and plac[redacted]

may often get over the difficulty, and the Governor must always regard it as one of his most important duties to establish a complete understanding between his ministers and the officers through whom they will have to work. But if there are members of the service whose doubts as to the changes to be made are so deeply-rooted that they feel they cannot usefully endeavour to take part in them, then the Committee think it would only be fair to those officers that they should be offered an equivalent career elsewhere, if it is in the power of His Majesty's Government to do so, or, in the last resort, that they should be allowed to retire on such pension as the Secretary of State in Council may consider suitable to their period of service.

Part V.

Clause 41.—The Committee are of opinion that the Statutory Commission should not be appointed until the expiration of ten years, and that no changes of substance in the constitution, whether in the franchise or in the lists of reserved and transferred subjects or otherwise, should be made in the interval. The Commission will be fully empowered to examine the working of the constitutions in all their details in the provinces, and to advise whether the time has come for full responsible government in each province, or in the alternative whether and to what extent the powers of self-government already granted should be extended, or modified, or restricted. It should be clearly understood, also, that the Commission should be empowered to examine into the working of the Government of India and to advise in respect of the Government of India no less than in respect of the provincial governments.

8. This concludes the Committee's specific recommendations on the Bill. There remain certain other topics which do not conveniently fall within any particular clause. The first of these is the treatment of Burma, and after hearing evidence the Committee have not advised that Burma should be included within the scheme. They do not doubt but that the Burmese have deserved and should receive a constitution analogous to that provided in this Bill for their Indian fellow-subjects. But Burma is only by accident part of the responsibility of the Governor-General of India. The Burmese are as distinct from the Indians in race and language as they are from the British.

9. Doubts have been expressed from several quarters questioning the financial adjustment proposed between the Central and Provincial Governments in India. Without expressing any opinion on this controversy, the Committee accept and endorse the recommendation of the Government of India that a fully qualified financial commission should be appointed to advise as to the principle on which contributions from the provincial governments to the Central Government should in future be adjusted.

10. The Committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government, but they only express this opinion on the understanding that the appointment of such committees, their composition, and the regulations which govern their procedure, shall be matters wholly and exclusively within the discretion of the Governor-General or of the Governor as the case may be

11. The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without, in some cases, any statutory limitation of the rates and, in other cases, any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular, without expressing any judgment on the question whether the land revenue is a rent or tax, they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces; but in some at least the pitch of assessment is entirely at the discretion of the executive government. No branch of the administration is regulated with greater elaboration or care; but the people who are most affected have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the well-being of the revenue payers. The subject is one which probably would not be transferred to ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords; and the system should be established on a clear statutory basis before this change takes place.

12. The Committee have not hitherto touched on the subject of education in India, and it is far too large for them to make any attempt to deal with it adequately. They have accepted the recommendation of the Functions Committee that, subject to certain reservations about the Universities, the responsibility for the whole field of education in each province should be transferred to ministers. They attach much importance, however, to the educational advancement of the depressed and backward classes, and they trust that the subject will receive special attention from ministers. They are also impressed by the advantage of Boards such as Sir Michael Sadler has advised in Bengal, for the assistance of ministers in controlling the different grades of education, and they trust that ministers will see their way from the outset to constitute such Boards in every province. The Committee would similarly commend to ministers the advisability of creating local government departments in the provinces.

13. The Committee attach the greatest importance to the formation in each provincial government of a strong department of Finance which will serve both sides of the Government alike.

14. The Committee have been greatly struck by the earnest representations made to them by several witnesses, both of British and Indian birth, to the effect that the Government of India and the provincial governments must become more vocal, and put forth their view of what the good of India requires with more courage and more persistence than they have in the past. It has been represented to them that it will be of the utmost importance in the future that the Government of India and the provincial governments should have means of explaining to the people of India the reasons why things are done the reasons which underlie decisions, and the arguments against proposals which they consider will be detrimental to the welfare of the country. It was represented to the Committee that at present, to a great extent, the case for the policy of the Government of India and of the provincial governments is unknown to the masses of Indians, whereas the case against that policy is becoming every day more widely disseminated by means of the vernacular press. They are glad to think that this opinion is also shared by the Secretary of State for India and the Viceroy. It is dealt with in paragraph 326 of their report on Indian Constitutional Reforms.

15. In conclusion the Committee emphatically repudiate the suggestion that the changes in this Bill in the form of the provincial governments of India imply any condemnation of the present system of government in India. The Government of India has accomplished great things for India's good and one of its greatest services has been the introduction into India of a reign of law, to which the Government itself is as much subject as the people it governs. It is no reproach to it that in form it has been everywhere autocratic. So long as Parliament on the one hand did not bestow any form of constitutional self-government on any part of India, and on the other hand held the Government of India rigidly responsible to itself for its every action, it could not be otherwise in the provinces any more than at the central seat of government. But, whatever the form, the spirit of its being everywhere and always has been effort for the welfare of the masses of the people of India.

16. The Committee have directed the Minutes of Proceedings, together with Appendices, to be laid before both Houses of Parliament.

LORDS AND MEMBERS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Jovis, 10° *Julii*, 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The Order of Reference is read.

It is moved that the Earl of *Selborne* do take the Chair.

The same is *agreed to*.

The Course of Proceedings is considered.

It is moved that the Committee be an open one.

The same is *agreed to*.

Ordered, That the Committee be adjourned to Tuesday next, at Eleven o'clock.

Die Martis, 15° *Julii*, 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Thursday last are read.

The Course of Proceedings is further considered.

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 16° *Julii*, 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witness is called in and examined, viz.:—Sir *James Meston*, K.C.S.I. (*Vide* the Evidence.

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock.

Die Lunæ, 21° *Julii*, 1919.

PRESENT:

Duke of Northumberland	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore.
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The following witness is re-called and examined, viz.:—Sir *James Meston*, K.C.S.I. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Martis, 22° *Julii*, 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore
Lord Islington	Sir J. D. Rees.
Lord Sydenham.	
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz.:—Sir *James Meston*, K.C.S I. (re-called), Sir *Claud H. Hill*, K.C.S.I., C.I.E. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 23° *Julii*, 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Lord Brodrick (Viscount Midleton).	Sir Henry Craik.
Lord Islington.	Mr. Montagu.
Lord Sydenham.	Major Ormsby Gore.
Lord Sinha.	Sir J. D. Rees.

The LORD BRODRICK (VISCOUNT MIDLETON) in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz.:—Lord *Southborough*, G.C.B., G.C.M.G., G.C.V.O., Sir *Frank Sly*. (*Vide* the Evidence).

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock

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Die Lunæ, 28° *Julii*, 1919.

PRESENT:

Earl of Selborne.	Mr. Bennett.
Lord Brodrick (Viscount Midleton).	Sir Henry Craik.
Lord Islington.	Mr. Montagu.
Lord Sydenham.	Major Ormsby-Gore.
Lord Sinha.	Sir J. D. Rees.
	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The following witnesses are called in and examined, viz:—Lord *Southborough*, G.C.B., G.C.M.G., G.C.V.O. (re called), Sir *Frank Sly* (re-called), The Hon. *Baba S. Banerjea*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Martis, 29° *Julii*, 1919.

PRESENT:

Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sinha.	Sir J. D. Rees.
	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined viz:—The Hon. *Baba S. Banerjea* (re-called), Mrs. *A. Besant*, Mr. *R. Aiyar*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 30° *Julii* 1919.

PRESENT :

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore.
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witness is re-called and examined, viz. :—Mr. *R. Aiyar* (re-called). (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Tuesday next, at Eleven o'clock.

Die Martis, 5° *Augusti* 1919.

PRESENT:

Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton)	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sydenham.	Sir J. D. Rees.
	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The following witnesses are called in and examined, viz. :—Hon. *V. J. Patel*, *Dewan V. P. Madhava Rao*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 6° *Augusti* 1919.

PRESENT :

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore.
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz. :—*Dewan V. P. Madhava Rao* (re-called), Mr. *Tilak*, Mrs. *Sarojini Naidu*, Sir *Frank Sly* (re-called). (*Vide* the Evidence).

Ordered, That the Committee be adjourned to Friday next, at Eleven o'clock.

Die Veneris, 8° *Augusti* 1919.

PRESENT :

Duke of Northumberland.	Mr. F. D. Acland.
Earl of Selborne.	Mr. Bennett.
Lord Brodrick (Viscount Midleton).	Sir Henry Craik.
Lord Islington.	Mr. Montagu.
Lord Sinha.	Major Ormsby-Gore.
	Sir J. D. Rees.
	Mr. Spoor.

The LORD BRODRICK (VISCOUNT MIDLETON), and afterwards The EARL of SELBORNE, in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The following witnesses are called in and examined, viz.:—Sir *Frank Sly* (re-called), Mr. *Richard Feetham*, Mr. *H. L. Stephenson*, C.S.I., C.I.E. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock.

Die Lunæ, 11° *Augusti* 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The following witnesses are called in and examined, viz. :—The Hon. Mr. *N. M. Samarth*, The Hon. Mr. *C. Y Chintamani*, Mr. *K. C. Roy*, Mr. *Prithwis Chandra Ray*, Mr. *Thakur Singh*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Martis, 12° *Augusti* 1919.

PRESENT:

Duke of Northumberland.	Mr. F. D. Acland.
Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore.
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz.:—*Rai Bahadur K. V. Reddi*, Mr. *Rama Rayaningar* M.A., F.M.U., Mr. *B. P. Wadia*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 13° *Augusti* 1919.

PRESENT:

Duke of Northumberland.	Mr. F. D. Acland.
Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sydenham.	Sir J. D. Rees.
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz. :—Mr. *M. A. Jinnah*, Mr. *Yakub Hason*, Mr. *V. S. Srinivasa Sastri*, Mr. *M. Ramachandra Rao*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till Friday next, at Eleven o'clock.

Die Veneris, 15° *Augusti* 1919.

PRESENT:

Marquess of Crewe.	Mr. F. D. Acland.
Earl of Selborne.	Mr. Bennett.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington	Major Ormsby-Gore.
Lord Sinha.	Sir J D. Rees.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The following witnesses are called in and examined, viz. :—Mr. *A. H. Chowryappah*, Sir *Archdale Earle* K.C.S.I., K.C.I.E. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock

Die Lunæ, 18° *Augusti* 1919.

PRESENT :

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore.
Lord Islington.	Sir J. D. Rees.
Lord Sydenham.	Mr. Spoor
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The following witnesses are called in, and examined, viz. :—Mr. *T. Earle Welby*, Sir *Michael Sadler*, K.C.S.I. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Martis, 19° *Augusti* 1919.

PRESENT :

Duke of Northumberland.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore.
Lord Islington.	Sir J. D. Rees.
Lord Sinha.	Mr. Spoor.

The EARL of SELBORNE, in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz. :—Sir *Stanley Reed*, K.B.E., LL.D., Mr. *V. Chakkari Chetty*, B.A., B.L., Mr. *P. Chenchiah*, B.A., M.L., Mr. *B. P. Wadia*, Mr. *B. V. Jadhav*, Mr. *Maung Pu* B.A., Mr. *Bernard Houghton*, Mr. *Sydney Loo-Nee*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 20° *Augusti* 1919.

PRESENT :

Earl of Selborne	Mr. Bennett.
Lord Brodrick (Viscount Midleton)	Sir Henry Craik.
Lord Islington	Major Ormsby-Gore.
Lord Sydenham.	Sir J. D. Rees.
Lord Sinha.	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witness is called in and examined viz. : —Sir *Harry Stephen*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Jovis, 21° *Augusti* 1919.

PRESENT :

Earl of Selborne.	Mr. Bennett.
Lord Brodrick (Viscount Midleton)	Sir Henry Craik.
Lord Islington.	Mr. Montagu,
Lord Sydenham.	Major Ormsby-Gore.
Lord Sinha.	Sir J. D. Rees.
	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz. :—Right Hon. *Lord Carmichael*, G.C.S.I., G.C.I.E K.C.M.G., Sir *Alexander Cardew*, K.C.S.I. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o clock.

Die Veneris, 22° *Augusti* 1919.

PRESENT:

Lord Brodrick (Viscount Midleton).	Mr. Bennett.
Lord Islington.	Sir Henry Craik.
Lord Sydenham.	Mr. Montagu.
Lord Sinha.	Major Ormsby-Gore.
	Sir J. D. Rees.
	Mr. Spoor.

The LORD BRODRICK (VISCOUNT MIDLETON), and afterwards Mr. MONTAGU in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called and examined, viz. :—Mr. *A. J. Pugh*, Reverend Dr. *S. D. Bhabha*, Mr. *K. T. Pal*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, at Eleven o'clock.

Die Lunæ, 25° *Augusti* 1919.

PRESENT:

Duke of Northumberland.	Mr. F. D. Acland.
Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Islington.	Mr. Montagu.
Lord Sydenham.	Sir J. D. Rees.
Lord Sinha.	Mr. Spoor.

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz. :—Sir *Verney Lovett*, K.C.S.I., Mr. *L. K. Tulasiram*, Mr. *K. Appa Rao Naidu*, Sir *William Meyer*, G.C.I.E., K.C.S.I., Mr. *Nabin Chandra Bardaloi*, Mr. *Prasanna Kumar Baruah*, Mr. *A. Ramaswami Mudaliar*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Martis, 26° *Augusti* 1919.

PRESENT:

Marquess of Crewe.	Mr. F. D. Acland.
Earl of Selborne.	Mr. Bennett.
Lord Islington.	Sir Henry Craik.
Lord Sydenham.	Mr. Montagu.
Lord Sinha.	Sir J. D. Rees.

The EARL of SELBORNE in the Chair.

The Order of adjournment is read.

The Proceedings of yesterday are read.

The following witness is recalled and examined, viz :—Sir *James Meston*, G.C.B., K.C.S.I., *Dr. Tej Bahadur Sapru*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday, the 6th of October next. at Eleven o'clock.

Die Lunæ, 6° *Octobris* 1919.

PRESENT:

Earl of Selborne.	Mr. F. D. Acland.
Lord Brodrick (Viscount Midleton).	Mr. Bennett.
Lord Islington.	Sir Henry Craik.
Lord Sydenham.	Mr. Montagu.
Lord Sinha.	Sir. J. D. Rees
	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Tuesday, the 26th of August are read.

The following witness is called in and examined, viz :—Sir *Thomas Holderness*, G.C.B. K.C.S.I. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Martis, 7° *Octobris* 1919.

PRESENT :

Earl of Selborne.	Mr. F. D. Acland.
Lord Brodrick (Viscount Midleton).	Mr. Bennett.
Lord Islington.	Sir Henry Craik.
Lord Sydenham.	Mr. Montagu.
Lord Sinha.	Sir J. D. Rees.

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz :—Sir *M. E. O'Dwyer*, G.C.I.E., K.C.S.I., Mr. *J. H. Oldham*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 8° *Octobris* 1919.

PRESENT :

Earl of Selborne.	Mr. F. D. Acland.
Lord Brodrick (Viscount Midleton).	Mr. Bennett.
Lord Islington.	Sir Henry Craik.
Lord Sydenham.	Mr. Montagu.
Lord Sinha.	Major Ormsby-Gore.
	Sir J. D. Rees.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz.:—Sir *John P. Hewett*, G.C.S.I., C.I.E., Commission *Booth Tucker*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Jovis, 9° *Octobris* 1919.

PRESENT :

Earl of Selborne.	Mr. F. D. Acland.
Lord Brodrick (Viscount Midleton).	Mr. Bennett.
Lord Islington.	Sir Henry Craik.
Lord Sydenham.	Mr. Montagu.
	Major Ormsby-Gore.
	Sir J. D. Rees.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz. :—Sir *William Duke*, G.C.I.E., K.C.S.I., Sir *James Brunyate*, K.C.S.I., C.I.E. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Veneris, 10° *Octobris* 1919.

PRESENT :

Lord Brodrick (Viscount Midleton).	Mr. Bennett.
Lord Sydenham.	Sir Henry Craik.
Lord Sinha.	Mr. Montagu.
	Major Ormsby-Gore.
	Sir J. D. Rees.
	Mr Spoor.

The LORD BRODRICK (VISCOUNT MIDLETON) in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The following witnesses are called in and examined, viz :—H. H. The *Aga Khan*, G.C.S.I., G.C.I.E., Sir *Thomas Holland*, K.C.S.I., K.C.I.E., D.SC., LL.D., F.R.S., Sir *Murray Hammick*, K.C.S.I. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, at Half-past Eleven o'clock.

Die Lunæ, 13° *Octobris* 1919.

PRESENT:

Duke of Northumberland.	Mr. F. D. Acland.
Earl of Selborne.	Mr. Bennett.
Lord Brodrick (Viscount Midleton).	Sir Henry Craik.
Lord Islington.	Mr. Montagu.
Lord Sydenham.	Major Ormsby-Gore.
Lord Sinha.	Sir J. D. Rees.
	Mr. Spoor.

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The following witnesses are called in and examined, viz. :—Lieut.-Col. R. H. *Elliott*, I.M.S., Mr. *Lionel Curtis* Sir *James Meston*, K.C.S.I. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Martis, 14° *Octobris* 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sydenham.	Sir J. D. Rees.
Lord Sinha.	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz.:—Sir *Sankaran Nair*, C.I.E. Mr. *Bhupandra Nath Basu*, Sir *Elliott Colvin*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Mercurii, 15° *Octobris* 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Mr. Spoor.
Lord Sydenham.	
Lord Sinha.	

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The following witnesses are called in and examined, viz. :—Mr. *Wardlaw Milne*, Mr. *M. de Webl*, Sir *Bernard Hunter*. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till Monday next, at Half-past Eleven o'clock.

Die Lunæ, 20° *Octobris* 1919.

PRESENT:

Duke of Northumberland.	Mr. Bennett.
Marquis of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormesby-Gore.
Lord Islington.	Sir John Rees.
Lord Sydenham.	Mr. Spoor.
Lord Sinha.	

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The Title of the Bill is read and postponed.

The Preamble is read.

The Preamble is considered.

The further consideration of the Preamble is postponed.

Ordered, That the Committee be adjourned till to-morrow, at Half-past Eleven o'clock.

Die Martis, 21° *Octobris* 1919.

PRESENT: •

Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby-Gore.
Lord Islington.	Sir John Rees.
Lord Sinha.	Mr. Speor.
Mr. Bennett.	

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The Preamble is further considered.

The further consideration of the Preamble is postponed.

Ordered, That the Committee be adjourned till to-morrow, at Half-past Ten o'clock.

Die Mercurii, 22° *Octobris* 1919.

PRESENT :

Duke of Northumberland.	Mr. Bennett.
Marquess of Crewe.	Sir Henry Craik.
Earl of Selborne.	Mr. Montagu.
Lord Brodrick (Viscount Midleton).	Major Ormsby Gore.
Lord Islington.	Sir John Rees.
Lord Sinha.	Mr. Spoor.

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The Preamble is further considered.

The further consideration of the Preamble is postponed.

Ordered, That the Committee be adjourned to Monday next at Half-past Eleven o'clock.

Die Lunæ, 27° *Octobris* 1919.

PRESENT :

Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sydenham.	Sir John Rees.
Lord Sinha.	Mr. Spoor.

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The Committee deliberate.

Ordered, That the Committee be adjourned till Wednesday next, at Eleven o'clock.

Die Mercurii, 29° *Octobris* 1919.

PRESENT :

Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sydenham.	Sir John Rees.
Lord Sinha.	Mr. Spoor.

The EARL of SELBORNE in the Chair

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Clauses are considered.

Clause 1 is read.

It is moved by Mr. *Montagu*, page 2, line 7, after "convenient" to insert "and for determining the financial conditions of such agency."

The proposed Amendment is *agreed to.*

It is moved by Mr. *B. C. Spoor*, page 2, to leave out sub-paragraph (*d*) of sub-section (1) and to insert the ollowing new sub-section :—

"(2) Subject to rules made under the principal Act, all provincial subjects, other than the subjects of law, justice and police (as defined in the rules), shall be transferred to the administration of the Governor acting with the Minister in charge of the subject. Subjects so transferred are in this Act referred to as 'transferred subjects."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Content, 1.	Not-Contents, 10.
Mr. Spoor.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by Mr. *B. C. Spoor*, page 2, line 8, after "transfer" to insert "in the provinces mentioned in section 2 of this Act other than the three presidencies."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Content, 1.	Not-Contents, 10.
Mr. Spoor.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by Mr. *B. C. Spoor*, page 2, after line 13, to insert "Provided that the subjects of land revenue and irrigation as defined in the rules shall be included among the transferred subjects in all provinces mentioned in section 2 of this Act."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Content, 1.	Not-Contents, 10.
Mr Spoor	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by Mr. *B. C. Spoor*, page 2, after line 13, to insert "Provided that the subjects of land revenue and irrigation as defined in the rules shall be included among the transferred subjects in the Presidency of Bombay."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Content, 1.	Not-Contents, 10.
Mr. Spoor.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by the Lord *Islington*, page 2, to leave out sub-paragraph (iii.) of sub-section (2)

The proposed Amendment is, by leave, *withdrawn.*

It is moved by Sir *John Rees*, page 2, line 37, after "rules" to insert "made."

The proposed Amendment is, by leave, *withdrawn.*

It is moved by the Lord *Islington*, page 3, after sub-section (4) to insert the following new sub-sections:

(5) All subjects which require legislation or administrative action, and have to be subjected to collective decision:

(*a*) In the case of reserved subjects by the Governor in Council;

(*b*) In the case of transferred subjects by the Governor and his Ministers;

shall prior to such decision being arrived at stand referred for deliberation by the Governor in Council and his Ministers sitting as a unified Government.

Where agreement cannot be reached after such deliberation a decision shall be arrived at by vote.

(i.) In regard to reserved subjects voting being confined to the Governor and the members of his Executive Council;

(ii.) In regard to transferred subjects, voting being confined to the Governor and his Ministers.

(6) In order to ensure a strict compliance with the procedure provided for by the preceding sub-section, the Secretary of State shall issue an instrument of instructions to all Governors of provinces in the terms of such sub-section affording them the necessary powers to ensure that final decision shall be secured.

(i.) For transferred subjects by the determination by the Governor and his Ministers;

(ii.) For reserved subjects by the determination of the Governor in Council.

The proposed Amendment is, by leave, *withdrawn.*

It is moved by Major *Ormsby-Gore*, page 3, after sub-section 4, to insert the following new sub-section:

(5) Rules made for the purposes of this section shall not be varied unless the proposed variations have been published in draft in such manner as the Secretary of State may direct, and consideration has been given to any representations made by Local Governments, Local Legislatures, or other persons interested.

The proposed Amendment is, by leave, *withdrawn.*

The further consideration of Clause 1, and of the amendments made thereto, is *postponed.*

It is moved by Mr. *Montagu*, after Clause 1, to insert the following new clause:

Borrowing powers of local governments.

2.—(1) The provision in sub-section (1) of section 30 of the principal Act, which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise, shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues, and to make proper assurances for that purpose.

(2) Provision may be made by rules under the principal Act as to the conditions under which the power to raise loans on the security of allocated revenues shall be exercised.

(3) The provision in sub-section (1) of section 30 of the principal Act which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India to prescribe provisions or conditions limiting the power to raise money shall cease to have effect as regards the power to raise money on the security of allocated revenues.

The proposed Clause is *agreed to* subject to further consideration by the Committee.

Clause 2 is read.

It is moved by Mr *B. C. Spoor*, page 4, line 17, after "shall" to insert "for a period of six years after the passing of this Act."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Content, 1.	Not-Contents, 10.
Mr. Spoor.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by Major *Ormsby-Gore*, page 3, lines 18 and 19, to leave out "any transferred subject" and insert "transferred subjects," and lines 20 and 21, to leave out "acting with the minister appointed under this Act and in charge of the subject," and to insert "with ministers appointed under this Act."

The proposed Amendment is *agreed to.*

It is moved by Mr. *B. C. Spoor*, page 3, line 21, after "subject" to insert "and after the expiration of such period the said presidencies and provinces shall be governed in relation to all provincial subjects by the governor acting with ministers, and the provisions of sub-section (3) of the preceding section restricting the exercise of the powers of superintendence, direction, and control vested in the Governor-General in Council, shall thenceforth apply to all provincial subjects in the said presidencies and provinces."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to*.

Content, 1.	Not-Contents, 10.
Mr. Spoor.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to*.

It is moved by the Lord *Islington*, page 3, after sub-section (2), to insert the following new sub-sections:—

(3) The Secretary of State may by Order raise either or both the Province of the United Provinces and the Province of the Punjab to the status of a presidency.

(4) The governors of presidencies are appointed by His Majesty by Warrant under the Royal Sign Manual upon the advice of the Prime Minister in pursuance of the recommendation of the Secretary of State.

(5) Governors of presidencies shall have the right to correspond direct with the Secretary of State.

The proposed Amendment is, by leave, *withdrawn*.

The further consideration of Clause 2, and of the amendments made thereto, is *postponed*.

Clause 3 is read.

It is moved by Sir *John Rees*, page 3, line 31, leave out "may" and insert "shall."

The proposed Amendment is *agreed to*.

It is moved by Mr. *Montagu*, page 3, line 35, to leave out from "appointed" to the end of line 37, and to insert "in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.'

The proposed Amendment is *agreed to*.

It is moved by Sir *John Rees*, page 3, line 42, to leave out "be guided by" and to insert "accept."

The proposed Amendment is, by leave, *withdrawn*.

It is moved by the Lord *Islington*, page 3, line 41, to leave out "a transferred subject" and to insert "transferred subjects," and line 42, to leave out "the minister in charge" and to insert "his ministers."

The proposed Amendment is *agreed to*.

It is moved by the Lord *Sydenham*, page 3, line 42, and page 4, line 1, to leave out "having regard to His Majesty's instructions."

The proposed Amendment is *agreed to*.

It is moved by the Lord *Islington*, page 4, line 2, to leave out "the minister" and to insert "his ministers."

The proposed Amendment is *agreed to*.

It is moved by Sir *John Rees*, page 4, line 2, after "may" to insert, "act or."

The proposed Amendment is, by leave, *withdrawn*.

It is moved by Major *Ormsby-Gore*, page 4, line 9, after "rules," to insert "The Governor of a Governor's Province may also appoint, from among the elected members of the Local Legislature, Under Secretaries, who shall hold office during his pleasure, and discharge such duties as he may assign to them."

The proposed Amendment is, by leave, *withdrawn*.

It is moved by Mr. *Montagu*, page 4, after sub-section (4), to insert:

(5) The Governor of a Governor's Province may also, at his discretion, appoint from among the non-official members of the Local Legislature Council Secretaries, who shall hold office during his pleasure, and discharge such duties in assisting members of the Executive Council and ministers as he may assign to them.

There shall be paid to Council Secretaries so appointed such salary as may be provided by vote of the Legislative Council.

A Council Secretary shall cease to hold office if he ceases for more than three months to be a member of the Legislative Council.

The proposed Amendment is *agreed to*.

It is moved by the Lord *Islington*, after clause 3, to insert the following new clause:

There shall be a Local Government Board in every Governor's Province over which a minister shall preside. Such Board shall be constituted in such manner as may be prescribed by rules under the principal Act, and shall perform such functions in regard to the administration of the laws of the Province relating to the constitution and powers of local authorities established in the Province for purposes of local self-government as may be so prescribed.

The proposed Amendment is, by leave, *withdrawn*.

The further consideration of clause 3, and of the amendments made thereto, is *postponed*.

Clause 4 is read.

It is moved by the Lord *Islington*, page 4, after sub-section (2), to insert the following new sub-sections:—

(3) The members of a Governor's Executive Council shall, exclusive of the Governor, not be less than two, or more than four in number, one half of whom shall be British subjects and one half Indian subjects of His Majesty.

(4) The status and emoluments of ministers shall be the same as those possessed by members of the Executive Council.

The proposed Amendment is, by leave, *withdrawn.*

The further consideration of clause 4, and of the amendments made thereto, is *postponed.*

Clause 5 is read.

It is moved by Sir *John Rees*, page 4, line 24, to leave out "local."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 4, line 27, after "direct," to insert "so however that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

"Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 4, after line 36, to insert, "Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any rules made under the principal Act shall, to the extent of that repugnancy, but not otherwise, be void."

The proposed Amendment is *agreed to.*

The further consideration of clause 5, and of the amendments made thereto, is *postponed.*

Clause 6 is read.

It is moved by the Earl of *Selborne*, page 4, at the beginning of the clause to insert the following new sub section :—

(1) There shall be a Legislative Council in every Governor's Province, which shall consist of the members of the Executive Council and of members nominated or elected as provided by this Act.

The Governor shall not be a member of the Legislative Council, but shall have the right of addressing the Council, and may for that purpose require the attendance of its members.

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 4, line 38, to leave out from "Councils" to "shall" in line 40,

And line 42, after "Act" to insert "and of the members of each Council not more than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members,"

And page 5, line 2, at beginning of sub-paragraph (*a*), to insert "'subject to the maintenance of the above proportions,"

And line 5, to leave out from "Schedule" to "and" in line 11.

The proposed Amendments are *agreed to.*

It is moved by Mr. *Montagu*, page 5, line 32, to leave out "resident in India."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne* and Mr. *Montagu*, page 5, lines 32 and 33, to leave out "or elected."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 5, after line 34, to insert :

"(*c*) The qualification of electors, the constitution of constituencies, and the method of election for Governor's Legislative Councils, including the number of members to be elected by communal and other electorates and any matters incidental or ancillary thereto; and"

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 5, line 38, after "election" to insert "and;

"(*e*) the manner in which the rules are to be carried into effect:

"Provided that rules as to any such matters as aforesaid may provide for delegating to the Local Government such power as may be specified in the rules of making subsidiary regulations affecting the same matters."

The proposed Amendment is *agreed to.*

It is moved by Mr. *T. J. Bennett*, page 5, after line 38, to insert "Provided that the rules relating to any province shall, if the Local Legislature of the province has passed a Resolution so requiring, provide for the admission as electors of women possessing the necessary qualifications, and that in such case women shall not be disqualified by sex from acting as electors."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Contents, 3.	Not-Contents, 6.
Lord Sinha.	Earl of Selborne.
Mr. Bennett.	Lord Brodrick (Viscount Midleton).
Major Ormsby-Gore.	Lord Islington.
	Lord Sydenham.
	Sir Henry Craik.
	Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by the Lord *Sydenham*, page 5, to leave out sub-section (4).

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Contents, 2.	Not-Contents, 6.
Lord Sydenham.	Earl of Selborne.
Sir John Rees.	Lord Islington.
	Lord Sinha.
	Mr. Bennett.
	Sir Henry Craik.
	Major Ormsby-Gore.

The proposed Amendment is *disagreed to.*

It is moved by Mr. *Montagu*, page 5, line 40, to leave out the first "in" and insert "of."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 5, after line 41, to insert, "Members nominated to the Legislative Council of the Central Provinces by the Governor as the result of elections held in the Assigned Districts of Berar, shall be deemed to be elected members of the Legislative Council of the Central Provinces."

The proposed Amendment is *agreed to.*

The further consideration of clause 6, and of the amendments made thereto, is *postponed.*

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Jovis, 30° *Octobris*, 1919.

PRESENT:

Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sydenham.	Sir John Rees.
Lord Sinha.	Mr. Spoor.

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceeedings of yesterday are read.

Clause 7 is read.

It is moved by Major *Ormsby-Gore*, page 6, line 1, at the beginning of the clause insert the following new sub-section:—

"(1) Every local legislative council shall continue for three years from its first meeting: Provided that—

"(*a*) the council may be sooner dissolved by the governor; and

"(*b*) the said period may be extended by the governor for a period not exceeding one year by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so think fit."

The proposed Amendment is *agreed to.*

The further consideration of Clause 7, and of the amendments made thereto is *postponed.*

It is moved by Mr. *Montagu*, after Clause 7, to insert the following new clause:

Presidents of local legislative councils.

"(1) There shall be a president of a governor's legislative council, who shall, until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor, and shall thereafter be a member of the council elected by the council and approved by the governor.

Provided that if at the expiration of such period of four years the council is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the next ensuing session.

(2) There shall be a deputy-president of a governor's legislative council who shall preside at meetings of the council in the absence of the president, and who shall be a member of the council elected by the council and approved by the governor.

(3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section, but he may resign office by writing under his hand addressed to the governor, or may be removed from office by order of the governor, and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the governor, and may be removed from office by a vote of the council with the concurrence of the governor.

(5) The president and the deputy-president shall receive such salaries as may be determined, in the case of an appointed president, by the governor, and in the case of an elected president or deputy-president, by an Act of the local legislature.

The same is *objected to.*

It is moved by the Lord *Sydenham* to amend the clause by leaving out the words " until the expiration of a period of four years from the first meeting of the council as constituted under this Act."

The same is *objected to.*

On Question whether the proposed amendment to the clause be agreed to—

Content, 1.	Not-Contents, 6.
Lord Sydenham.	Earl of Selborne. Lord Islington. Lord Sinha. Mr. Bennett. Major Ormsby-Gore. Mr. Spoor.

The proposed Amendment to the clause is *disagreed to.*

On Question whether the Clause be inserted—

Contents, 6.	Not-Contents, 3.
Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Sir Henry Craik. Major Ormsby-Gore.	Lord Sydenham. Mr. Bennett. Mr. Spoor.

The proposed Clause is agreed to subject to further consideration by the Committee.

Clause 8 is read.

The consideration of Clause 8 is *postponed.*

Clause 9 is read.

It is moved by the Lord *Islington*, page 7, after sub-section (1) to insert the following new sub-section:

(2) (i.) All subjects which shall, from a date to be fixed by an Order in Council, be locally controlled by provincial governments and legislative council, being reserved and transferred subjects as defined by section 1 (4) of this Act shall be those set out in Schedule 1 A to this Act.

(ii.) All reserved subjects shall be under the control of the governor in council of the province, provided always;

(iii.) Where subjects are not specified in this Act as being wholly within the discretion of the local government, the Government of India shall be empowered to authorise the introduction of legislation unless:

(*a*) The Government of India disapproves of the measure;

(*b*) While approving the measure, the Government considers that the same should first be referred to the Secretary of State on any point of principle.

In all such cases the Bills shall be referred to the Secretary of State.

The proposed Amendment is, by leave, *withdrawn.*

It is moved by Mr. *Montagu*, page 7, line 33, after the first "the" to insert "estimated annual expenditure and revenue shall be laid in the form of a statement before the Council in each year and the", and line 34, to leave out "the" and after "provincial revenues" to insert "and other moneys", and to leave out line 35, and to insert "the vote of the council in the form of demands for grant. The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed."

The proposed Amendments are *agreed to.*

It is moved by Mr. *Montagu*, page 7, line 38, to leave out "resolution" and to insert "demand."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 7, line 40, after "assent" to insert "or the reduction of the amount therein referred to," and to leave out "resolution" and insert "demand."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 8, line 1, to leave out "resolution" and to insert "demand," and line 13, after "revenues" to insert "or other moneys," and line 14 to leave out from "purpose" to "shall" in line 16.

The proposed Amendments are *agreed to.*

It is moved by the Earl of *Selborne*, page 8, to leave out sub-section (3).

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 8, to leave out sub-section (4).

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 8, line 36, to leave out "either" and line 38 to leave out from "province" to the end of line 39.

The proposed Amendments are *agreed to.*

It is moved by the Earl of *Selborne*, page 8, line 40, to leave out "either" and page 9, line 1, to leave out from "amendment" to the end of sub-section (5) and to insert "and effect shall be given to any such direction."

The proposed Amendments are *agreed to.*

It is moved by Mr. *Montagu*, page 9, line 8, after "over" to insert "meetings thereof in the absence of the president and deputy-president."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 9, line 9, to leave out "thereof."

The proposed Amendment is *agreed to.*

It is moved by the Lord *Islington*, page 9, after sub-section 6, to insert the following new sub-section:

"(7).—In all cases of legislation where the governor enforces his authority against the decision of the local legislature, such legislation shall be referred to a select committee appointed by the governor from members of the local legislature, and including any member of the executive council, but nothing in this section shall be considered to derogate from the authority of the governor in the discharge of his ultimate responsibility for any subject."

The proposed Amendment is, by leave, *withdrawn.*

It is moved by Mr. *Montagu*, page 9, line 18, after "legislatures" to insert "Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall, to the extent of that repugnancy but not otherwise, be void."

The proposed Amendment is agreed to.

It is moved by the Lord *Sydenham*, page 9, line 19, to leave out from the beginning of the sub-section to "no," in line 20.

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to*—

Contents, 2.	Not-Contents, 6.
Lord Islington.	Marquess of Crewe.
Lord Sydenham.	Earl of Selborne.
	Lord Sinha.
	Mr. Bennett.
	Sir Henry Craik.
	Mr. Montagu.

The proposed Amendment is *disagreed to.*

The further consideration of Clause 9, and of the amendments made thereto, is proposed.

Clause 10 is read.

It is moved by Mr. *Montagu*, page 10, line 25, to leave out "a" and to insert "the."

The proposed amendment is *agreed to.*

The further consideration of Clause 10, and of the amendments made thereto, is *postponed.*

It is moved by Mr. *Montagu*, after Clause 10, to insert the following new clause :

Provision for case of failure to pass legislation.

"(1) Where a local legislative council has refused leave to introduce, or has failed to pass in the form recommended by the governor, any Bill relating to a reserved subject the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the council have not consented thereto, be deemed to have passed, and shall become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

"(2) Every such Act shall be expressed to be made by the governor, and the governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His Majesty's pleasure, and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the local legislature and duly assented to :

"Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject however to disallowance by His Majesty in Council.

"(3) An Act made under this section shall as soon as practicable after being made be laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat."

The proposed Clause is *agreed to* subject to further consideration by the Committee.

Clause 11 is read.

The consideration of Clause 11 is *postponed.*

Clause 12 is read.

It is moved by Mr. *Montagu*, page 11, line 5, after "deputy-governor" to insert "to be appointed by the Governor-General."

The proposed Amendment is *agreed to*.

It is moved by Sir *John Rees*, page 11, line 12, to leave out "within any governor's province" and to insert "in British India."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 11, line 12, after "tract" to insert "or a 'frontier tract.'"

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to*—

Contents, 4.	Not-Contents, 5.
Earl of Selborne.	Marquess of Crewe.
Lord Brodrick (Viscount Midleton).	Lord Islington.
Sir Henry Craik.	Lord Sydenham.
Major Ormsby-Gore.	Lord Sinha.
	Mr. Montagu.

The proposed Amendment is *disagreed to.*

It is moved by Mr. *Montagu*, page 11, after line 16, to insert "Where the Governor-General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that any Act of the Indian Legislature shall not apply to the territory in question or any part thereof, or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor-General thinks fit, or may authorise the Governor in Council to give similar directions as respects any Act of the local legislature."

The proposed Amendment is *agreed to.*

The further consideration of Clause 12, and of the amendments made thereto, is *postponed.*

Clause 13 is read.

It is moved by Mr. *Montagu*, page 11, line 27, at beginning of sub-section (2) to insert "Nothing in this Act, or in any rule made thereunder shall be construed as diminishing in any respect the powers of the Indian Legislature as laid down in section sixty-five of the principal Act, and"

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 11, line 30, after "be" to insert "and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 11, line 32, to leave out "a minister" and to insert "his ministers."

The proposed Amendment is *agreed to.*

The further consideration of Clause 13, and of the amendments made thereto, is *postponed.*

Clause 14 is read.

It is moved by Mr. *Montagu*, page 11, after line 41, to insert:

"Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as may be agreed to by both Chambers."

The proposed Amendment is *agreed to.*

The futher consideration of Clause 14, and of the amendments made thereto, is *postponed.*

Clause 15 is read.

It is moved by Mr. *Montagu*, page 12, lines 1 and 2, to leave out "the Governor-General," and line 5, to leave out from the second "of" to end of sub-section (2), and to insert "not more than sixty members," and lines 10 and 11, to leave out "when present, shall preside in the Council of State, and," and line 12, to leave out "Vice-President" and to insert "President," and after sub-section (3) to insert the following new sub-section—

"(4) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members."

The proposed Amendments are *agreed to.*

The further consideration of Clause 15, and of the amendments made thereto, is *postponed.*

Clause 16 is read.

It is moved by Mr. *B. C. Spoor*, page 12, line 29, after sub-section (2) to insert the following new sub-section—

"(3) The legislative assembly shall, before proceeding to the despatch of any other business, choose a member to be president of the legislative assembly, and as often as the office of president becomes vacant the legislative assembly shall again choose a member to be president. The president shall cease to hold his office if he ceases to be a member; he may be removed from office by a vote of the legislative assembly, or he may resign his office or his seat by writing under his hand addressed to the Governor-General. Prior to or during the absence of the president the legislative assembly may choose a member to perform his duties in his absence."

The same is *objected to.*

On Question whether the proposed amendment be *agreed to*—

Content, 1.	Not-Contents, 4.
Mr. B. C. Spoor.	Earl of Selborne. Lord Sydenham. Sir Henry Craik. Major Ormsby-Gore.

The proposed Amendment is *disagreed to.*

The further consideration of Clause 16 is *postponed.*

It is moved by Mr. *Montagu* after Clause 16 to insert the following new clause:—

President of legislative assembly.

"(1) There shall be a president of the legislative assembly who shall until the expiration of four years from the first meeting thereof be a person appointed by the Governor-General, and shall thereafter be a member of the assembly elected by the assembly and approved by the Governor-General.

"Provided that if at the expiration of such period of four years the assembly is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the ensuing session.

"(2) There shall be a deputy-president of the legislative assembly who shall preside at meetings of the assembly in the absence of the president, and who shall be a member of the assembly elected by the assembly and approved by the Governor-General.

"(3) The appointed president shall hold office until the date of the election of a president under this section, but he may resign his office by writing under his hand addressed to the Governor-General, or may be removed from office by order of the Governor-General, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

"(4) An elected president and a deputy-president shall cease to hold office if they cease to be members of the assembly, they may resign office by writing under their hands addressed to the Governor-General, and may be removed from office by a vote of the assembly with the concurrence of the Governor-General.

"(5) A president and deputy-president shall receive such salaries as may be determined, in the case of an appointed president by the Governor-General, and the case of an elected president and a deputy-president by Act of the Indian Legislature."

The proposed Clause is *agreed to* subject to further consideration by the Committee.

Clause 17 is read.

It is moved by Sir *John Rees*, page 13, line 5, after "times" to insert "and places."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 13, line 6, after "of" to insert "either chamber of," and line 8, to leave out "the Indian Legislature" and to insert "such sessions."

The proposed Amendments are *agreed to.*

The further consideration of Clause 17, and of the amendments made thereto, is *postponed.*

Clause 18 is read.

It is moved by Sir *John Rees*, page 13, after sub-section (2), to insert the following new sub-section:—

"(3) If any person is elected a member of both chambers of the Indian legislature he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant."

The proposed Amendment is *agreed to.*

The further consideration of Clause 18, and of the amendments made thereto, is *postponed.*

Clause 19 is read.

It is moved by the Lord *Sydenham*, page 14, to leave out sub-section (2).

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to*—

Content, 1.	Not-Contents, 11.
The Lord Sydenham.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees. Mr. Spoor.

The proposed Amendment is *disagreed to.*

The further consideration of Clause 19 is *postponed.*

Clause 20 is read.

It is moved by the Earl of *Selborne*, page 14, line 12, after "assembly" to insert "in the absence of the president and the deputy-president," and line 16, to leave out from beginning of the sub-section to the second "the" in line 17, and to insert "If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers."

The proposed Amendments are *agreed to.*

It is moved by the Earl of *Selborne*, page 14, line 18, after "may" to insert "in his discretion."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 14, line 19, to leave out from "Chambers" to the end of line 20 and to insert "Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 14, after sub-section (3) to insert the following new sub-section :—

"(4) Without prejudice to the powers of the Governor-General under section sixty-eight of the principal Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian Legislature, return the Bill for reconsideration by either chamber."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne* to leave out sub-section (4).

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 14, line 37, after "relate" to insert "any Standing Order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act shall, to the extent of that repugnancy, but not otherwise, be void."

The proposed Amendment is *agreed to.*

It is moved by the Lord *Brodrick* (Viscount Midleton), page 14, at the beginning of sub-section (7) to insert "subject to the rules of order."

The same is *objected to.*

On Question whether the said Amendment be agreed to—

Contents, 5.	Not-Contents, 4.
Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Mr. Bennett. Sir John Rees.	Marquess of Crewe. Lord Sinha. Major Ormsby-Gore. Mr. Spoor.

The proposed Amendment is *agreed to.*

The further consideration of Clause 20, and of the amendments made thereto, is *postponed.*

Ordered, That the Committee be adjourned till to-morrow, at Eleven o'clock.

Die Veneris, 31° *Octobris*, 1919.

PRESENT :

Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore
Lord Sydenham.	Sir John Rees.
Lord Sinha.	Mr. Spoor

The EARL OF SELBORNE in the Chair.

The Order of Adjournment is read

The Proceedings of yesterday are read.

It is moved by Mr. *Montagu.*

After Clause 20 to insert the following new clause :—

Provision for case of failure to pass legislation.

—(1) Where either chamber of the Indian Legislature refuses leave to introduce, or fails to pass in the form recommended by the Governor General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India, or any part thereof, and thereupon—

(*a*) If the Bill has already been passed by the other chamber the Bill shall, notwithstanding that it has not been consented to by both chambers, forthwith become an Act in the form of the Bill as originally introduced or proposed to be introduced in the Indian Legislature, or (as the case may be) in the form recommended by the Governor-General ; and

(*b*) If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall forthwith become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian Legislature and duly assented to:

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

The proposed Clause is *agreed to*, subject to further consideration by the Committee.

It is moved by Mr. *Montagu*, after Clause 20, to insert the following new clause :—

—(1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year, and the proposals of the Governor-General in Council for the appropriation of revenue or moneys in any year shall be submitted first to the Legislative Assembly for its assent, and, after consideration by the Legislative Assembly, to the Council of State for its assent, in the form of demands for grants.

(2) Either Chamber may assent or refuse its assent to the demands as a whole, and the Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand, either by a reduction of the whole grant or by the omission or reduction of any items of expenditure of which the grant is composed:

Provided that—

(*a*) The Governor-General in Council shall have power in relation to any such demand to act as if it had been assented to notwithstanding the withholding of such assent by either or both Chambers, or the reduction of the amount therein referred to by the Legislative Assembly, if the Governor-General certifies that the expenditure provided for by the demand is essential for the discharge of his responsibilities;

(*b*) The Governor-General shall have power in cases of emergency to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof;

(*c*) Nothing in this section shall require proposals to be submitted to the Indian Legislature in regard to expenditure which is declared by rules under the principal Act to be a permanent charge on revenues at the disposal of the Governor-General in Council; and

(*d*) No proposal for the appropriation of any revenue or moneys for any purpose shall be made in either Chamber except on the recommendation of the Governor-General communicated to such Chamber.

The further consideration of the proposed Clause is *postponed*.

It is moved by Mr. *Montagu*, after clause 20, to insert the following new clause :—

Supplemental provision as to powers of Indian legislature.

(1) In addition to the measures referred to in sub-section (2) of section 67 of the principal Act, as requiring the previous sanction of the Governor-General, it shall not be lawful without such previous sanction to introduce at any meeting of either Chamber of the Indian Legislature any measure—

(*a*) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under the principal Act to be "subject to Indian Legislation":

(*b*) repealing or amending any Act of a local legislature:

(*c*) repealing or amending any Act or ordinance of the Governor-General.

(2) Where in either Chamber of the Indian Legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct either that no proceedings, or that no further proceedings, shall be taken by the Chamber in relation to the Bill, clause or amendment, and effect shall be given to such direction.

The proposed clause is *agreed* to, subject to further consideration by the Committee.

Clause 21 is read.

It is moved by the Lord *Sydenham*, page 15, to leave out sub-section (1).

The same is *objected to*.

On Question whether the proposed Amendment be *agreed to*,

Contents, 1.	Not-Contents, 10.
Lord Sydenham.	Marquess of Crewe. Earl of Selborne. Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees. Mr. Spoor.

The proposed Amendment is *disagreed to*.

It is moved by Sir *Henry Craik*, page 15, line 2, to leave out from "Act" to "imposing" in line 7. And line 7 to leave out the second "any" and to insert "a."

The proposed Amendment is *agreed to*.

It is moved by Major *Ormsby-Gore*, page 15, line 9, after "effect" to insert "Provided that at least one member of the Governor-General's executive shall be a barrister of England or Ireland, or a member of the faculty of Advocates for Scotland, or a pleader of a High Court, of not less than five years' standing."

The proposed Amendment is *agreed to*.

It is moved by Mr. *B. C. Spoor*, page 15, line 9, after sub-section (1), to insert the following new sub-section:

(2) Of the members of the Governor-General's executive council not less than half shall be chosen from Indians who are elected members of the legislative assembly.

The same is *objected to*.

On Question whether the proposed Amendment be *agreed to*,

Contents, 1.	Not-Contents, 11.
Mr. B. C. Spoor.	Marquis of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sydenham. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Major Ormsby-Gore. Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by Major *Ormsby-Gore*, page 15, line 14, after "section" to insert "and such rules shall provide that three members of the council shall be natives of India." Page 15, line 14, after "section" to insert "and such rules shall provide that three members of the council shall be persons qualified for appointment under section ninety-nine of the Principal Act."

The proposed Amendment is, by leave, *withdrawn.*

The further consideration of Clause 21, and of the amendments made thereto, is *postponed.*

[*Ordered*, That the Committee be adjourned until Monday next, at Twelve o'clock.

Die Lunae 3° Novembris, 1919.

PRESENT:

Marquess of Crewe.	Lord Sinha.
Earl of Selborne.	Mr. Bennett.
Lord Brodrick (Viscount Midleton).	Sir Henry Craik.
Lord Islington.	Mr. Montagu.
Lord Sydenham.	Sir John Rees.

The Earl of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Friday last are read.

The clauses are further considered.

It is moved by the Lord *Islington*, after Clause 21, to insert the following new clause :—

Where any matter is referred by the local government of a governor's province to the Governor-General in Council, or the Governor-General, for assent or approval, such assent or approval shall not be refused except with the consent of the Secretary of State in Council.

The proposed Amendment is, by leave, *withdrawn.*

It is moved by Mr. *Montagu*, after Clause 21, to insert the following new clause :—

" .—(1) The Governor-General may, at his discretion, appoint from among the members of the Legislative Assembly, Council Secretaries, who shall hold office during his pleasure and discharge such duties in assisting the members of his Executive Council as he may assign to them. Appointment of council secretaries.

(2) There shall be paid to Council Secretaries so appointed such salary as may be provided by the Indian Legislature.

(3) A Council Secretary shall cease to hold office if he ceases for more than three months to be a member of the Legislative Assembly."

The same is *objected to.*

On Question whether the proposed Clause be inserted :—

Contents, 9.	Not-Contents, 1.
Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Islington. Lord Sinha. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Sir John Rees.	Lord Sydenham.

The proposed Clause is *agreed to*, subject to further consideration by the Committee.

It is moved by the Lord *Islington*, after Clause 22, to insert the following new clause :—

"The Secretary of State shall not advise His Majesty to signify His disallowance of an Act of the Indian Legislature unless, in the case of an Act which affects the law relating to tariffs, the Act is in his opinion inconsistent with any international obligations entered into by His Majesty's Government or with any undertaking of His Majesty's Government as to fiscal arrangements within the Empire, or in the case of any other Act, the Act is, in his opinion, inconsistent with the policy of His Majesty's Government."

The same is *objected to.*

On Question whether the proposed Clause be inserted :—

Contents, 2.	Not-Contents, 8.
Lord Islington. Lord Sinha.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton). Lord Sydenham. Mr. Bennett. Sir Henry Craik. Mr. Montagu. Sir John Rees.

The proposed Clause is *disagreed to.*

It is moved by the Lord *Islington*, after Clause 22, to insert the following new clause :—

"When both Chambers of the Indian Legislature have concurred in recommending to the Governor-General in Council that a course of action in regard to an administrative question should be adopted, and the Governor-General in Council has accepted that recommendation, it shall not be open to the Secretary of State, or the Secretary of State in Council, in the exercise of the powers of superintendence, supervision and control vested in him under the principal Act, to require action to be taken otherwise than in accordance with that course of action."

The same is *objected to.*

On Question whether the proposed Clause be inserted :—

Contents, 1.	Not-Contents, 7.
Lord Islington.	Marquess of Crewe. Earl of Selborne. Lord Brodrick (Viscount Midleton) Mr. Bennett. Sir Henry Craik. Mr. Montagu. Sir John Rees.

The proposed Clause is *disagreed to.*

It is moved by Mr. *Montagu*, after Clause 20, to insert the following new clause :—

ndian Budget.

" .—(1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the heads of expenditure specified in the second schedule to this Act shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either Chamber.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the heads of expenditure specified in the said schedule, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the said schedule shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

(6) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council, who shall, if he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, by the Legislative Assembly.

(8) Notwithstanding anything in this section the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof."

The proposed Clause is *agreed to*, subject to further consideration by the Committee.

Clause 22 is read.

The consideration of Clause 22 is *postponed.*

It is moved by the Marquess of *Crewe*, after Clause 22, to insert the following new clause :—

Council of India.

. The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members :—

(1) The provisions of sub-section (1) shall have effect as though "eight" and "twelve" were substituted for "ten" and "fourteen" respectively, as the minimum and maximum number of members, provided that the tenure of office of any person who is a member of the Council at the time of the passing of this Act shall not be affected by this provision.

(2) The provisions of sub-sections (3) and (5) shall cease to have effect and in lieu thereof the following provision shall be inserted :—

"Not less than one-third of the members of the Council shall be selected from a list of persons permanently domiciled in India, and chosen for the purpose by the members (other than official members) of the Council of State and the Legislative Assembly, in such manner, subject to such conditions and restrictions, and in such number as may be prescribed by rules to be made by the Secretary for State in Council or directions issued by the Secretary for State thereunder: provided that this provision shall not have immediate effect, but such appointments of persons so selected shall be made within a period of . . . years after the passing of this Act as to secure that at the end of such period the number of members so selected is not less than one-third of the members of the Council."

(3) In sub-section (4) "five years" shall be substituted for "seven years" as the term of office of members of the Council, provided that the tenure of office of any person who is a member of the Council at the time of the passing of this Act shall not be affected by this provision.

(4) The provisions of sub-section (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted :—

"There shall be paid to each member of the Council of India a salary of twelve hundred pounds; provided that any member of the Council who was at the time of his appointment permanently domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament."

(5) Notwithstanding anything in the Act or rules, where any person in the service of the Crown in India is appointed a member of the Council before completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would be payable to him on completion of such period, be reckoned as service under the Crown in India.

It is moved by the Lord *Brodrick* (Viscount Midleton) to leave out sub-section (2) and to insert the following new sub-section :—

"The provisions of sub-section (3) shall have effect as if 'one-half' were substituted for 'nine,' and 'India' were substituted for 'British India.'"

The proposed Amendment is *agreed to*.

It is moved by the Marquess of *Crewe* after sub-section (2), as amended, to insert 'Not less than one-third of the members of the council shall be selected from a list of persons permanently domiciled in India, and chosen for the purpose by the members (other than official members) of the council of state and the legislative assembly, in such manner, subject to such conditions and restrictions, and in such number as may be prescribed by rules to be made by the Secretary of State in council or directions issued by the Secretary of State thereunder: provided that this provision shall not have immediate effect, but such appointments of persons so selected shall be made within a period of . . . years after the passing of this Act as to secure that at the end of such period the number of members so selected is not less than one third of the members of the council."

The same is *objected to*.

On Question whether the proposed Amendment to the Amendment be *agreed to* :—

Contents, 3.	Not Contents, 5.
Marquess of Crewe.	Earl of Selborne.
Lord Sinha.	Lord Brodrick (Viscount Midleton).
Mr. Montagu.	Lord Sydenham.
	Sir Henry Craik.
	Sir John Rees.

The proposed Amendment to the Amendment is *disagreed to*.

It is moved by the Lord *Sydenham* in sub-section (4) to leave out "five" and to insert "four".

The same is *objected to*.

On Question whether the Amendment to the proposed Clause be *agreed to* :—

Contents, 2.	Not-Contents, 3.
Lord Sydenham.	Marquess of Crewe.
Mr. Bennett.	Lord Brodrick (Viscount Midleton).
	Sir Henry Craik.

The Amendment to the proposed Clause is *disagreed to*.

The proposed Clause is *agreed to* as amended, subject to further consideration by the Committee.

Clause 23 is read.

The consideration of Clause 23 is *postponed*.

It is moved by the *Earl of Selborne* after Clause 23 to insert the following new clauses :

"Sections eleven, twelve, thirteen and fourteen of the principal Act (relating to orders and communications sent to India from the United Kingdom) shall cease to have effect, and the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council. **Correspondence between Secretary of State and India.**

His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for his pay, powers, duties, and conditions of employment; and the Order may further provide for delegating to the High Commissioner any of the powers, previously exercised by the Secretary of State or the Secretary of State in Council, whether under the principal Act or otherwise, in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government in India." **High Commissioner for India.**

The proposed Clauses are *agreed to*, subject to further consideration by the Committee.

Clause 24 is read.

It is moved by Mr. *Montagu*, page 16, line 13, after "appointed" to insert "and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed."

The proposed Amendment is *agreed to*.

It is moved by the Lord *Brodrick* (Viscount Midleton), page 16, line 13, after "appointed" to insert "if any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may complain to the governor of the province in order to obtain justice, and the governor is hereby required to examine such complaint and pass thereon such orders as appear to him to be just and equitable."

The proposed Amendment is *agreed to*.

It is moved by the Lord *Brodrick* (Viscount Midleton), page 16, line 22, after "services" to insert "Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable."

The proposed Amendment is *agreed to*.

It is moved by Mr. *Montagu*, page 16, line 26, to leave out from "rules" to "may" in line 28, and to insert "in force at the time of the passing of this Act. Any such rules"

The proposed Amendment is *agreed to*.

It is moved by Mr. *Montagu*, page 16, line 34, to leave out "affect" and to insert "prejudice the rights to which any person may, or may have, become entitled under," and line 39, to leave out "under the principal Act," and page 17, line 2, to leave out from "section" to the end of the clause.

The proposed Amendments are *agreed to*.

The further consideration of Clause 24, and of the amendments made thereto, is *postponed*.

Clause 25 is read.

The consideration of Clause 25 is *postponed*.

Clause 26 is read.

The consideration of Clause 26 is *postponed.*

Clause 27 is read.

It is moved by Mr. *Montagu*, page 17, line 39, after "employment" to insert "or for the discharge of his duties in the case of a temporary vacancy or absence from duty."

The proposed Amendment is *agreed to.*

The further consideration of Clause 27, and of the amendments made thereto, is *postponed.*

Clause 28 is read.

It is moved by the Earl of *Selborne*, page 18, lines 16 and 17, to leave out "and the provinces thereof."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 18, line 19, after "desirable" to insert "to establish the principle of responsible government, or."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*, page 18, line 19, to leave out "or modify" and to insert "modify, or restrict," and line 20, to leave out "in any province," and to insert "therein."

The proposed Amendments are *agreed to.*

The further consideration of Clause 28, and of the amendments made thereto, is *postponed.*

Clause 29 is read.

It is moved by the Lord *Sydenham* to leave out Clause 29.

The proposed Amendment is, by leave, *withdrawn.*

The further consideration of Clause 29 is *postponed.*

Signification of Royal Assent.

It is moved by the Earl of *Selborne*, after Clause 29, to insert the following new clause:—

"Any assent or disallowance by His Majesty, which under the principal Act is required to be signified through the Secretary of State in Council, shall as from the passing of this Act be signified by His Majesty in Council."

The proposed new Clause is *agreed to,* subject to further consideration by the Committee.

Clause 30 is read.

It is moved by Mr. *Montagu*, page 19, line 7, to leave out from the second "legislature" to the end of line 8 and to insert:—

"Any rules made under this Act or under the principal Act may be so framed as to make different provision for different provinces."

The proposed Amendment is *agreed to.*

The further consideration of Clause 30, and of the amendments made thereto, is *postponed.*

Clause 31 is read.

It is moved by Mr. *Montagu*, page 19, line 18, after "in" to insert "Parts I. and II. of," and line 23, after "amended" to insert "The provisions of the principal Act specified in Part III. of that Schedule, being provisions which are obsolete or unnecessary, or which require amendment in detail, are hereby repealed or modified and shall be dealt with in the manner shown in the second column of that schedule."

The proposed Amendments are *agreed to.*

The further consideration of Clause 31, and of the amendments made thereto, is *postponed.*

Clause 32 is read.

The consideration of Clause 32 is *postponed.*

Clause 33 is read.

The consideration of Clause 33 is *postponed.*

The First Schedule is read.

It is moved by the Earl of *Selborne*, page 21, to leave out the third, fourth, fifth, sixth and seven h columns.

The proposed Amendment is *agreed to.*

The further consideration of the First Schedule, and of the amendments made thereto, is *postponed.*

The Second Schedule is read.

It is moved by Mr. *Montagu*, page 20, to leave out "Rules as to Pensions" and to insert:—

(*a*) The salary of the Governor-General.
(*b*) Salaries of members of the executive council.
(*c*) Salaries of chief commissioners and judicial commissioners.
(*d*) Salaries payable in accordance with rules to members of all-India services
(*e*) Salaries of the Auditor-General and the Public Service Commission.
(*f*) Interest and sinking fund charges payable on loans.
(*g*) Charges classified under the heads "Ecclesiastical," "Political," "Territorial and Political Pensions, "Army," "Marine," "Military Works," and "Special Defences."
(*h*) Statutory charges.

The proposed Amendment is *agreed to.*

The further consideration of the Second Schedule, and of the amendments made thereto, is *postponed.*

The Third Schedule is read.

It is moved by Mr. *Montagu* :—

Page 23, line 7, in the second column, to leave out "Clause 62A after Clause 62" and to insert "Section (52B) after Section 52A."

And lines 34 to 37, to leave out the words in the second column and to insert "To be inserted as new sections (93B, 93C, and 93D), after Section 93A constituting a new Part (VII.A) after Part VII.".

And page 23, lines 34, 35 and 36, to leave out the words in the third column.

And line 38, after "Act" in the third column to insert "and 'the Government of India Act, 1919,' to be substituted 'for this Act.'"

And line 41, in the third column, after Act to insert "and 'any rules made under this sub-section' to be substituted for 'any rules made under this section.'"

Page 24, after line 26, to insert :—

"19.	The words of this section from the beginning down to and including 'Provided that' shall be omitted."
"13(1)	For the words 'or sending' there shall be substituted the words 'or recording.'"

The proposed Amendments are *agreed to.*

It is moved by Mr. *Montagu* :—

Page 24, line 32, to leave out "section" and to insert "sub-section."

And page 25, after line 30, to insert :—

"40.	At the end of sub-section (1) there shall be inserted 'and when so signed shall not be called in question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council.'"

And after line 41 insert :—

"39.	In sub-section (2) for 'one ordinary member of the council' there shall be substituted 'one member of the council (other than the Commander-in-Chief of His Majesty's forces in India.')"

The proposed Amendments are *agreed to.*

It is moved by Mr. *Montagu* :—

Page 26, after line 15, at end, to insert :—

"55 (1).	In paragraph (*b*), after 'illness or otherwise' there shall be inserted 'and for supplying a vacancy until it is permanently filled.'"

And line 20, after "council" to insert "and 'naval or air' shall be substituted for 'or naval.'"

The proposed Amendments are *agreed to.*

It is moved by Mr. *Montagu* :—

Page 27, line 9, to leave out "thirty" and to insert "one hundred."

And after line 9 to insert :—

"76 (2).	'Non-officials' shall be substituted for 'persons not in the civil or military service of the Crown in India.'"

And page 27, after line 11, to insert :—

"78.	In sub-section (2) 'in accordance with rules made under this Act' shall be omitted."

And line 12, at the begining of the line, in the second column, to insert :—

"The following provision shall be inserted at the beginning of sub-section (1) :—

"'A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council, and any meeting of a lieutenant-governor's or a chief commissioner's legislative council may be adjourned by the person presiding.'"

And after line 40 to insert :—

"82.	For 'any such Act' where that expression occurs for the first and third times there shall be substituted 'an Act,' and for that expression where it occurs for the second time there shall be substituted 'the Act.'"

And page 28, line 9, at end to insert "and 'non-official members' shall be substituted for 'members not holding office under the Crown in India.'"

After line 9 to insert :—

"85.	The following proviso shall be inserted at the end of sub-section (3) :—
	'Provided that nothing in this sub section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned to such persons by the Secretary of State in Council.'"

And line 16, after "Commander-in-Chief" to insert "and after 'council of a governor' there shall be inserted 'or of a lieutenant-governor.')"

And after line 19 to insert :—

"89.	In sub-section (4) for 'ordinary member of the council' there shall be substituted 'member of the council (other than the Commander-in Chief.'"

And page 28, after line 31, to insert :

'95.	Before the word 'offices' wherever that word occurs, before the word 'officers,' and before the word 'promotions' where it occurs for the second time, there shall be inserted the word 'military.'"

And page 29, line 20, first column, to leave out "and Bombay" and to insert "Bombay and the United Provinces."

And lines 22 and 23, first column, to leave out "the United Provinces."

And line 36, second column, to insert "sixty-four thousand rupees."

And lines 38 and 39, first column, to leave out "Bihar and Orissa" and to insert "the United Provinces."

And line 40, second column, to insert "sixty thousand rupees."

And lines 41 and 42, first column, to leave out "the United Provinces" and to insert "Bihar and Orissa.")

And line 43, second column, to insert "forty-eight thousand rupees."

And line 46, second column, to insert "forty-two thousand rupees."

And after line 47, at end, to insert :

"Third Schedule

The following schedule shall be substituted for the Third Schedule:—

THIRD SCHEDULE.

Section 98.

Offices reserved to the Indian Civil Service.

PART I.

Offices under the Governor-General in Council.

1. The offices of Secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political, and Public Works Departments: Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department as the case may be, need not be so filled.

2. Three offices of Accountants General.

PART II.

Offices in the Provinces which were known in the year 1861 as 'Regulation Provinces.'

The following offices, namely:—

1. Member of the Board of Revenue.
2. Financial Commissioner.
3. Commissioner of Revenue.
4. Commissioner of Customs.
5. Opium Agent.
6. Secretary in every department except the Public Works or Marine Departments.
7. Secretary to the Board of Revenue.
8. District or sessions judge.
9. Additional district or sessions judge.
10. District magistrate.
11. Collector of Revenue or Chief Revenue Officer of a district."

And page 30, after line 8, to insert:

PART III.

Section	HOW DEALT WITH.
16	To be omitted.
42 & 51	The words "and signified his intended absence to the Council" shall be omitted.
45 (2)	To be omitted.
54 (3)	To be omitted.
73 (2)	To be omitted.
81	In sub-section (1) the words "whether he was or was not present in Council at the passing of the Act" shall be omitted.
87	For the words "subject to the foregoing provisions of this Act as to leave of absence" there shall be substituted "save in the case of absence on special duty or on leave under a medical certificate."
88	To be omitted.
89	The words "entitled under a conditional appointment to succeed to the office of Governer-General, or" shall be omitted, and for the words "that office" there shall be substituted the words "the office of Governor-General."
90	In sub-section (1) the words "conditional or other" shall be omitted. In sub-section (3) for the words "this Act" there shall be substituted the words "section eighty-nine of this Act," and the words "respecting the assumption of the office by a person conditionally appointed to succeed thereto" shall be omitted. In sub-section (4) the words "conditional or other" shall be omitted.
91	In sub-section (1) the words "conditional or other" shall be omitted.
92	In sub-section (1) the words "conditional or other" shall be omitted. In sub section (3) the words "then, if any person has been conditionally appointed to succeed to his office and is on the spot, the place of that member shall be supplied by that person, and if no person conditionally appointed to succeed to the office is on the spot" shall be omitted. In sub-section (4) the words "conditionally or" shall be omitted.
115	At the end of sub-section (1) the following shall be inserted:— "His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof." At the end of sub-section (2) the following shall be inserted:— "and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct. His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop."
118	In sub-section (1) the words "and archdeacon" shall be omitted, and after the words "letters patent" there shall be inserted "and the archdeacons of those dioceses by their respective diocesan bishops."

The proposed Amendments are *agreed to*.

The further consideration of the Third Schedule, and of the amendments made thereto, is *postponed*.

The Preamble is again read.

It is moved by the Earl of *Selborne*:—

Page 1, to leave out from the beginning to the end of line 4 and to insert:—

"Whereas for the purpose of the increasing association of Indians in every branch of Indian Administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire, it is expedient that substantial steps in this direction should be taken, and whereas progress in this direction can only be achieved by successive stages:

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples:

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and to the extent by which it is found that confidence can be reposed in their sense of responsibility."

The proposed Amendment is *agreed to.*

It is moved by the Earl of *Selborne*:—

Page 1, line 6, to leave out "such" and to insert "self-governing."

The proposed Amendment is *agreed to.*

The further consideration of the Preamble is *postponed.*

Ordered,—That the Committee be adjourned to Monday next at twelve o'clock.

Die Lunæ, 10° *Novembris* 1919.

PRESENT:

Marquess of Crewe.	Mr. Bennett.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Montagu.
Lord Islington.	Major Ormsby-Gore.
Lord Sydenham.	Sir John Rees.
Lord Sinha.	Mr. Spoor.

The EARL of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Bill as Amended by the Committee up to this day is read and is as follows:—

Page 1.

A

BILL

TO

Make further provision with respect to the Government of India.

WHEREAS for the purpose of the increasing association of Indians in every branch of Indian Administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire, it is expedient that substantial steps in this direction should be taken, and whereas progress in this direction can only be achieved by successive stages:

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples:

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and to the extent by which it is found that confidence can be reposed in their sense of responsibility:

And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Page 2.

PART I.

LOCAL GOVERNMENTS.

Classification of central and provincial subjects.

1.—(1) Provision may be made by rules under the Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916 (which Act, as so amended, is in this Act referred to as " the principal Act ")—

(*a*) for the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and legislatures from the functions of the Governor-General in Council and the Indian legislature;

(*b*) for the devolution of authority in respect of provincial subjects to local governments, and for the allocation of sources of revenue to those governments;

(*c*) for use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency; and

(*d*) for the transfer from among the provincial subjects of subjects (in this Act referred to as " transferred subjects ") to the administration of the governor acting with the minister in charge of the subject, and for the allocation of provincial funds for the purpose of such administration.

(2) Without prejudice to the generality of the foregoing powers, rules made for the above-mentioned purposes may—

(i) regulate the extent and conditions of such devolution, allocation, and transfer;

(ii) provide for fixing the contributions payable by local governments to the Governor-General in Council and making such contributions a first charge on provincial revenues;

(iii) provide for constituting a finance department in any province, and regulating the functions of that department;

(iv) provide for regulating the exercise of the authority vested in the local government of a province over members of the public services therein;

(v) provide for the settlement of doubts arising as to whether any matter does or does not belong to a provincial subject or a transferred subject, and for the treatment of matters which affect both a transferred subject and a subject which is not transferred; and

(vi) make such consequential and supplemental provisions as appear necessary or expedient:

Provided that without prejudice to any general power of revoking or altering rules under the principal Act, the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council.

(3) The powers of superintendence, direction, and control over local governments vested in the Governor-General in Council under the principal Act shall in relation to transferred subjects be exercised only for such purposes as may be specified in rules made under that Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified.

(4) The expressions " central subjects " and " provincial subjects " as used in this Act mean subjects so classified under the rules.

Provincial subjects, other than transferred subjects, are in this Act referred to as " reserved subjects."

Borrowing powers of local governments.

2.—(1) The provision in subsection (1) of section thirty of the principal Act, which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise, shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues, and to make proper assurances for that purpose.

(2) Provision may be made by rules under the principal Act as to the conditions under which the power to raise loans on the security of allocated revenues shall be exercised.

(3) The provision in subsection (1) of section thirty of the principal Act which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India to prescribe provisions or conditions limiting the power to raise money shall cease to have effect as regards the power to raise money on the security of allocated revenues.

Page 4.

Revised system of local government in certain provinces.

3.—(1) The presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall be governed, in relation to reserved subjects, by the governor in council, and in relation to transferred subjects (save as otherwise provided by this Act) by the governor with ministers appointed under this Act.

The said presidencies and provinces are in this Act referred to as "governor's provinces" and the two first-named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The provisions of section forty-six to fifty-one of the principal Act, as amended by this Act, shall apply to the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, as they apply to the presidencies of Bengal, Madras, and Bombay.

Appointment of ministers.

4.—(1) The governor of a governor's province shall, by notification, appoint ministers, not being members of his executive council or other officials, to administer transferred subjects, and any ministers so appointed shall hold office during his pleasure.

There shall be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.

(2) No minister shall hold office for a longer period than three months, unless he is or becomes an elected member of the local legislature.

(3) In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from the opinion of his ministers, in which case he may require action to be taken otherwise than in accordance with that advice.

(4) Provision may be made by rules under the principal Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

(5) The governor of a governor's province may also at his discretion appoint from among the non-official members of the local legislature council secretaries who shall hold office during

Page 5

his pleasure, and discharge such duties in assisting members of the executive council and ministers as he may assign to them.

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council.

A council secretary shall cease to hold office if he ceases for more than three months to be a member of the legislative council.

Qualification of members of local executive councils.

5.—(1) The provision in section forty-seven of the principal Act, that two of the members of the executive council of the governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though "one" were substituted for "two," and the provision in that section that the Commander-in-Chief of His Majesty's Forces in India, if resident at Calcutta, Madras, or Bombay, shall, during his continuance there, be a member of the governor's council, shall cease to have effect.

(2) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by section forty-seven of the principal Act as amended by this section.

Business of the governor in council and the governor with ministers.

6.—(1) All orders and other proceedings of the government of a governor's province shall be expressed to be made by the government of the province, and shall be authenticated as the governor may by rule direct, so, however, that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province.

(2) The governor may make rules and orders for the more convenient transaction of business in his executive council and with his ministers, and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province.

The governor may also make rules and orders for regulating the relations between his executive council and his ministers for the purpose of the transaction of the business of the local government:

Page 6.

Provided that any rules or orders made for the purposes specified in this section which are repugnant to the provisions of any rules made under the principal Act shall, to the extent of that repugnancy, but not otherwise, be void.

Composition of governor's legislative councils.

7.—(1) There shall be a legislative council in every governor's province, which shall consist of the members of the executive council and of members nominated or elected as provided by this Act.

The governor shall not be a member of the legislative council, but shall have the right of addressing the council, and may for that purpose require the attendance of its members.

(2) The aggregate number of members of the governors' legislative councils shall be in accordance with the table set out in the First Schedule to this Act; and of the members of each council not more than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members:

Provided that—

(*a*) subject to the maintenance of the above proportions rules under the principal Act may provide for increasing by not more than five per cent. the aggregate number of members of any council, as specified in that schedule; and

(*b*) the governor may, for the purposes of any Bill introduced or proposed to be introduced in his legislative council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the council, and shall be in addition to the aggregate above referred to.

(3) The powers of a governor's legislative council may be exercised notwithstanding any vacancy in the council.

(4) Subject as aforesaid, provision may be made by rules under the principal Act as to—

(*a*) the term of office of members of governors' legislative councils, and the manner of filling casual vacancies occurring by reason of absence from India, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise; and

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(*c*) The qualification of electors, the constitution of con persons may be nominated as members of gover nors' legislative councils; and

(*b*) the conditions under which and manner in which stituencies, and the method of election for governors' legislative councils, including the number of members to be elected by communal and other electorates, and any matters incidental or ancillary thereto; and

(*d*) the qualifications for being and for being nominated or elected a member of any such council; and

(*e*) the final decision of doubts or disputes as to the validity of any election; and

(*f*) the manner in which the rules are to be carried into effect:

Provided that rules as to any such matters as aforesaid may provide for delegating to the local government such power as may be specified in the rules of making subsidiary regulations affecting the same matters.

(5) Subject to any such rules any person who is a ruler or subject of any state in India may be nominated as a member of a governor's legislative council.

Members nominated to the legislative council of the Central Provinces by the governor as the result of elections held in the Assigned Districts of Berar, shall be deemed to be elected members of the legislative council of the Central Provinces.

Sessions and duration of governor's legislative council.

8.—(1) Every local legislative council shall continue for three years from its first meeting:

Provided that—

(*a*) the council may be sooner dissolved by the governor; and

(*b*) the said period may be extended by the governor for a period not exceeding one year, by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so think fit.

(2) A governor may appoint such times for holding the sessions of his legislative council as he thinks fit and may also, by notification or otherwise, prorogue the council.

(3) Any meeting of a governor's legislative council may be adjourned by the person presiding.

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(4) All questions in a governor's legislative council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) A governor's legislative council may be dissolved at any time by the governor by notification, but in that case the governor shall appoint a date not more than six months after the date of dissolution for the next session of his legislative council.

Presidents of local legislative councils.

9.—(1) There shall be a president of a governors' legislative council, who shall, until the expiration of a period of four years from the first meeting of the council as constituted under this Act, be a person appointed by the governor, and shall thereafter be a member of the council elected by the council and approved by the governor.

Provided that if at the expiration of such period of four years the council is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the next ensuing session.

(2) There shall be a deputy-president of a governor's legislative council who shall preside at meetings of the council in the absence of the president, and who shall be a member of the council elected by the council and approved by the governor:

(3) The appointed president of a council shall hold office until the date of the first election of a president by the council under this section, but he may resign office by writing under his hand addressed to the governor, or may be removed from office by order of the governor, and any vacancy occurring before the expiration of the term of office of an appointed president shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy-president shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the governor, and may be removed from office by a vote of the council with the concurrence of the governor.

(5) The president and the deputy-president shall receive such salaries as may be determined, in the case of an appointed president, by the governor, and in the case of an elected president or deputy-president, by an Act of the local legislature.

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Powers of local legislatures.

10.—(1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may, subject to the provisions of the subsection next following, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(*a*) imposing or authorising the imposition of any new tax unless the tax is a tax (in this Act referred to as a "scheduled tax") scheduled as exempted from this provision by rules made under the principal Act; or

(*b*) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the government of India, provided that the imposition or alteration of a scheduled tax shall not be deemed to affect any such tax or duty; or

(*c*) affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces; or

(*d*) affecting the relations of the government with foreign princes or states; or

(*e*) regulating any central subject; or

(*f*) regulating any provincial subject which has been declared by rules under the principal Act to be, either in whole or in part, subject to Indian legislation, in respect of any matter to which such declaration applies; or

(*g*) affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force; or

(*h*) altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local legislature, is declared by rules under the principal Act to be a law which cannot be repealed or altered by the local legislature without previous sanction; or

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(*i*) altering or repealing any provision of a law passed by the Indian legislature after the commencement of this Act which by the terms of such law may not be repealed or altered by the local legislature without previous sanction:

Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament.

Business and procedure in governor's legislative councils.

11.—(1) Subsections (1) and (3) of section eighty of the principal Act (which relate to the classes of business which may be transacted at meetings of local legislative councils) shall cease to apply to a governor's legislative council, but the business and procedure in any such council shall be regulated in accordance with the provisions of this section.

(2) The estimated annual expenditure and revenue shall be laid in the form of a statement before the council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the council in the form of demands for grants. The council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed:

Provided that—

(*a*) the local government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject; and

(*b*) the governor shall have power in cases of emergency to authorise such expenditure as may be in his

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opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department; and

(*c*) nothing in this subsection shall require proposals to be submitted to the council in regard to expenditure which is declared by rules under the principal Act to be a permanent charge on the provincial revenues; and

(*d*) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the governor, communicated to the council.

(3) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects either the safety or tranquillity of his province or any part of it or of another province, and may direct that no proceedings or no further proceedings shall be taken by the council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(4) Provision may be made by rules under the principal Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the council, and as to the persons to preside over meetings thereof in the absence of the president and deputy-president, and the preservation of order at meetings; and the rules may provide for the number of members required to constitute a quorum and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(5) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council, in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the governor in council, but may, subject to the assent of the governor, be altered by the local legislatures. Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act, shall, to the extent of that repugnancy but not otherwise, be void.

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(6) There shall be freedom of speech in the governors' legislative councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such council, or by reason of anything contained in any official report of the proceedings of any such council

Return and reservation of Bills passed by local legislatures.

12.—(1) Where a Bill has been passed by a local legislative council, the governor, lieutenant-governor or chief commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the council for reconsideration, either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under the principal Act may, and if the rules so require, shall reserve the Bill for the consideration of the Governor-General.

(2) Where a Bill is reserved for the consideration of the Governor-General, the following provisions shall apply:—

(*a*) The governor, lieutenant-governor, or chief commissioner may, at any time within six months after the date of the reservation of the Bill, with the consent of the Governor-General, return the Bill for further consideration by the council with a recommendation that the council shall consider amendments thereto, and such Bill, when so returned, together with any recommendations relating thereto, shall be dealt with by the council:

(*b*) After any Bill so returned has been further considered by the council, together with any recommendations made by the governor, lieutenant-governor, or chief commissioner relating thereto, the Bill, if re-affirmed in accordance with the appropriate procedure, with or without amendment, may be again presented to the governor, lieutenant-governor, or chief commissioner:

(*c*) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the governor, lieutenant-governor, or chief commissioner, but if not assented to by the Governor-General within such period of six months, shall lapse and be of no

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effect unless before the expiration of that period either—

(i) the Bill has been returned by the governor, lieutenant-governor, or chief commissioner, for further consideration by the council; or

(ii) in the case of the council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session.

(3) The Governor-General may (except where the Bill has been reserved for his consideration), instead of assenting to or withholding his assent from any Act passed by a local legislature, declare that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty has signified his assent to the Governor-General through the Secretary of State in Council, and his assent has been notified by the Governor-General.

Provision for case of failure to pass legislation.

13.—(1) Where a local legislative council has refused leave to introduce, or has failed to pass in the form recommended by the governor, any Bill relating to a reserved subject the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the council have not consented thereto, be deemed to have passed, and shall become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the council or (as the case may be) in the form recommended to the council by the governor.

(2) Every such Act shall be expressed to be made by the governor, and the governor shall forthwith send an authentic copy thereof to the Governor-General, who shall reserve the Act for the signification of His Majesty's pleasure, and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the local legislation and duly assented to:

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and effect as aforesaid, subject however to disallowance by His Majesty in Council.

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(3) An Act made under this section shall as soon as practicable after being made laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

Vacation of seats in local legislative council.

14. An official shall not be qualified for election as a member of a local legislative council, and if any non-official member of a local legislative council, whether elected or nominated, accepts any office in the service of the Crown in India, his seat on the council shall become vacant:

Provided that for the purposes of this provision a minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a minister.

Constitution of new provinces, &c., and provision as to backward tracts.

15.—(1) The Governor-General in Council may, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new governor's province, or place part of a governor's province under the administration of a deputy-governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of the principal Act or this Act relating to governor's provinces, or provinces under a lieutenant-governor or chief commissioner, to any such new province or part of a province.

(2) The Governor-General in Council may declare any territory in British India to be a "backward tract," and the Governor-General in Council may, by notification, with such sanction as aforesaid, direct that the principal Act and this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification. Where the Governor-General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that any Act of the Indian legislature shall not apply to the territory in question or any part thereof, or shall apply to the territory or any part thereof subject to such exceptions or modifications as the Governor-General thinks fit, or may authorise the governor in council to give similar directions as respects any Act of the local legislature.

Saving.

16.—(1) The validity of any order made or action taken after the commencement of this Act by the Governor-General in Council or by a local government which would have been

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within the powers of the Governor-General in Council or of such local government if this Act had not been passed, shall not be open to question in any legal proceedings on the ground that by reason of any provision of this Act or of any rule made by virtue of any such provision such order or action has ceased to be within the powers of the Governor-General in Council or of the government concerned.

(2) Nothing in this Act, or in any rule made thereunder, shall be construed as diminishing in any respect the powers of the Indian legislature as laid down in section sixty-five of the principal Act, and the validity of any law passed by the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the law affects a provincial subject or a central subject, as the case may be, and the validity of any Act made by the governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject.

(3) The validity of any order made or action taken by a governor in council, or by a governor acting with his ministers, shall not be open to question in any elgal proceedings on the ground that such order or action relates or does not relate to a transferred subject, or relates to a transferred subject of which the minister is not in charge.

PART II.

GOVERNMENT OF INDIA.

Indian legislature.

17. Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

Council of State.

18.—(1) The Council of State shall consist of the members of the Governor-General's Executive Council, and members nominated or elected in accordance with rules made under the principal Act.

(2) The Council of State shall consist of not more than sixty members.

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(3) The Governor-General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.

(4) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

Legislative Assembly.

19.—(1) The Legislative Assembly shall consist of the members of the Governor-General's Executive Council and of members nominated or elected in accordance with rules made under the principal Act.

(2) The Legislative Assembly shall consist of one hundred and twenty members. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be eighty:

Provided that rules made under the principal Act may provide for increasing by not more than five per cent. the aggregate number of members of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least two-thirds of the members of the Legislative Assembly shall be elected members, and at least one-third of the other members shall be non official members.

(3) The Governor-General shall have the right of addressing the Legislative Assembly, and may for that purpose require the attendance of its members.

President of Legislative Assembly.

20.—(1) There shall be a president of the Legislative Assembly, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by the Governor-General, and shall thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General:

Provided that, if at the expiration of such period of four years the Assembly is in session, the president then in office shall continue in office until the end of the current session, and the first election of a president shall take place at the commencement of the ensuing session.

(2) There shall be a deputy president of the Legislative Assembly, who shall preside at meetings of the Assembly in the

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absence of the president, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

(3) The appointed president shall hold office until the date of the election of a president under this section, but he may resign his office by writing under his hand addressed to the Governor-General, or may be removed from office by order of the Governor-General, and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected president and a deputy president shall cease to hold office if they cease to be members of the Assembly, they may resign office by writing under their hands addressed to the Governor-General, and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General.

(5) A president and deputy president shall receive such salaries as may be determined, in the case of an appointed president by the Governor-General, and the case of an elected president and a deputy president by an Act of the Indian legislature.

Duration and sessions of Legislative Assembly and Council of State.

21. Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting:

Provided that—

(*a*) either chamber of the legislature may be sooner dissolved by the Governor-General; and

(*b*) any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and

(*c*) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding.

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(4) All questions in either chamber shall be determined by a majority ov votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber.

Vacation of seats in Indian legislature.

22.—(1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant.

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant.

(3) If any person is elected a member of both chambers of the Indian legislature he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant.

Supplementary provisions as to composition of Legislative Assembly and Council of State.

23.—(1) Subject to the provisions of this Act, provision may be made by rules under the principal Act as to—

(*a*) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by the reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise; and

(*b*) the conditions under which and the manner in which persons resident in India may be nominated or elected as members of the Council of State or the Legislative Assembly; and

(*c*) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly; and

(*d*) the final decision of doubts or disputes as to the validity of an election.

(2) Subject to any such rules, any person who is a ruler or subject of any state in India may be nominated as a member of the Council of State or the Legislative Assembly.

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Business and proceedings in Indian legislature

24.—(1) Subsections (1) and (3) of section sixty-seven of the principal Act (which relate to the classes of business which may be transacted by the Indian legislative council) shall cease to have effect.

(2) Provision may be made by rules under the principal Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature and as to the persons to preside at the meetings of the legislative assembly in the absence of the president and the deputy-president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers: Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor-General under section sixty-eight of the principal Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under the principal Act. The first standing orders shall be made by the Governor-General in Council, but may with the consent of the Governor-General be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the principal Act

shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules of order, there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

Indian Budget.

25.—(1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the heads of expenditure specified in the Second Schedule to this Act, shall not be submitted to the vote of the legislative assembly, nor shall they be open to discussion by either chamber.

(4) If any question arises whether any proposed appropriation of revenue or moneys does or does not relate to the heads of expenditure specified in the said schedule, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the said schedule shall be submitted to the vote of the legislative assembly in the form of demands for grants.

(6) The legislative assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the legislative assembly shall be submitted to the Governor-General in Council, who shall, if he is satisfied that any demand which has been refused by the legislative assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, by the legislative assembly.

(8) Notwithstanding anything in this section the Governor-General shall have power, in cases of emergency, to authorise such

expenditure as may, in his opinion, be necessary for the safety or tranquility of British India or any part thereof.

Provision for case of failure to pass legislation.

26.—(1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in the form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquility, or interests of British India or any part thereof, and thereupon—

(*a*) If the Bill has already been passed by the other chamber, the Bill shall, notwithstanding that it has not been consented to by both chambers, forthwith become an Act in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General; and

(*b*) If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governnor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall forthwith become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat: and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to:

Provided that where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

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Supplemental provisions as o powers of Indian legislature.

27.—(1) In addition to the measures referred to in subsection (2) of section sixty-seven of the principal Act, as requiring the previous sanction of the Governor-General, it shall not be lawful without such previous sanction to introduce at any meeting of either chamber of the Indian legislature any measure—

(*a*) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under the principal Act to be subject to Indian legislation;

(*b*) repealing or amending any Act of a local legislature;

(*c*) repealing or amending any Act or ordinance of the Governor-General.

(2) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquility of British India, or any part thereof, and may direct either that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

Composition of Governor-General's executive council.

28.—(1) The provision in section thirty-six of the principal Act, imposing a limit on the number of members of the Governor-General's executive council, shall cease to have effect: Provided that at least one member of the Governor-General's executive shall be a barrister of England or Ireland or a member of the faculty of advocates for Scotland or a pleader of a high Court of not less than five years' standing.

(2) Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the Governor-General's executive council, in any case where such provision is not made by section thirty-six of the principal Act as amended by this section.

(3) Subsection (2) of section thirty-seven of the principal Act (which provides that when and so long as the Governor-General's executive council assembels in a province having a governor the governor shall be an extraordinary member of the council) shall cease to have effect.

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Appointment of council secretaries.

29.—(1) The Governor-General may at his discretion appoint from among the members of the legislative assembly, council secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

(2) There shall be paid to council secretaries so appointed such salary as may be provided by the Indian legislature.

(3) A council secretary shall cease to hold office if he ceases for more than three months to be a member of the legislative assembly.

Part III.

Secretary of State in Council.

Payment of salary of Secretary of State, &c. out of moneys provided by Parliament.

30. *The salary of the Secretary of State, the salaries of his under-secretaries, and any other expenses of his department may, notwithstanding anything in the principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the Secretary of State shall be so paid.*

Council of India.

31. The following amendments shall be made in section three of the principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members:—

(1) The provisions of subsection (1) shall have effect as though "eight" and "twelve" were substituted for "ten" and "fourteen" respectively, as the minimum and maximum number of members, provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision.

(2) The provisions of subsection (3) shall have effect as if "one-half" were substituted for "nine" and "India" were substituted for "British India."

(3) The provisions of subsection (8) shall cease to have effect and in lieu thereof the following provisions shall be inserted:

"There shall be paid to each member of the Council of India a salary of twelve hundred pounds; provided that any member of the council who was at the time of his appointment permanently domiciled

in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament.

(4) In subsection (4) "five years" shall be substituted for "seven years" as the term of office of members of the council, provided that the tenure of office of any person who is a member of the council at the time of the passing of this Act shall not be affected by this provision.

(5) Nothwithstanding anything in the Act or rules, where any person in the service of the Crown in India is appointed a member of the council before completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would be payable to him on completion of such period, be reckoned as service under the Crown in India.

Control of Secretary of State and Governor-General.

32. The Secretary of State in Council may, notwithstanding anything in the principal Act, by rule regulate and restrict the exercise of the powers of superintendence, direction, and control, vested in the Secretary of State, the Secretary of State in Council, and the Governor-General in Council by the principal Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act.

Any such rules shall be laid before both Houses of Parliament as soon as may be after they are made, and if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Correspondence between Secretary of State and India.

33. Sections eleven, twelve, thirteen and fourteen of the principal Act (relating to orders and communications sent to India from the United Kingdom) shall cease to have effect, and the procedure for the sending of orders and communications to

India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council.

High Commissioner for India.

34. His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for his pay, powers, duties, and conditions of employment; and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under the principal Act or otherwise in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government in India.

PART IV.

THE CIVIL SERVICES IN INDIA.

The civil services in India.

35.—(1) Subject to the provisions of the principal Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by the proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may complain to the governor of the province in order to obtain justice, and the governor is hereby required to examine such complaint and pass thereon such orders as appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules for regulating the classification of public services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be

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prescribed, delegate the power of making rules to the Governor-General in Council or to local governments, or authorise the Indian legislature or local legislatures to make laws regulating the public services:

Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scale and conditions of pensions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of this Act. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof.

Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act, 1874. 37 & 38 Vict. c. 12.

(4) For the removal of doubts it is hereby declared that all rules or other provisions in operation at the time of the passing of this Act, whether made by the Secretary of State in Council or by any other authority, relating to the civil service of the Crown in India, were duly made in accordance with the powers in that behalf, and are confirmed, but any such rules or provisions may be revoked, varied, or added to by rules or laws made under this section.

Appointments to the Indian Civil Service.

36.—(1) Notwithstanding anything in section ninety-seven of the principal Act the Secretary of State may make appointments to the Indian Civil Service of persons habitually resident in India, in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India.

Any rules made under this section shall not have force until they have been laid for thirty days before both Houses of Parliament.

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(2) The Indian Civil Service (Temporary Provisions) Act, 1915 (which confers power during the war and for a period of two years thereafter to make appointments to the Indian Civil Service without examination), shall have effect as though "three years" were substituted for "two years." 5 & 6 Geo. 5. c. 87.

Public service commission.

37.—(1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

(2) The public service commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council.

Financial control.

38.—(1) An auditor-general in India shall be appointed by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment or for the discharge of his duties in the case of a temporary vacancy or absence from duty.

(2) Subject to any rules made by the Secretary of State in Council no office may be added to or withdrawn from the public service, and the emoluments of no post may be varied, except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Government of India, according as the post is or is not under the control of a local government.

Part V.

Statutory Commission.

Statutory commission (Rep. 261, 264, 288.)

39.—(1) At the expiration of ten years after the passing of this Act the Secretary of State shall submit for the approval of both Houses of Parliament the names of persons to act as a commission for the purposes of this section.

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(2) The persons whose names are so submitted, subject to the approval of, and to any alterations made by Parliament, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to esctablish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by the Secretary of State.

Part VI.

General.

Modification s. 124 of principal Act.

40. Notwithstanding anything in section one hundred and twenty-four of the principal Act, if any member of the Governor-General's Executive Council or any member of any local government was at the time of his appointment concerned or engaged in any trade or business, he may, during the term of his office, with the sanction in writing of the Governor-General, or, in the case of ministers, of the governor of the province, and in any case subject to such general conditions and restrictions as the Governor-General in Council may prescribe, retain his concern or interest in that trade or business, but shall not, during that term, take part in the direction or management of that trade or business.

Signification of Royal Assent.

41. Any assent or disallowance by His Majesty, which under the principal Act is required to be signified through the Secretary of State in Council, shall as from the passing of this Act be signified by His Majesty in Council.

Power to make rules.

42.—(1) Where any matter is required to be prescribed or regulated by rules under the principal Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature.

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(2) Any rules made under this Act or under the principal Act may be so framed as to make different provision for different provinces.

(3) Any rules to which this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Amendments of principal Act to carry Act into effect, &c.

43. The amendments set out in Parts I. and II. of the Third Schedule to this Act, being amendments to incorporate the provisions of this Act in the principal Act and further amendments consequential on or arising out of those provisions, shall be made in the principal Act, and any question of interpretation shall be settled by reference to the principal Act as so amended. The provisions of the principal Act specified in Part III. of that schedule, being provisions which are obsolete or unnecessary, or which require amendment in detail, are hereby repealed or modified, and shall be dealt with in the manner shown in the second column of that schedule.

Definition of official

44. In this Act the expressions "official" and "non-official," where used in relation to any person, mean respectively a person who is or is not in the civil or military service of the Crown in India:

Provided that rules under the principal Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of the principal Act or this Act, or any of them, as officials.

Short title commencement, interpretation, and transitory provisions.

45.—(1) This Act may be cited as the Government of India Act, 1919, and the principal Act, as amended by any Act for the time being in force, may be cited as the Government of India Act.

(2) This Act shall come into operation on such date or dates as the Governor-General in Council, with the approval of the Secretary of State in Council, may appoint, and different dates may be appointed for different provisions of this Act, and for different parts of India.

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On the dates appointed for the coming into operation of the provisions of this Act as respects any executive or legislative council all the members of the council then in office shall go out of office, but may, if otherwise qualified, be re-appointed, re-nominated or re-elected, as the case may be, in accordance with the provisions of the principal Act as amended by this Act.

(3) Any reference in any enactment, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations or orders made under any such enactment, or in any letters patent or other document, to any enactment repealed by the principal Act, shall for all purposes be construed as references to the principal Act as amended by this Act, or to the corresponding provision thereof.

(4) Any reference in any enactment in force in India, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations, or orders made under any such enactment, or in any letters patent or other document, to any Indian legislative authority, shall for all purposes be construed as references to the corresponding authority constituted by the principal Act as amended by this Act.

(5) If any difficulty arises as to the first establishment of the Indian legislature or any legislative council after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the Secretary of State in Council or the Governor-General in Council, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

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SCHEDULES.

FIRST SCHEDULE.

AGGREGATE NUMBERS OF LEGISLATIVE COUNCILS.

Legislative Council.	Aggregate Number.
Madras	118
Bombay	111
Bengal	125
United Provinces	118
Punjab	83
Bihar and Orissa	98
Central Provinces	70
Assam	53

SECOND SCHEDULE.

(*a*) The salary of the Governor General.
(*b*) Salaries of members of the executive council.
(*c*) Salaries of chief commissioners and judicial commissioners.
(*d*) Salaries payable in accordance with rules to members of all-India services.
(*e*) Salaries of the Auditor-General and the Public Service Commission.
(*f*) Interest and sinking fund charges payable on loans.
(*g*) Charges classified under the heads "Ecclesiastical," "Political," "Territorial and Political Pensions," "Army," "Marine," "Military Works," and "Special Defences."
(*h*) Statutory charges.

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THIRD SCHEDULE.

PART I.

The provisions of this Act set out in the first column of the following table shall be incorporated in the principal Act in the manner shown in the second column of that table, subject to the modifications specified in the third column of that table :—

TABLE.

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 1	To be inserted as a new section (45A) after s. 45	"this Act" to be substituted for "the Government of India "Act, 1915," "principal Act," for "the principal Act," and for "that Act."
Section 3 (1)	To be substituted for s. 46 (1)	—
Section 4	To be substituted for s. 52	—
Section 6	To be substituted for s. 49	—
Section 7	To be substituted for s. 74	"this Act" to be substituted for "the principal Act."
Section 8	To be substituted for s. 75	—
Section 10	To be substituted for s. 79	"this Act" to be substituted for "the principal Act." "the commencement of the Government of India Act, 1919," to be substituted for "the commencement of this "Act."
Section 11	To be inserted as a new section (79A) after s. 79.	The following subsection to be substituted for subsection (1):— "(1) The provisions contained in this section shall have effect with respect to business and procedure in governors' legislative councils." "this Act" to be substituted for "the principal Act."
Section 12	To be inserted as a new section (81A) after s. 81.	"this Act" to be substituted for "the principal Act."
Section 14	To be inserted as a new section (76A) after s. 76.	

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Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 15 -	To be inserted as a new section (52 A) after section 52.	"This Act" to be substituted for "the principal Act or this Act."
Section 16 -	To be inserted as a new section 52B after section 52A.	"the Government of India Act, 1919," to be substituted for "this Act," where those words firstly occur, and "that Act" to be substituted for "this Act" where those words occur elsewhere.
Ss. 17-23 inclusive	To be inserted as new sections in lieu of ss. 63 and 64, and numbered 63, 63A, 63B, 63C, 63D and 64.	"this Act" to be substituted for "the principal Act."
Section 24 (2) -	To be inserted as subs. (1) of s. 67 in lieu of the existing subsection (1).	"this Act" to be substituted the "the principal Act."
Section 24 (3)-(7)	To be inserted as subsections (3)–(7) of section 67 in lieu of the existing subsection (3).	"this Act" to be substituted for "the principal Act."
Section 30 -	To be inserted as a proviso to subs. (3) of s. 2.	The words "Provided that" to be inserted at the commencement, and "this Act" to be substituted for "the principal Act."
Section 32 -	To be inserted as a new section (19A) after s. 19.	"this Act" to be substituted for "the principal Act" and "the Government of India Act, 1919," to be substituted for "this Act."
Sections 35, 37, and 27	To be inserted as new sections (93B, 93C, and 93D) after section 93A constituting a new Part (VIIA.) after Part VII.	"this Act" to be substituted for "the principal Act," and "the Government of India Act, 1919," to be substituted for "this Act."
Section 36 (1) -	To be inserted as a new subsection (6) of s 97.	"this section" to be substituted for "section ninety-seven of "the principal Act," and "any rules made under this 'subsection" to be substituted for "any rules made "under this section."
Section 39 -	To be inserted as a new section (84D), after s. 84C constituting a new Part VI.B after Part VI.A.	"the Government of India Act, 1919," to be substituted for "this Act."
Section 46 -	To be inserted as a proviso to s. 124.	"Provided that notwithstanding anything in this "Act" to be substituted for "Notwithstanding anything "in section one hundred and "twenty-four of the principal "Act."
Section 42 -	To be inserted as a new section 129A at the beginning of Part XII.	"this Act," to be substituted for "the principal Act."

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Section 44 -	To be inserted as a new paragraph at the end of s. 134.	"this Act," to be substituted for "the principal Act" and for "the principal Act or this Act."
Section 45 (3) and (4).	To be inserted as new paragraphs at the end of s. 130.	"this Act" to be substituted for "the principal Act" and for "the principal Act as amended by this Act."
First Schedule -	To be inserted in place of Schedule I.	
Second Schedule	To be inserted as a new Schedule (IA.) after the First Schedule.	—

PART II.

The provisions of the principal Act specified in the first column of this table should be amended in the manner shown in the second column.

TABLE.

Section of Act.	Amendment.
3 (8)	At the end of this section the following proviso shall be inserted :— "Provided that such salaries may, notwithstanding anything in this Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament."
13 (1)	For the words "or sending" there shall be substituted the words "or recording."
19	The words of this section from the beginning down to and including "Provided that" shall be omitted.
20 (2) (*d*)	After "under this Act" there shall be inserted "except so far as is otherwise provided under this Act."
21	At the beginning of this section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."
27 (9)	At the end of this subsection the following proviso shall be inserted :— "Provided that such salaries may, notwithstanding anything in this Act, instead of being paid out of the revenues of India be paid out of moneys provided by Parliament."

Page 35.

Section of Act.	Amendment.
31	"Indian legislature" shall be substituted for "Governor General in Legislative Council."
33	At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."
35	This section shall be omitted.
36	"ordinary" in subsections (1) and (2) shall be omitted.
	In subsection (2) for the words from "five or" to the end of the subsection there shall be substituted "such as His Majesty thinks fit to appoint."
	The following subsection shall be substituted for subsection (3):—
	"Two at least of them must be persons who at the time of their appointment have been for at least ten years in the service of the Crown in India."
	In subsection (4) for "person appointed an ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief for the time being of His Majesty's forces in India)."
	At the end of the section the following new subsection shall be inserted:—
	(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council in any case where such provision is not made by the foregoing provisions of this section.
37	The following section shall be substituted for section thirty-seven:—
	"If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's Executive Council he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General."
39	In subsection (2) for "one ordinary member of the council" there shall be substituted "one member of the council (other than the Commander-in-Chief of His Majesty's forces in India)."
40	At the end of subsection (1) there shall be inserted— "and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council."
42	For "ordinary member" there shall be substituted "member (other than the Commander in-Chief)."
45	At the beginning of this section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."

Page 36.

Section of Act.	Amendment.
46	In subsection (2) for "The Governors of Bengal, Madras and Bombay are" there shall be substituted "The governor of a province shall be."
	In subsection (3) "the governor's provinces" shall be substituted for "those presidencies" and "province" shall be substituted for "presidency."
47	In subsection (2) "One at least of them must be a person who at the time of his appointment has been" shall be substituted for "Two at least of them must be persons who at the time of their appointment have been."
	The following subsection shall be substituted for subsection (3):—
	"(3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section."
48	"province" shall be substituted for "presidency."
50 (2)	"province" shall be substituted for "presidency."
53 (1)	For the words from the beginning down to "the Punjab and" (inclusive) there shall be substituted "The province of," and the words "with or without an executive council" shall be omitted.
55 (1)	In paragraph (*b*) after "illness or otherwise" there shall be inserted "and for supplying a vacancy until it is permanently filled."
58	"Assam, the Central Provinces," shall be omitted.
65	For "Governor-General in Legislative Council" there shall be substituted "Indian legislature."
67	"either chamber of the Indian Legislature" shall be substituted for "the council" and "naval" or "air" shall be substituted for "or naval."
68	"Bill" shall be substituted for "Act" and "a Bill" for "an Act," "by both chambers of the Indian legislature, or by the Council of State in cases where that Council has power to pass laws without the assent of the other chamber" shall be substituted for "at a meeting of the Indian Legislative Council," and the words "whether he was or was not present in council at the passing thereof" shall be omitted.
	"A Bill passed by both chambers of the Indian legislature or by the Council of State shall not become an Act" shall be substituted for "an Act of the Governor-General in Legislative Council has not validity."

Page 37.

Section of Act.	Amendment.
69	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
70	This section shall be omitted.
71 (2)	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
72	"Indian legislature" shall be substituted for "Governor-General in Legislative Council" wherever that expression occurs.
73	In subsection (1) "and of" shall be substituted for "with "the addition of."
76 (1)	The following proviso shall be substituted for the existing proviso:— "Provided that the aggregate number of members so nominated or elected shall not, in the case of the legislative council of a lieutenant-governor, exceed one hundred."
76 (2)	"Non-officials" shall be substituted for "persons not in the civil or military service of the Crown in India."
76 (4)	"Indian legislature" shall be substituted for "Governor General in Legislative Council."
78	In subsection (2) "in accordance with rules made under this Act" shall be omitted. The following provision shall be inserted at the beginning of subsection (1):— "A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council, and any meeting of a lieutenant-governor's or a chief commissioner's legislative council may be adjourned by the person presiding." For subsection (3) the following subsection shall be substituted:— "(3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant-governor, chief commissioner, or presiding member, who shall, however, have and exercise a casting vote in case of an equality of votes."

Page 38.

Section of Act.	Amendment.
80	In subsection (1) after "local legislative council," there shall be inserted "(other than a governor's legislative council)." Subsection (2) shall be omitted. In subsection (3) after "local government" there shall be inserted "of a province other than a governor's province," the word "governor," where it occurs immediately before the word "Lieutenant-Governor," shall be omitted, and "Indian Legislature" shall be substituted for "Governor-General in Legislative Council." At the end of the section the following new section shall be inserted:— "80A. It shall not be lawful for any member of any local legislature to introduce without the previous sanction of the governor, lieutenant-governor, or chief commissioner, any measure affecting the public revenues of the province, or imposing any charge on those revenues."
81	Throughout subsections (1) and (2) and in subsection (3) where it first occurs, for "Act," there shall be substituted "Bill," for "an Act" there shall be substituted "a Bill," for "has no effect" there shall be substituted "shall not become an Act," and in subsection (1) "by a local legislature" shall be substituted for "at a meeting of the local legislative council."
82	For "any such Act" where that expression occurs for the first and third times, there shall be substituted "an Act," and for that expression where it occurs for the second time there shall be substituted "the Act."
83	In subsections (1) after "any province" there shall be inserted "(other than a governor's province.)" In subsection (2) for "a local legislature" there shall be substituted "the local legislature of any such province," and "Governor" shall be omitted.
84	"Indian legislature" shall be substituted for "Governor-General in Legislative Council," and "non-official members" shall be substituted for "members not holding office under the Crown in India."
85	The following proviso shall be inserted at the end of subsection (3). "Provided that nothing in this subsection shall apply to the allowances or other forms of profit and advantage which may have been sanctioned to such persons by the Secretary of State in Council."

Page 39.

Section of Act	Amendment.
86	In subsection (1) "ordinary" shall be omitted, and after the words "Executive Council" where they first occur there shall be inserted the words "(other than the Commander-in-Chief)."
87	"ordinary" shall be omitted, and after "Governor-General," where it occurs for the second time, there shall be inserted "(other than the Commander-in-Chief)," and after "council of a governor" there shall be inserted "or of a lieutenant-governor."
88	In subsection (1) "ordinary" shall be omitted, and after "Council of the Governor-General" there shall be inserted "(other than the Commander-in-Chief)."
89	In subsection (4) for "ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief)."
90	In subsection (1) after "Governor" there shall be inserted "of a presidency."
	In subsection (4) "ordinary" shall be omitted, and after "executive council" there shall be inserted "(other than the Commander-in-Chief of His Majesty's Forces in India)."
92	"a member" shall be substituted for "an ordinary member" and for "any ordinary member," and after "executive council of the Governor-General" there shall be inserted "(other than the Commander-in-Chief of His Majesty's Forces in India)."
	In subsection (5) (*a*) "under this Act" shall be omitted.
93 (1)	"either chamber of the I dian Legislature" shall be substituted for "the Indian Legislative Council."
95	Before the word "offices" wherever that word occurs, before the word "officers," and before the word "promotions" where it occurs for the second time, there shall be inserted the word "military."
110	In subsection (1) after "Governor or Lieutenant-Governor" there shall be inserted "and a minister appointed under this Act."
124	In subsection (4) after "Lieutenant-Governor" where it secondly occurs, there shall be inserted "or being a minister appointed under this Act."
131	"Indian Legislature" shall be substituted for "Governor-General in Legislative Council."

Page 40.

Section of Act.	Amendment.
134 (4)	The following subsection shall be substituted for subsection (4):— (4) "Local Government" means, in the case of a governor's province either the governor in council or the governor acting with a minister, and in the case of a province other than a governor's province, a lieutenant-governor in council, lieutenant-governor or chief commissioner.
135	The following section shall be substituted for section 135:— "135. This Act may be cited as the Government of India Act."
Second Schedule.	The following Schedule shall be substituted for the Second Schedule:—

SECOND SCHEDULE.

OFFICIAL SALARIES, &c.

Officer.	Maximum Annual Salary.
Governor-General of India	Two hundred and fifty-six thousand rupees.
Governor of Bengal, Madras, Bombay, and the United Provinces.	One hundred and twenty-eight thousand rupees.
Governor of the Punjab and Bihar and Orissa.	One hundred thousand rupees.
Governor of the Central Provinces.	Seventy-two thousand rupees.
Governor of Assam	Sixty-six thousand rupees.
Commander-in-Chief of His Majesty's Forces in India.	One hundred thousand rupees.
Lieutenant-Governor	One hundred thousand rupees.
Member of the Governor-General's Executive Council (other than the Commander-in-Chief.)	Eighty thousand rupees.
Member of the executive council of the governor of Bengal, Madras, Bombay, and the United Provinces.	Sixty-four thousand rupees.
Member of the executive council of the governor of the Punjab and Bihar and Orissa.	Sixty thousand rupees.
Member of the executive council of the governor of the Central Provinces.	Forty-eight thousand rupees.
Member of the executive council of the governor of Assam.	Forty-two thousand rupees.

Page 41.

Section of Act.	Amendment.
Third Schedule.	The following schedule shall be substituded for the Third Schedule :—

THIRD SCHEDULE.

OFFICES RESERVED TO THE INDIAN CIVIL SERVICE. Section 98.

A. *Offices under the Governor-General in Council.*

1. The offices of secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political, and Public Works Departments: Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled.

2. Three offices of Accountants General.

B. *Offices in the provinces which were known in the year* 1861 *as "Regulation Provinces."*

The following offices, namely :—

1. Member of the Board of Revenue.
2. Financial Commissioner.
3. Commissioner of Revenue.
4. Commissioner of Customs.
5. Opium Agent.
6. Secretary in every department except the Public Works or Marine Departments.
7. Secretary to the Board of Revenue.
8. District or sessions judge.
9. Additional dictrict or sessions judge.
10. District magistrate.
11. Collector of Revenue or Chief Revenue Officer of a district.

Fifth Schedule.	"Indian legislature" shall be substituted in the heading for "Governor-General in Legislative Council."

Note.—In both parts of the Third Schedule to this Act references to any word or expression in any provision of the principal Act or this Act apply, unless the contrary is stated, to that word or expression wherever the word or expression occurs in that provision.

Page 42.

PART III.

Section of Act.	How dealt with.
16	To be omitted.
42 & 51	The words "and signified his intended absence to the Council" shall be omitted.
45 (2)	To be omitted.
54 (3)	To be omitted.
73 (2)	To be omitted.
81	In subsection (1) the words "whether he was or was "not present in Council at the passing of the Act" shall be omitted.
87	For the words "subject to the foregoing provisions of "this Act as to leave of absence" there shall be substituted "save in the case of absence on special duty or 'on leave under a medical certificate."
88	To be omitted.
89	The words "entitled under a conditional appointment "to succeed to the office of Governor-General, or" shall be omitted, and for the words "that office" there shall be substituted the words "the office of Governor-General"
90	In subsection (1) the words "conditional or other" shall be omitted. In subsection (3) for the words "this Act" there shall be substituted the words "section eighty-nine of this Act," and the words "respecting the assumption of the office by "a person conditionally appointed to succeed thereto" shall be omitted. In subsection (4) the words "condition or other" shall be omitted.
91	In subsection (1) the words "conditional or other" shall be omitted.
92	In subsection (1) the words "conditional or other" shall be omitted. In subsection (3) the words "then, if any person has "been conditionally appointed to succeed to his office and "is on the spot, the place of that member shall be "supplied by that person, and if no person conditionally "appointed to succeed to the office is on the spot" shall be omitted. In subsection (4) the words "conditionally or" shall be omitted.
115	At the end of subsection (1) the following shall be inserted :— "His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof"

Page 43.

Section of Act.	How dealt with.
118	At the end of subsection (2) the following shall be inserted:— "and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct. His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop." In subsection (1) the words "and archdeacon" shall be omitted, and after the words "letters patent" there shall be inserted "and the archdeacons of those dioceses by their respective diocesan bishops."

The Bill as Amended is again considered.

Clause 1 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 2, line 10, after "and" to insert "local," and line 15, to leave out "sources of revenue" and to insert "revenues or other moneys," and line 16, after "for" to insert "the," and line 24, to leave out "the Minister in charge of the subject" and to insert "Ministers appointed under this Act," and line 25, to leave out "provincial funds" and to insert "revenues or moneys," and line 34, to leave out "provincial revenues" and to insert "allocated revenues or moneys," and page 3, line 2, to leave out "belong" and to insert "relate."

The proposed Amendments are *agreed to.*

Clause 1 is *agreed* to as amended.

Clause 2 of the Amended Bill is read and *agreed to.*

Clause 3 of the Amended Bill is read.

It is moved by the Lord *Islington*, page 4, at the beginning of subsection 1 to insert "The province known as the United Provinces shall be known as the Presidency of Agra and Oudh and that presidency and."

The same is *objected* to.

On Question whether the proposed Amendment be *agreed to.*

Contents, 5.	Not-Contents, 6.
Marquess of Crewe.	Earl of Selborne.
Lord Islington.	Lord Brodrick (Viscount Midleton).
Lord Sinha.	Lord Sydenham.
Mr. Bennett.	Sir Henry Craik.
Mr. Spoor.	Major Ormsby-Gore.
	Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by Mr. *Montagu*, page 4, line 4, after "shall" to insert "each," and line 5, to leave out "the" and to insert "a," and line 7, after "governor" to insert "acting."

The proposed Amendments are *agreed to.*

It is moved by Sir *Henry Craik*, page 4, after line 16, to insert "Provided that the governors of the said provinces shall be appointed by the Governor-General with the approval of His Majesty."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Contents, 4.	Not-Contents, 6.
Lord Brodrick (Viscount Midleton).	Marquess of Crewe.
Mr. Bennett.	Earl of Selborne.
Sir Henry Craik.	Lord Islington.
Major Ormsby-Gore.	Lord Sydenham.
	Lord Sinha.
	Sir John Rees.

The proposed Amendment is *disagreed to.*

It is moved by Sir *Henry Craik*, page 4, after line 16, to insert "Provided further that the said governors must have been at the time of their appointments at least ten years in the service of the Crown in India."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Content, 1.	Not-Contents, 10.
Sir Henry Craik.	Marquess of Crewe.
	Earl of Selborne.
	Lord Islington.
	Lord Sydenham.
	Lord Sinha.
	Mr. Bennett.
	Sir Henry Craik.
	Major Ormsby-Gore.
	Sir John Rees.
	Mr. Spoor.

The proposed Amendment is *disagreed to.*

It is moved by the Lord *Brodrick* (Viscount *Midleton*), page 4, after line 16, to insert "Provided that the governors of the said provinces shall be appointed after consultation with the Governor General."

The same is *objected to.*

On Question whether the proposed Amendment be *agreed to.*

Contents, 7.	Not Contents, 3.
Marquess of Crewe.	Lord Sinha.
Earl of Selborne.	Sir Henry Craik.
Lord Brodrick (Viscount Midleton).	Mr. Spoor.
Lord Sydenham.	
Mr. Bennett.	
Major Ormsby-Gore.	
Sir John Rees.	

The proposed Amendment is *agreed to.*

Clause 3 is *agreed to*, as amended.

Clause 4 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 4, line 17, to leave out " shall " and to insert " may."

The proposed Amendment is *agreed to.*

It is moved by Sir *John Rees*, page 4, line 30, to leave out " the opinion of his ministers " and to insert " their opinion."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 4, line 33, to leave out " Provision may be made by rules " and to insert " Provided that rules may be made," and line 38, to leave out " also."

The proposed Amendments are *agreed to.*

It is moved by the Earl of *Selborne*, page 4, line 26, and page 5, line 6, to leave out " three " and to insert " six."

The proposed Amendments are *agreed to.*

Clause 4 is *agreed to* as amended.

Clause 5 of the Amended Bill is read and *agreed to.*

Clause 6 of the Amended Bill is read.

It is moved by the Lord *Islington,* page 5, after subsection (1) to insert the following new subsection :

(2) So far as circumstances admit, all questions requiring decision by the Local Government of the Province shall be considered by the Governor with his Executive Council and his Ministers sitting together, but all questions relating to reserved subjects shall, nevertheless, be decided by the Governor in Council, and all questions relating to transferred subjects by the Governor acting with his Ministers.

The proposed Amendments is by leave *withdrawn.*

It is moved by Sir *John Rees*, page 6, line 3, after " Act " to insert " as amended by this Act."

The proposed Amendment is *agreed to.*

Clause 6 is *agreed to* as amended.

Clause 7 of the Amended Bill is read,

It is moved by Mr. *Montagu*, page 6, line 12, to leave out " aggregate," and line 21, to leave out " by not more than five per cent," and line 22, to leave out " aggregate," and line 33, to leave out " aggregate " and to insert " numbers," and line 33, after " to " to insert ; " and " and after line 33, to insert the following new sub-paragraph :

(c) Members nominated to the Legislative Council of the Central Provinces by the Governor as the result of elections held in the Assigned Districts of Berar, shall be deemed to be elected members of the Legislative Council of the Central Provinces.

And line 38, after the second " of " to insert " nominated," and line 40, after " absence " to insert " of members," and page 7, to leave out lines 23 to 26, inclusive.

The proposed Amendments are *agreed to.*

Clause 7 is *agreed to* as amended.

Clause 8 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 7, line 36, after " fit " to insert " ; and " and after line 36, to insert the following new sub-paragraph :

(c) After the dissolution of the council the governor shall appoint a date not more than six months, or with the sanction of the Secretary of State for not more than nine months, from the date of dissolution for the next session of the council,"

And line 37, after " times " to insert " and places," and page 8, line 5, to leave out subsection 5.

The proposed Amendments are *agreed to.*

Clause 8 is *agreed to* as amended.

Clause 9 of the Amended Bill is read and *agreed to.*

Clause 10 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 9, lines 14 and 15, to leave out " in this Act referred to as a scheduled tax," and line 22 to leave out " a scheduled tax " and to insert " a tax scheduled as aforesaid," and line 31, to leave out " Indian legislation " and to insert " legislation by the Indian Legislature," and page 10, line 1, to leave out from " of " to " may " in line 3, and to insert " an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act."

The proposed Amendments are *agreed to.*

Clause 10 is *agreed to* as amended.

Clause 11 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 10, line 19, after " revenue " to insert " of the province," and page 11, line 4 to leave out paragraph (*c*), and after line 12, to insert the following new subsections :

" (3) Nothing in the foregoing subsection shall require proposals to be submitted to the council relating to the following heads of expenditure :

(i) contributions payable by the local government to the Governor-General in Council ; and

(ii) interest and sinking fund charges on loans ; and

(iii) expenditure of which the amount is prescribed by or under any law ; and

(iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and

(v) salaries of judges of the High Court of the province and of the Advocate-General.

"(4) If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Governor shall be final,"

And line 16, to leave out "either," and page 12, line 1, at beginning of subsection (6) to insert "Subject to the rules and standing orders affecting the Council."

The proposed Amendments are *agreed to.*

Clause 11 is *agreed to* as amended.

Clause 12 of the amended Bill is read.

It is moved by Mr. *Montagu*, page 12, line 17, to leave out "after" and to insert "from," and line 21, to leave out from "thereto" to the end of paragraph (*a*), and line 29, to leave out "in accordance with the appropriate procedure," and page 13, line 15, to leave out from "Majesty" to "and" in line 16, and to insert "in Council has signified his assent."

The proposed Amendments are *agreed to.*

Clause 12 is *agreed to* as amended.

Clause 13 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 13, line 19, to leave out "the" and to insert "a," and line 24, after "shall" to insert "on signature by the governor," and line 36, to leave out "legislation" and to insert "legislature" and page 14, line 2, after "made" to insert "be."

The proposed Amendments are *agreed to.*

Clause 13 is *agreed to* as amended.

Clause 14 of the Amended Bill is read and *agreed to.*

Clause 15 of the Amended Bill is read.

It is moved by Major *Ormsby-Gore*, page 14, line 15, after "may" to insert "after obtaining an expression of opinion from the local government and the local legislature affected."

The proposed Amendment is *agreed to.*

It is moved by Mr. *Montagu*, page 14, lines 26 and 27, to leave out "The Governor-General in Council."

The proposed Amendment is *agreed to.*

Clause 15 is *agreed to* as amended.

Clause 16 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 15, line 11, to leave out "law passed by" and to insert "Act of," and line 13, to leave out "law" and to insert "Act."

The proposed Amendments are *agreed to.*

Clause 16 is *agreed to* as amended.

Clause 17 of the Amended Bill is read and *agreed to.*

Clause 18 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 15, to leave out from "of" in line 34 to "members" in line 35, and to insert "not more than sixty," and line 38 to leave out sub-section (2).

The proposed Amendments are *agreed to.*

It is moved by the Lord *Sinha*, page 15, line 37, after "Act" to insert "of whom not more than twenty shall be official members."

The proposed Amendment is *agreed to.*

Clause 18 is *agreed to* as amended.

Clause 19 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 16, lines 7 and 8, to leave out "the members of the Governor-General's executive council and of," and lines 11 and 12, to leave out "the legislative assembly shall consist of one hundred and twenty members," and to insert "the total number of members of the legislative assembly shall be one hundred and forty"; line 14, to leave out "eighty" and to insert "one hundred"; line 16, to leave out "by not more than five per cent."; line 17, to leave out "aggregate"; line 20, to leave out "two-thirds" and to insert "five-sevenths."

The proposed Amendments are *agreed to.*

Clause 19 is *agreed to* as amended.

Clause 20 of the Amended Bill is read and *agreed to.*

Clause 21 of the Amended Bill is read.

It is moved by the Earl of *Selborne*, page 17, line 32, after "months" to insert "or with the sanction of the Secretary of State not more than nine months."

The proposed Amendment is *agreed to.*

Clause 21 is *agreed to* as amended.

Clause 22 of the Amended Bill is read.

It is moved by the Earl of *Selborne*, page 18, line 19, after "vacant" to insert "Every member of the Governor-General's Executive Council shall be nominated as a member of one chamber of the Indian Legislature and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers."

The proposed Amendment is *agreed to.*

Clause 22 is *agreed to* as amended.

Clause 23 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 18, line 24, to leave out "the," and line 29, to leave out "resident in India" and lines 29 and 30, to leave out "or elected," and after line 31 to insert the following new sub-paragraph:

(*c*) The qualification of electors, the constitution of constituences, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto; and

Line 36, after "election" to insert "and," and after line 36, to insert the following new sub-paragraph:

"(*e*) The manner in which the rules are to be carried into effect;"

The proposed Amendments are *agreed to.*

Clause 23 is *agreed to* as amended.

Clause 24 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 20, line 3, to leave out "the rules of order" and to insert "the rules and Standing Orders affecting the Chamber."

The proposed Amendment is *agreed to.*

Clause 24 is *agreed to* as amended.

Clause 25 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 20, line 17, after "the" to insert "following," and line 18, to leave out "specified in the Second Schedule to this Act," and line 20, after "chamber" to insert "at the time when the annual statement is under consideration, unless the Governor-General otherwise directs, (i) interest and sinking fund charges on loans; and (ii) expenditure of which the amount is prescribed by or under any law; and (iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council; and (iv) salaries of chief commissioners and judicial commissioners; and (v) expenditure classified by the order of the Governor-General in Council as—

(*a*) ecclesiastical;

(*b*) political;

(*c*) defence,"

and page 20, lines 22 and 23, to leave out "heads of expenditure specified in the said schedule," and to insert "above heads," and line 27, to leave out "said schedule" and to insert "above heads," and line 33, after "if" to insert "he declares that."

The proposed Amendments are *agreed to*.

Clause 25 is *agreed to* as amended.

Clause 26 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 21, line 4, to leave out "the" and to insert "a," and line 10, after "shall" to insert "on signature by the Governor-General," and line 12, after "Act" to insert "of the Indian Legislature," and line 21, to leave out "forthwith" and to insert "on signature by the Governor-General."

The proposed Amendments are *agreed to*.

Clause 26 is *agreed to* as amended.

Clause 27 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 22, lines 8 and 9, to leave out "Indian Legislation," and to insert "legislation by the Indian Legislature," and line 11, to leave out "of" and to insert "made by," and line 18, to leave out "either."

The proposed Amendments are *agreed to*.

Clause 27 is *agreed to* as amended.

Clause 28 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 22, line 24, to leave out from "effect" to the end of sub-section (2), and to insert:

"(2) The provision in Section thirty-six of the principal Act as to the qualification of members of the Council shall have effect as though the words "at the time of their appointment" were omitted, and as though after the word "Scotland" there were inserted the words "or a pleader of the High Court," and as though "ten years" were substituted for "five years."

The proposed Amendment is *agreed to*.

Clause 28 is *agreed to* as amended.

Clause 29 of the Amended Bill is read

It is moved by Mr. *Montagu*, page 23, line 9, to leave out "three" and insert "six."

The proposed Amendment is *agreed to*.

Clause 29 is *agreed to* as amended.

Clause 30 of the Amended Bill is read and *agreed to*.

Clause 31 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 23, line 37, to leave out "a" and to insert "the annual" and line 39, to leave out "permanently," and page 24, line 13, to leave out "the" and to insert "any," and line 20, at end to insert "whilst resident in India."

The proposed Amendments are *agreed to*.

Clause 31 is *agreed to* as amended.

It is moved by Mr. *Montagu*, after Clause 31, to insert the following new clause :—

"(1) The provision in section six of the principal Act which prescribes the quorum for meetings of the Council of India shall cease to have effect, and the Secretary of State may provide for a quorum by such directions as he may issue in this behalf."

"(2) The provision in section eight of the principal Act which requires weekly meetings of the Council of India shall cease to have effect."

"(3) Section ten of the principal Act shall have effect as though the words 'all business of the council or committees thereof is to be transacted' were omitted, and the words 'the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in council' were inserted in lieu thereof."

The proposed new Clause is read and *agreed to*.

Clause 32 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 24, line 24, after the first "State" to insert "and" and line 25, to leave out "and the Governor-General in Council," and line 28, to leave out "Any such rules" and to insert "Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect. Any other rules."

The proposed Amendments are *agreed to*.

Clause 32 is *agreed to* as amended.

Clause 33 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 24, line 37, to leave out from the beginning of the clause down to "shall" in line 39, and to insert "So much of section five of the principal Act as relates to orders and communications sent to India from the United Kingdom, and to orders made in the United Kingdom, and sections eleven, twelve, thirteen and fourteen of the principal Act."

The proposed Amendment is *agreed to*.

Clause 33 is *agreed to* as amended.

Clause 34 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 25, line 14, to leave out "in India.

The proposed Amendment is *agreed to.*

Clause 34 is *agreed to* as amended.

Clause 35 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 25, line 31, after "may" to insert "without prejudice to any other right of redress," and line 33, to leave out "required" and to insert "directed," and lines 33 and 34, to leave out "pass thereon such orders as" and to insert "require such action to be taken thereon as may," and line 36, to leave out "public" and to insert "the civil."

The proposed Amendments are *agreed to.*

Clause 35 is *agreed to* as amended.

Clause 36 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 26, line 34, to leave out "habitually resident," and to insert "domiciled."

The proposed Amendment is *agreed to.*

Clause 36 is *agreed to* as amended.

Clauses 37 and 38 of the Amended Bill are read and *agreed to.*

It is moved by Mr. *Montagu*, after Clause 38, to insert the following new clause:—

"Rules made under this part of this Act shall not be made except with the concurrence of a majority of votes at a meeting of the Council of India." Rules under Part IV.

The proposed new clause is read and *agreed to.*

Clause 39 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 28, line 10, after "therein" to insert "including the question whether the establishment of second chambers of the local legislatures is or is not desirable."

The proposed Amendment is *agreed to.*

Clause 39 is *agreed to* as amended.

Clauses 40 and 41 of the Amended Bill are read and *agreed to.*

Clause 42 of the Amended Bill is read.

It is moved by Mr. *Montagu*, page 29, after line 12, to insert:—

"Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament."

The proposed Amendment is *agreed to.*

Clause 42 is *agreed to* as amended.

The First Schedule of the Amended Bill is considered.

It is moved by the Earl of *Selborne*, page 31, line 3, to leave out "Aggregate Numbers," and to insert "Number of Members," and lines 4 and 5, to leave out "Aggregate Number," and to insert "Number of Members."

The proposed Amendments are *agreed to.*

The First Schedule is *agreed to* as amended.

The Second Schedule of the Amended Bill is considered.

It is moved by Mr. *Montagu*, page 31, to leave out the Second Schedule.

The proposed Amendment is *agreed to.*

The Third Schedule of the Amended Bill is considered.

It is moved by Mr. *Montagu*, page 37, line 20, after "legislature" to insert "or the local legislature"; and page 38, line 15, to leave out "legislature" and to insert "Legislative Council"; and page 40, line 7, to leave out "a minister" and to insert "ministers"; and page 42, line 4, to leave out "signified" and to insert "signifies"; and line 18, after "or" to insert "and the word 'absolutely,'"; and page 43, line 11, to leave out "archdeacon" and to insert "archdeacons."

The proposed Amendments are *agreed to.*

The further consideration of the Third Schedule, and of the amendments made thereto, is postponed.

The Preamble of the Amended Bill is considered.

It is moved by Mr. *Montagu*, page 1, to leave out lines 1 to 7 inclusive and to insert:

"Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire."

"And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken."

And line 13, to leave out "to" and to insert "by" and to leave out "by" and to insert "to."

The postponed Amendments are *agreed to.*

Further consideration of the Preamble, and of the amendments made thereto, is postponed.

Ordered, that the Committee be adjourned till to-morrow at Eleven o'clock.

Die Martis, 11° *Novembris* 1919.

MEMBERS PRESENT:

Marquess of Crewe.
Earl of Selborne.
Lord Brodrick (Viscount Midleton).
Lord Islington.
Lord Sydenham.
Lord Sinha.
Mr. Bennett.
Sir Henry Craik
Mr. Montagu.
Major Ormsby Gore
Sir John Rees

The Earl of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of yesterday are read.

The Committee deliberate.

Ordered, That the Committee be adjourned to Monday next, at Twelve o'clock.

Die Lunae, 17° *Novembris* 1919.

MEMBERS PRESENT:

Marquess of Crewe.
Earl of Selborne.
Lord Brodrick (Viscouut Midleton).
Lord Islington.
Lord Sydenham.
Lord Sinha.
Mr. F. D. Acland.
Mr. Bennett.
Sir Henry Craik.
Mr. Montagu.
Major Ormsby Gore.
Sir John Rees.
Mr. Spoor.

The Earl of SELBORNE in the Chair.

The Order of Adjournment is read.

The Proceedings of Monday last are read.

The Third Schedule of the Bill is again considered.

It is received by Mr. *Montagu*.

To leave out the Third Schedule and to insert the following new Third Schedule :—

PART I.

The provisions of this Act set out in the first column of the following table shall be incorporated in the principal Act in the manner shown in the second column of that table, subject to the modifications specified in the third column of that table :—

TABLE.

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 1 - - -	To be inserted as a new section (45A) after s. 45.	"this Act" to be substituted for "the Government of India Act, 1915 . . . . . principal Act)," for "the principal Act," and for "that Act,"
Section 3 (1) - -	To be substituted for s. 46 (1) -	
Section 4 - - -	To be substituted for s. 52 - -	"this Act" to be substituted for "the principal Act."
Section 6 - - -	To be substituted for s. 49 - -	"any other rules made under this Act ' to be substituted for "any rules made under the principal Act as amended by this Act."
Sections 7, 8, 9 - -	To be inserted as new sections (72A, 72B. and 72C) after s. 72.	"this Act" to be substituted for "the principal Act."
Section 10 - - -	To be inserted as a new section (80A) after s. 80.	"this Act" to be substituted for "the principal Act"; "the commencement of the Government of India Act, 1919," to be substituted for "the commencement of this Act" in sub-section (3).

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Section 11 - - -	To be inserted as a new section (72D) after s. 72C.	The following sub-section to be substituted for sub-section (1):— "(1) The provisions contained in this section shall have effect with respect to business and procedure in governors' legislative councils." "this Act" to be substituted for "the principal Act."
Section 12 - - -	To be inserted as a new section (81A) after s. 81.	"this Act" to be substituted for "the principal Act."
Section 13 - - -	To be inserted as a new section (72E) after s. 72D,	———
Section 14 - - -	To be inserted as a new section (80B) after s. 80A.	The following new section to be inserted at the end thereof:— "80C. It shall not be lawful for any member of any local legislative council to introduce, without the previous sanction of the governor, lieutenant-governor or chief commissioner, any measure affecting the public revenues of a province or imposing any charge on those revenues.
Section 15 - - -	To be inserted as a new section (52A) after s. 52.	"this Act" to be substituted for "the principal Act or this Act" and for "the principal Act and this Act."
Section 16 (1) and (3) -	To be inserted as a new section (52B) after s. 52A.	"the Government of India Act, 1919," to be substituted for "this Act," where those words first occur, and "that Act" to be substituted for "this Act," where those words secondly occur, and "that Act or this Act" to be substituted for "this Act," where those words thirdly occur.
Section 16 (2) - -	To be inserted as a new sub-section (2) of s. 84.	"Nothing in the Government of India Act, 1919, or this Act" to be substituted for "Nothing in this Act" and "this Act" to be substituted elsewhere for "the principal Act."
Sections 17-23 inclusive	To be inserted as new sections in lieu of ss. 63 and 64, and numbered 63, 63A, 63B, 63C, 63D, 63E, and 64.	"this Act" to be substituted for "the principal Act."
Section 24 (2) - -	To be inserted as sub-section (1) of s. 67 in lieu of the existing sub-section (1).	"this Act" to be substituted for "the principal Act."
Section 24 (3)-(7) -	To be inserted as sub-sections (3)—(7) of s. 67 in lieu of the existing sub-section (3).	"this Act" to be substituted for "the principal Act."
Sections 25 and 26 -	To be inserted as new sections (67A and 67B) after s. 67.	———
Section 29 - -	To be inserted as a new section (43A) after s. 43.	———
Section 33 - - -	To be inserted as a new section (19A) after s. 19.	"this Act" to be substituted for "the principal Act" and "the Government of India Act, 1919," to be substituted for "this Act."
Section 34 - - -	To be inserted as a new section (11) in lieu of sections 11 to 14 (inclusive).	For the words from the beginning of the section down to and including the words "effect and" there shall be substituted the words "Subject to the provisions of this Act."
Section 35 - - -	To be inserted as a new section (29A) after s. 29.	"this Act" to be substituted for "the principal Act."
Sections 36, 38, 39, and 40.	To be inserted as new sections (96B, 96C, 96D, and 96E) after section 96A, constituting a new Part VIIA) after Part VII.	"this Act" to be substituted for "the principal Act," and "the Government of India Act, 1919," to be substituted for "this Act."
Section 37 (1) - -	To be inserted as a new sub-section (6) of s. 97.	"this section" to be substituted for "section ninety-seven of the principal Act," and "any rules made under this sub-section" to be substituted for "any rules made under this section."
Section 41 - -	To be inserted as a new section (84A), after s. 84 constituting a new Part VIA after Part VI.	"the Government of India Act, 1919," to be substituted for "this Act."
Section 42 - - -	To be inserted as a proviso to s. 124	"Providing that notwithstanding anything in this Act" to be substituted for "Notwithstanding anything in section one hundred and twenty-four of the principal Act."
Section 44 - - -	To be inserted as a new section (129A) at the beginning of Part XII	"this Act" to be substituted for "the principal Act" and for "this Act or under the principal Act."
Section 46 - - -	To be inserted as a new paragraph at the end of s 134.	"in this Act" to be omitted, and "this Act" to be substituted for "the principal Act" and for "the principal Act or this Act."
Section 47 (3) and (4) -	To be inserted as new paragraphs at the end of s. 130.	"this Act" to be substituted for "the principal Act as amended by this Act."
First Schedule - -	To be inserted in lieu of Schedule 1.	

PART II.

The provisions of the principal Act specified in the first column of this table shall be amended in the manner shown in the second column.

TABLE.

Section of Act.	Amendment.
2	In subsection (2) " or rules made thereunder " shall be inserted after " this Act." The following subsection shall be substituted for subsection (3) :— " (3) The salary of the Secretary of State shall be paid out of moneys provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament."
3 (1)	" eight " shall be substituted for " ten," and " twelve " shall be substituted for " fourteen," and the following words shall be inserted at the end of the subsection :— " Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision."
3 (3)	" one-half " shall be substituted for " nine," and " India " shall be substituted for " British India."
3 (4)	" five years " shall be substituted for " seven years," and the following words shall be inserted at the end of the subsection :—. " Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision."
3 (8)	The following subsections shall be substituted for this subsection :—. " (8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds: Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds. Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament. " (9) Notwithstanding anything in any Act or rule, where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would have been payable to him on completion of such period, be reckoned as service under the Crown in India whilst resident in India.
5	The words of this section from and including the words " but every order " to the end of the section shall be omitted.
6	For " not less than five members are present " there shall be substituted " such number of members are present as may be prescribed by general directions of the Secretary of State."
8	The words " but one such meeting at least shall be held in every week " shall be omitted.
10	For " all business of the Council or committees thereof is to be transacted " there shall be substituted " the business of the Secretary of the State in Council or the Council of " India shall be transacted, and any order made or act done in accordance with such " direction shall, subject to the provisions of this Act, be treated as being an order of " the Secretary of State in Council."
19	The words of this section from the beginning down to and including " Provided that " shall be omitted.
20 (2) (*d*)	After " under this Act " there shall be inserted " except so far as is otherwise provided under this Act."
21	At the beginning of this section there shall be inserted " Subject to the provisions of this Act and rules made thereunder."
27 (9)	After " revenues of India " there shall be inserted " or out of moneys provided by Parliament."
29	In subsection (1) at the beginning there shall be inserted the words :— " Subject to the provisions of this Act regarding the appointment of a High Commissioner for India."
30	After subsection (1) the following subsection shall be inserted :— " (1A) A local government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act, and make proper assurances for that purpose, and rules made under this Act may provide for the conditions under which this power shall be exercisable."
31	" Indian legislature " shall be substituted for " Governor-General in Legislative Council."
33	At the beginning of the section there shall be inserted " Subject to the provisions of this Act and rules made thereunder,"
35	This section shall be omitted.
36	" ordinary " in subsections (1) and (2) shall be omitted.

Section of Act.	Amendment.
	In subsection (2) for the words from and including " five or " to the end of the subsection there shall be substituted " such as His Majesty thinks fit to appoint." In subsection (3) " at the time of their appointment " shall be omitted, after " Scotland " there shall be inserted " or a pleader of a High Court," and " ten " shall be substituted for " five." In subsection (4) for " person appointed an ordinary member of the Council " there shall be substituted " member of the Council (other than the Commander-in-Chief for the time being of His Majesty's forces in India)." At the end of the section the following new subsection shall be inserted :— (5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council in any case where such provision is not made by the foregoing provisions of this section.
37	The following section shall be substituted for section thirty-seven :— " 37. If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's Executive Council he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General."
39	In subsection (2) for " one ordinary member of the Council " there shall be substituted " one member of the Council (other than the Commander-in-Chief) "
40	At the end of subsection (1) there shall be inserted—" and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council."
42	For " ordinary member " there shall be substituted " member (other than the Commander-in-Chief) "
45	At the beginning of the section there shall be inserted " Subject to the provisions of this Act and rules made thereunder."
46	The following subsection shall be substituted for subsection (2) :— " (2) The governors of the said presidencies are appointed by His Majesty by warrant under the Royal Sign Manual, and the governors of the said provinces shall be so appointed after consultation with the Governor-General." In subsection (3) " the governors' provinces " shall be substituted for " those presidencies " and " province " shall be substituted for " presidency."
47	In subsection (2) " One at least of them must be a person who at the time of his appointment has been " shall be substituted for " Two at least of them must be persons who at the time of their appointment have been." The following subsection shall be substituted for subsection (3) :— " (3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive council of the governor of a province in any case where such provision is not made by the foregoing provisions of this section."
48	" province " shall be substituted for " presidency."
50 (2)	" province " shall be substituted for " presidency."
53 (1)	For the words from the beginning down to " the Punjab and " (inclusive) there shall be substituted " The province of," and the words " with or without an executive council " shall be omitted.
57	At the end of the section there shall be inserted " An order made as aforesaid shall " not be called into question in any legal proceedings on the ground that it was not " duly made by the lieutenant-governor in council."
58	" Assam, the Central Provinces," shall be omitted.
65	For " Governor-General in Legislative Council " there shall be substituted " Indian legislature."
67	" either chamber of the Indian legislature " shall be substituted for " the council." At the end of subsection (2) the following shall be inserted :— " or any measure— (i) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to legislation by the Indian legislature; or (ii) repealing or amending any Act of a local legislature; or (iii) repealing or amending any Act or ordinance made by the Governor-General. " (2A) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment; and effect shall be given to such direction."
68	" Bill " shall be substituted for " Act " and " a Bill " for " an Act "; " by both chambers of the Indian legislature," shall be substituted for " at a meeting of the Indian Legislative Council," and " whether he was or was not present in council at the passing thereof " shall be omitted. " A Bill passed by both chambers of the Indian legislature shall not become an Act " shall be substituted for " An Act of the Governor-General in Legislative Council has not validity." " in Council " shall be inserted after " His Majesty " and " to the Governor-General through the Secretary of State in Council " shall be omitted.
69	" Indian legislature " shall be substituted for " Governor-General in Legislative Council."
70	This section shall be omitted.

Section of Act	Amendment.
71 (2)	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
72	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
73	In subsection (1) "a governor or of" shall be omitted and "and of members nominated or elected as hereinafter provided" shall be substituted for "with the addition of members nominated or elected in accordance with rules made under this Act." In subsection (3) "as hereinafter provided" shall be substituted for "in accordance with rules made under this Act." Subsection (4) shall be omitted.
74	This section shall be omitted.
75	This section shall be omitted.
76	In subsection (1) following proviso shall be substituted for the existing proviso:— "Provided that the number of members so nominated or elected shall not, in the case of the legislative council of a lieutenant-governor, exceed one hundred."
76	In subsection (2) "Non-officials" shall be substituted for "persons not in the civil or military service of the Crown in India."
76	In subsection (4) "Indian legislature or the local legislature" shall be substituted for "Governor-General in Legislative Council."
78	The following provision shall be inserted at the beginning of subsection (1):— "A lieutenant-governor or a chief commissioner who has a legislative council may appoint such times and places for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the council, and any meeting of the legislative council of a lieutenant-governor or a chief commissioner may be adjourned by the person presiding." In subsection (2) "in accordance with rules made under this Act" shall be omitted. For subsection (3) the following subsections shall be substituted:— "(3) All questions at a meeting of the legislative council of a lieutenant-governor or chief commissioner shall be determined by a majority of votes of the members present other than the lieutenant-governor, chief commissioner, or presiding member, who shall, however, have and exercise a casting vote in case of an equality of votes. "(4) Subject to rules affecting the council, there shall be freedom of speech in the legislative councils of lieutenant-governors and chief commissioners. No person shall be liable to any proceedings in any court by reason of his speech or vote in those councils, or by reason of anything contained in any official report of the proceedings of those councils."
79	This section shall be omitted.
80	In subsection (1) after "local legislative council," there shall be inserted "(other than a governor's legislative council)." Subsection (2) shall be omitted. In subsection (3) after "local government" there shall be inserted "of a province other than a governor's province," the word "Governor," where it occurs immediately before the word "Lieutenant-Governor," shall be omitted, and "Indian legislature" shall be substituted for "Governor-General in Legislative Council." At the end of the section the following new subsections shall be inserted:— "(4) The local Government of any province (other than a governor's province) for which a local legislative council is hereafter constituted under this Act shall, before the first meeting of that council, and with the sanction of the Governor-General in Council, make rules for the conduct of legislative business in that council (including rules for prescribing the mode of promulgation and authentication of laws passed by that council). "(5) The local legislature of any such province may, subject to the assent of the lieutenant-governor or chief commissioner, alter the rules for the conduct of legislative business in the local council (including rules prescribing the mode of promulgation and authentication of laws passed by the council), but any alteration so made may be disallowed by the Governor-General in Council, and if so disallowed shall have no effect."
81	Throughout subsections (1) and (2) and in subsection (3) where it first occurs, for "Act," there shall be substituted "Bill" and in subsection (1) "by" shall be substituted for "at a meeting of" For "an Act" there shall be substituted "a Bill," and for "has no effect" there shall be substituted "shall not become an Act."
82	For "any such Act" where those words occur for the first and third times, there shall be substituted "An Act," and for those words where they occur for the second time there shall be substituted "the Act." In subsection (1) after "His Majesty" there shall be inserted "in Council" and the words "through the Secretary of State in Council" shall be omitted.
83	This section shall be omitted.
84	"an Act of the Indian legislature" shall be substituted for "a law made by the Governor-General in Legislative Council," and "non-official members" shall be substituted for "members not holding office under the crown in India."

Section of Act.	Amendment.
	In paragraph (*c*) " an Act of " shall be substituted for " a law made by."
86	In subsection (1) " ordinary " shall be omitted, and after the words " Executive Council " where they first occur there shall be inserted the words " (other than the Commander-in-Chief)."
87	" ordinary " shall be omitted, and after " Governor-General," where it occurs for the second time, there shall be inserted " (other than the Commander-in-Chief)."
89	In subsection (4) for " ordinary member of the council " there shall be substituted " member of the council (other than the Commander-in-Chief)."
90	In subsection (1) after " Governor " there shall be inserted " of a presidency." In subsection (4) " ordinary " shall be omitted, and after " executive council " there shall be inserted " (other than the Commander-in-Chief)."
92	" a member " shall be substituted for " an ordinary member " and for " any ordinary member," and after " executive council of the Governor-General " there shall be inserted " (other than the Commander-in-Chief)." In subsection (5) (*a*) " under this Act " shall be omitted.
93 (1)	" either chamber of the Indian legislature " shall be substituted for " the Indian Legislative Council."
95	Before " offices " wherever that word occurs, before " officers," and before " promotions " where it occurs for the second time, there shall be inserted " military."
110	In subsection (1) after " Governor or Lieutenant-Governor " there shall be inserted " and a minister appointed under this Act."
124	In subsection (4) after " Lieutenant-Governor " where it secondly occurs, there shall be inserted " or being a minister appointed under this Act "
131	" Indian legislature " shall be substituted for " Governor-General in Legislative Council."
134 (4)	The following paragraph shall be substituted for paragraph (4) :— (4) " Local government " means, in the case of a governor's province, governor in council or the governor acting with ministers (as the case may require), and, in the case of a province other than a governor's province, a lieutenant-governor in council, lieutenant-governor or chief commissioner. " Local legislative council " includes the legislative council in any governor's province, and any other legislative council constituted in accordance with this Act. " Local legislature " means, in the case of a governor's province, the governor and the legislative council of the province, and, in the case of any other province, the lieutenant-governor or chief commissioner in legislative council.
135	The following section shall be substituted for section 135 :— " 135. This Act may be cited as the Government of India Act."
Second Schedule.	The following Schedule shall be substituted for the Second Schedule :—

SECOND SCHEDULE.

Official Salaries, &c.

Officer.	Maximum Annual Salary.
Governor-General of India - - - -	Two hundred and fifty-six thousand rupees.
Governor of Bengal, Madras, Bombay, and the United Provinces.	One hundred and twenty-eight thousand rupees.
Commander-in-Chief of His Majesty's forces in India.	One hundred thousand rupees.
Governor of the Punjab and Bihar and Orissa.	One hundred thousand rupees.
Governor of the Central Provinces.	Seventy-two thousand rupees.
Governor of Assam - - - - - -	Sixty-six thousand rupees.
Lieutenant-Governor - - - - -	One hundred thousand rupees.
Member of the Governor-General's Executive Council (other than the Commander-in-Chief).	Eighty thousand rupees.
Member of the executive council of the governor of Bengal, Madras, Bombay, and the United Provinces.	Sixty-four thousand rupees.
Member of the executive council of the governor of the Punjab and Bihar and Orissa.	Sixty thousand rupees.
Member of the executive council of the governor of the Central Provinces.	Forty-eight thousand rupees.
Member of the executive council of the governor of Assam.	Forty-two thousand rupees.

Section of Act	Amendment.
Third Schedule.	The following Schedule shall be substituted for the Third Schedule :— THIRD SCHEDULE. OFFICES RESERVED TO THE INDIAN CIVIL SERVICE. A.—*Offices under the Governor-General in Council.* 1. the offices of secretary, joint secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political and Public Works Departments: Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled. 2. Three offices of Accountants General. B.—*Offices in the provinces which were known in the year* 1861 *as "Regulation Provinces."* The following offices, namely :— 1. Member of the Board of Revenue. 2. Financial Commissioner. 3. Commissioner of Revenue. 4. Commissioner of Customs. 5. Opium Agent. 6. Secretary in every department except the Public Works or Marine Departments. 7. Secretary to the Board of Revenue. 8. District or sessions judge. 9. Additional district or sessions judge. 10. District magistrate. 11. Collector of Revenue or Chief Revenue Officer of a district.
Fifth Schedule.	"Indian legislature" shall be substituted in the heading for "Governor-General in "Legislative Council."

Note.—In parts I. and II. of the Second Schedule to this Act references to any word or expression in any provision of the principal Act or this Act apply, unless the contrary is stated, to that word or expression wherever the word or expression occurs in that provision.

PART III.

Section of Act.	How dealt with.
13 (1)	"or sending" shall be substituted for "or recording"
16	To be omitted.
42	"and signifies his intended absence to the "Council" and "civil" shall be omitted.
45 (2)	To be omitted.
51	"and signifies his intended absence to the Council" shall be omitted.
54 (3)	To be omitted.
55 (1)	In paragraaph (*b*) after "illness or otherwise" there shall be inserted "and for supplying a vacancy until it is permanently filled"
65	In subsection (1) (*d*) "airman" shall be inserted after "soldiers" In subsection (2) (i) "the Air Force Act" shall be inserted after "the Army Act"
67	"naval, or air" shall be substituted for "or naval"
73 (2)	To be omitted.
81	In subsection (1) "whether he was or was not present in Council at the passing of the Act" shall be omitted.
85	The following proviso shall be inserted at the end of subsection (3): "Provided that nothing in this subsection shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons by the Secretary of State in Council."
87	For "subject to the foregoing provisions of this Act as to leave of absence" there shall be substituted "save in the case of absence on special duty or on leave under a medical "certificate." After "council of a governor" there shall be inserted "or of a lieutenant-governor"
88	To be omitted.
89	"entitled under a conditional appointment to succeed to the office of Governor-General, or" and "absolutely" shall be omitted, and for "that office" there shall be substituted "the office of Governor-General"
90	In subsection (1) "conditional or other" shall be omitted. In subsection (3) for "this Act" there shall be substituted "section eighty-nine of this Act," and "respecting the assumption of the office by a person conditionally appointed "to succeed thereto" shall be omitted.

Section of Act.	How dealt with.
	In subsection (4) " conditional or other " shall be omitted.
91	In subsection (1) " conditional or other " shall be omitted.
92	In subsection (1) " conditional or other " shall be omitted. In subsection (3) " then, if any member has been conditionally appointed to succeed to " his office and is on the spot, the place of that member shall be supplied by that person, " and if no person conditionally appointed to succeed to the office is on the spot " shall be omitted. In subsection (4) " conditionally or " shall be omitted.
115	At the end of subsection (1) the following shall be inserted :— " His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof " At the end of subsection (2) the following shall be inserted :— " and as metropolitan shall have, enjoy, and exercise such ecclesiaastical jurisdiction and functions as His Majesty may by letters patent direct. His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop."
118	In subsection (1) " and archdeacons " shall be omitted, and after " letters patent " there shall be inserted " and the archdeacons of those dioceses by their respective diocesan bishops "

The Proposed Amendment is *agreed to.*

The new Third Schedule is again read and *agreed to.*

The Preamble is again read and *agreed to as amended.*

The Title is again read and *agreed to.*

The following DRAFT REPORT is laid before the Committee.

ORDERED TO REPORT—

1. That the Committee have met and considered the said Bill and taken the evidence of a large number o witnesses, many of whom had come all the way from India for the purpose. A mass of telegrams and other communications has also been received. The list of witnesses and the telegrams have been printed as an appendix to the evidence. Written representations have not as a rule been printed. The Committee appreciate the advantage they have derived from being placed in full possession of the views of many persons who have given much thought to the political future of the country.

2. The Committee were not charged, as some have seemed to think, with the task of reporting on the state of India, or on the conduct of the administration in India, or even at large on the best form of government for India, but only with the duty of dealing with this Bill, which had been read a second time in the House of Commons, according to the well-known forms of Parliamentary procedure, and with the rules and conventions arising out of it.

3. In the declaration made by His Majesty's Government on the 20th August, 1917, there is enunciated the problem for which the Bill endeavours to provide a solution. It is to design the first stage in a measured progress towards responsible government. Any such stage, if it is to be a real advance, must, as the Committee conceive it, involve the creation of an electorate and the bestowal of some share in the work and responsibilities of government on those whom the electorate chooses to represent its interests. In the present circumstances of India, the electorate must at the outset be small and the administrative experience of its representatives must be limited. Before, therefore, the policy of His Majesty's Government can be fulfilled the electorate must grow, and practical experience in the conduct of public affairs must be enlarged. During this period the guardianship of the peace of India cannot be withdrawn from the care of the official agency which Parliament at present charges with the duties of the administration, and the Committee regard it to be an essential feature of the policy of His Majesty's Government that, except in so far as he is released from responsibility by the changes made under this Bill, the Governor-General-in-Council should remain in undisturbed responsibility to Parliament and fully equipped with the necessary powers to fulfil that responsibility. But from the beginning the people must be given an opportunity, and all political wisdom points to its being a generous opportunity, of learning the actual business of government and of showing, by their conduct of it, to some future Parliament that the time has come for further extensions of power.

4. In the opinion of the Committee the plan proposed by the Bill is conceived wholly in this spirit, and interprets the pronouncement of the 20th August, 1917, with scrupulous accuracy. It partitions the domain of provincial government into two fields, one of which is made over to ministers chosen from the elected members of the provincial legislature, while the other remains under the administration of a Governor-in-Council. This scheme has evoked apprehensions which are not unnatural in view of its novelty. But the Committee, after the most careful consideration of all suggested alternatives, are of opinion that it is the best way of giving effect to the spirit of the declared policy of His Majesty's Government. Its critics forget that the announcement spoke of a substantial step in the direction of the gradual development of self-governing institutions with a view to the progressive realisation of responsible government and not of the partial introduction of responsible government; and it is this distinction which justifies the method by which the Bill imposes responsibility, both on Ministers to the legislative council and on the members of the legislative council to their constituents, for the results of that part of the administration which is transferred to their charge.

5. Having weighed the evidence and information before them, the Committee have made a number of changes in the Bill. Those of a more detailed or miscellaneous character are briefly discussed below under the clauses to which they relate. Those which are directed to the avoidance of the difficulties and dangers which have been pointed out proceed on a simple and, in the Committee's opinion, an indefeasible theory. That theory the Committee

think it desirable to state at once. Ministers who enjoy the confidence of a majority in their legislative council will be given the fullest opportunity of managing that field of government which is entrusted to their care. In their work they will be assisted and guided by the Governor, who will accept their advice and promote their policy wherever possible. If he finds himself compelled to act against to their advice, it will only be in circumstances roughly analogous to those in which he has to override his executive council—circumstances which will be indicated in the Instrument of Instructions furnished to him on his appointment by His Majesty. On the other hand, in and for that field of government in which Parliament continues to hold him responsible the provincial Governor-in-Council will remain equipped with the sure and certain power of fulfilling that responsibility. The Committee will indicate in the course of this Report how they visualise the relations between the two parts of the provincial Government, but they wish to place in the forefront of the Report their opinion that they see no reason why the relations should not be harmonious and mutually advantageous. They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of his Government, and indeed that he should insist upon it in all important matters of common interest. He will thus ensure that ministers will contribute their knowledge of the people's wishes and susceptibilities, and the members of his Executive Council their administrative experience, to the joint wisdom of the Government. But while the Committee anticipate much advantage from amicable and, as far as possible, spontaneous association for purposes of deliberation, they would not allow it to confuse the duties or obscure the separate responsibility which will rest on the two parts of the administration. Each side of the Government will advise and assist the other : neither will control or impede the other. The responsibility for administrative and legislative action in their own field will be fixed beyond possibility of doubt on ministers and on the majorities of the provincial legislatures which support them ; and they will be given adequate power to fulfil their charge. Similarly within that field for which he remains accountable to Parliament, the responsibility for action must be fixed on the Governor-in-Council, and he must possess unfailing means for the discharge of his duties. Finally, behind the provincial authorities stands the Government of India.

6. The change which this Bill will make in the political structure and life of India is very important. It marks a great step in the path of self-government, and it is a proof of the confidence reposed by His Majesty's Government in the loyalty, wisdom and capacity of our Indian fellow-subjects. At the same time it points to the desirability of keeping Parliament in closer touch with Indian affairs than has recently been possible. The Committee accordingly propose that a Standing Joint Committee should be appointed by both Houses of Parliament for that purpose. It should have no statutory functions, but a purely advisory and consultative status ; and among its tasks is one of high importance, the consideration of amendment to rules made under this Bill. For the plan on which the Bill has been drafted, and in the opinion of the Committee rightly drafted, will necessitate the completion of some of its main provisions by a large number of rules and other documents which will have to be framed before the machinery established by the Bill can come into working order. Many of these rules and documents will be drafted in India for the approval of the Secretary of State. When they come to England it may be found convenient that the present Committee be reappointed to advise Parliament in regard to them.

7. The Committee will now proceed to indicate the nature of the changes they have made in the Bill, and also their suggestions for action to be taken under it, either in the framing of rules or by executive process hereafter.

Preamble.

The Preamble of the Bill, as drafted, was based on the announcement of His Majesty's Government in Parliament of the 20th August, 1917, and it incorporated that part of the announcement which pointed to the progressive realisation of responsible government in British India as an integral part of the Empire, and to the expediency of gradually developing self-governing institutions in India, and it referred to the granting to the Provinces of India of a large measure of independence of the Government of India. It did not, however, deal with those parts of the announcement which spoke of the increasing association of Indians in every branch of the administration and declared that the progress of this policy could only be achieved by successive stages, and that Parliament, advised by His Majesty's Government and by the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian people, must be the judge of the time and measure of each advance, and be guided by the co-operation received from those upon whom new opportunities of service are conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

The Committee have enlarged the preamble so as to include all parts of the announcement of the 20th August, 1917. Their reason for doing so is that an attempt has been made to distinguish between the parts of this announcement and to attach a different value to each part according to opinion. It has been said, for instance, that whereas the first part is a binding pledge, the later part is a mere expression of opinion of no importance. Bnt the Committee think that it is of the utmost importance, from the very inauguration of these constitutional changes, that Parliament should make it quite plain that the responsibility for the successive stages of the development of self-government in India rests on itself and on itself alone, and that it cannot share this responsibility with, much less delegate it to, the newly-elected legislatures of India.

They also desire to emphasize the wisdom and justice of and increasing association of Indians with every branch of the administration, but they wish to make it perfectly clear that His Majesty's Government must remain free to appoint Europeans to those posts for which they are specially required and qualified.

Part I.

Clause 1.—The Committee wish to take this opportunity of acknowledging the debt they owe to the work of the two Committees on Franchise and Functions presided over by Lord Southborough. If they are not able to accept all the conclusions of these Committees, and if they recommend some additional provisions to those included in those reports, it does not mean that they are not very sensible of the value of the work done, without which, indeed, this constitutional change could not have been effected.

The lists of central, provincial and transferred subjects included in the Functions Committee's report have been somewhat altered after consultation with the India Office (*see* Appendix F *to the Minutes af Evidence*) ; and as so amended they are accepted by this Committee, subject to certain general observations at the end of this Report. It must not, however, be concluded that these partitions of the functions of government are absolutely clear cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Franchise Committee's report, and with due regard to the necessity for special procedure in cases where their orbits overlap.

The Committee have given much attention to the difficult question of the principle on which the provincial revenues and balances should be distributed between the two sides of the provincial Governments. They are confident that the problem can readily be solved by the simple process of common sense and reasonable give and take, but they are aware that this question might, in certain circumstances, become the cause of much friction in the provincial Government, and they are of opinion that the rules governing the allocation of these revenues and balances should be framed so as to make the existence of such friction impossible. They advise that, if the Governor, in the course of preparing either his first or any subsequent budget, finds that there is likely to be a serious or protracted difference of opinion between the executive council and his ministers on this subject, he should be empowered at once to make an allocation of revenue and balances between the reserved and transferred subjects, which should continue for at least the whole life of the existing legislative council. The Committee do not endorse the suggestion that certain sources of revenue should be allocated to reserved, and certain sources to transferred, subjects, but they recommend that the Governor should allocate a definite proportion of the revenue, say, by way of illustration two-thirds to reserved and one-third to transferred subjects, and similarly a proportion, though not

necessarily the same fraction, of the balances. If the Governor desires assistance in making the allocation, he should be allowed at his discretion to refer the question to be decided to such authority as the Governor-General shall appoint. Further, the Committee are of opinion that it should be laid down from the first that, until an agreement which both sides of the Government will equally support has been reached, or until an allocation has been made by the Governor, the total provisions of the different expenditure heads in the budget of the province for the preceding financial year shall hold good.

The Committee desire that the relation of the two sides of the Government in this matter, as in all others, should be of such mutual sympathy that each will be able to assist and influence for the common good the work of the other, but not to exercise control over it. The budget should not be capable of being used as a means for enabling ministers or a majority of the legislative council to direct the policy of reserved subjects ; but on the other hand the executive council should be helpful to ministers in their desire to develop the departments entrusted to their care. On the Governor personally will devolve the task of holding the balance between the legitimate needs of both sets of his advisers.

Clause 2.—This clause has been inserted to regularise the raising of loans by local Governments on the special security of their own provincial revenues.

Clause 3.—The question has been raised as to the communications between the Governors of provinces and the Secretary of State. The question as to whether such communication shall in future take place, and as to the procedure to be adopted in them, may well be left to the Secretary of State. In the opinion of the Committee there is no cause at present for disturbing the existing position, except to the extent to which the Secretary of State relaxes his powers of direction and control over local governments. To that extent the Government of India will also withdraw from intervention ; but India is not yet ripe for a true federal system, and the central government cannot be relegated to functions of mere inspection and advice. The Committee trust that there will be an extensive delegation, statutory and otherwise, to provincial governments of some powers and duties now in the hands of the Government of India ; and they trust also that the control of that Government over provincial matters will be exercised with a view to preparing the provinces for the gradual transfer of power to the provincial Government and legislature.

Clause 4.—The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council, enjoying its confidence and capable of leading it. A minister will have the option of resigning if his advice is not accepted by the Governor ; and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election ; but if this course is adopted the Committee hope that the Governor will find himself able to accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers, while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so ; and in the opinion of the Committee it is better that they should, and therefore that the fact should be recognised on the face of the Bill. They advise that the status of ministers should be similar to that of the members of the executive council, but that their salaries should be fixed by the legislative council. Later on in this Report it will be suggested that Indian members of the Council of India in London should be paid a higher scale of remuneration than those members of the council domiciled in the United Kingdom. The same principle might suggest to the legislative council that it was reasonable for the ministers of the provincial government domiciled in India to be paid on a lower scale of remuneration than the European members.

Provision has been made in this clause for the appointment, at the Governor's discretion, of non-official members of the legislative council to fill a role somewhat similar to that of the Parliamentary Under-Secretary in this country.

Clause 5.—The Committee are of opinion that the normal strength of an executive council, especially in the smaller provinces, need not exceed two members. They have not, however, reduced the existing statutory maximum of four ; but if in any case the council includes two members with service qualifications, neither of whom is by birth an Indian, they think that it should also include two unofficial Indian members.

Clause 6.—The Committee desire at this point to give a picture of the manner in which they think that, under this Bill, the government of a province should be worked. There will be many matters of administrative business, as in all countries, which can be disposed of departmentally, but there will remain a large category of business of the character which would naturally be the subject of Cabinet consultation. In regard to this last category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects ; but the Committee attach the highest importance to the principle that, when once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore, in the opinion of the Committee, after such consultation, and when it is clear that the decision lies within the jurisdiction of one or other half of the Government, that decision in respect of a reserved subject should be recorded separately by the executive council, and in respect of a transferred subject by the ministers, and all acts and proceedings of the Government should state in definite terms on whom the responsibility for the decision rests. It will not always, however, be clear, otherwise than in a purely departmental and technical fashion, with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration ; and it will equally be his duty to see that a decision arrived at on one side of his Government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

The position of the Governor will thus be one of great responsibilty and difficulty, and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his government in their new responsibilies. He should never hesitate to point out to ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to adopt his advice, then, in the opinion of the Committee, the Governor should ordinarily allow ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility.

In the debates of the legislative council members of the executive council should act together and ministers should act together, but members of the executive council and ministers should not oppose each other by speech or vote ; members of the executive council should not be required to support, either by speech or vote, proposals of ministers of which they do not approve, nor should members be required to support by speech or vote proposals of the executive council of which they do not approve ; they should be free to speak and vote for each other's proposals when they are in agreement with them. All other official members of the legislative council should be free to speak and vote as they choose.

Clause. 7.—The Committee have altered the first schedule to the Bill, so as to show only the total stength of the legislative council in each province. They have retained the provision, now in sub-clause (2), that at least 70 per cent. of the members shall be elected, and not more than 20 per cent. shall be officials. This general stipulation

will govern the distribution of the seats in each province; but in certain respects the detailed arrangements will require futher consideration, and proposals should be called for from the Government of India in regard to them. The points in question, as well as some disputable matters on which the Committee wish to endorse the proposals of the Franchise Committee's report, are dealt with in the following recommendations :—

(*a*) The Committee regard the number of seats allotted to the rural population, as distinct from the urban, as disproportionately low, and consider that it should receive a larger share of representation. They also think that an attempt should be made to secure better representation of the urban wage-earning class; and they are convinced that an effort should be made to remedy in part at least the present disparity between the size of the electorates in the different provinces. In all those matters no definite instructions need be given. The Government of India should be left a wide discretion in adjusting the figures, subject, however, to the understanding that the adjustment should be effected in all cases rather by enlargement than by diminution of the representation proposed in the Franchise Committee's report.

(*b*) The Committee are of opinion that the representation proposed for the depressed classes is inadequate. Within this definition are comprised, as shown in the report of the Franchise Committee, a large proportion of the whole population of India. They think that the Government of India should, as it advises, be instructed to give such classes a larger share of representation by nomination, regard being had to the numbers of depressed classes in each province, and after consultation with the Local Governments. This representation should, if necessary, be in addition to, but not in diminution of, the general electorate. Whenever possible, other persons than members of the Civil Services should be selected to represent the depressed classes, but if a member of those services, specially qualified for this purpose, has to be appointed, his nomination should not operate to increase the maximum ratio of official seats.

(*c*) In the Madras Presidency the Committee consider that the non-Brahmins must be provided with separate representation by means of the reservation of seats. The Brahmins and non-Brahmins should be invited to settle the matter by negotiation among themselves; and it would only be, if agreement cannot be reached in that way, that the decision should be referred to an arbitrator appointed for the purpose by the Government of India.

(*d*) The Committee would recommend that similar treatment be accorded to the Mahrattas in the Bombay Presidency.

(*e*) The question whether women should or should not be admitted to the franchise on the same terms as men should be left to the newly-elected legislative council of each province to settle by resolution. The Government of India should be instructed to make rules so that, if a legislative council so voted, women might be put upon the register of voters in that province. The Committee have not felt able to settle this question themselves, as urged by the majority of witnesses who appeared before them. It seems to them to go deep into the social system and susceptibilities of India, and, therefore, to be a question which can only, with any prudence, be settled in accordance with the wishes of Indians themselves as constitutionally expressed.

(*f*) The Committee are of opinion that the franchise as settled by the rules to be made under this Act should not be altered for the first ten years, and that it should at present be outside the power of the Legislative Councils to make any alteration in the franchise. The recommendation, therefore, in respect of woman suffrage, is to be regarded as altogether exceptional, and as not forming any precedent in respect of proposals for other alterations.

(*g*) The special representation of landholders in the provinces should be reconsidered by the Government of India in consultation with the local governments.

(*h*) The franchise for the University seats should be extended to all graduates of over seven years' standing.

(*i*) The Government of India should be instructed to consult with the Government of Bengal in respect of the representation of Europeans in Bengal. It appears to the Committee that there are good reasons for a re-adjustment of that representation. The recommendations of the report of the Franchise Committee in respect of European representation in other provinces may be accepted.

(*j*) The question whether the rulers and subjects of Indian States may be registered as electors or may be elected to the legislative councils should be left to be settled in each case by the local government of the province.

(*k*) The Committee are of opinion that dismissal from the service of the government in India should not be a disqualification for election, but that a criminal conviction entailing a sentence of more than six months' imprisonment should be a disqualification for five years from the date of the expiration of the sentence.

(*l*) The compromise suggested by the Franchise Committee in respect of the residential qualification of candidates for legislative councils, whereby the restriction was to be imposed only in the provinces of Bombay, the Punjab, and the Central Provinces, may be accepted.

(*m*) The recommendations of the Franchise Committee in respect of the proportionate representations of Mohammedans, based on the Lucknow compact, may be accepted.

Two further observations must be made on this question of franchise. It seems to the Committee that the principle of proportional representation may be found to be particularly applicable to the circumstances of India, and they recommend that this suggestion be fully explored, so that there may be material for consideration by the Statutory Commission when it sits at the end of ten years. Further, it has been strongly represented to the Committee, and the Committee are themselves firmly convinced, that a complete and stringent Corrupt Practices Act should be passed and brought into operation before the first elections for the legislative councils. There is no such Act at present in existence in India, and the Committee are convinced that it will not be less required in India than it is in other countries.

Clause 9.—The Committee have considered carefully the question who is to preside over the legislative councils in the provinces. They are of opinion that the Governor should not preside, and they advise that, for a period of four years, the President should be appointed by the Governor. Wherever possible it would be a great advantage if someone could be found for this purpose who had had parliamentary experience. The legislative council should itself elect a Vice-President, and at the end of four years the nominated President would disappear, and the President and Vice-President would be elected by the councils. The Committee attribute the greatest importance to this question of the Presidency of the legislative council. It will, in their opinion, conduce very greatly to the successful working of the new councils if they are imbued from the commencement with the spirit and conventions of parliamentary procedure as developed in the Imperial Parliament. The Committee will recur to this subject in dealing with the question of the President of the Legislative Assembly of India.

Clause 11.—The Committee think that the provincial Budget should be submitted to the vote of the Legislative Council, subject to the exemption from this process of certain charges of a special or recurring character which have been set out in the Bill. In cases where the Council alter the provision for a transferred subject, the Committee consider that the Governor would be justified, if so advised by his Ministers, in re-submitting the provision to the Council for a review of their former decision; but they do not apprehend that any statutory prescription to that effect is required. Where the Council have reduced a provision for a reserved subject which the Governor considers essential to the proper administration of the subject concerned, he will have a power of restoration. The Committee wish it to be perfectly clear that this power is real and that its exercise should not be regarded as unusual or arbitrary; unless the Governor has the right to secure supply for those services for which he remains responsible to Parliament, that responsibility cannot justly be fastened upon him.

Whenever the necessity for new taxation arises, as arise it must, the questions involved should be thrashed out by both parts of the Government in consultation together, and it is especially important that in this matter both parts of the Government should, if possible, be in agreement when the proposals of the Government are laid before the Legislature.

Clause 13.—The Committee have rejected the plan of Grand Committees as drafted originally in the Bill. They have done so because in their opinion the Grand Committee did not give the Governor the power of securing legislation in a crisis in respect of those matters for which he is held responsible, and because in respect of ordinary legislation about reserved subjects it perpetuated the system of securing legislation by what is known as the "official bloc," which has been the cause of great friction and heartburning. The responsibility for legislation on reserved subjects is with the Governor in Council, and, when the "official bloc" has been put into operation, it has been put into operation by him. and is merely an indirect way of asserting his responsibility The Committee think it much better that there should be no attempt to conceal the fact that the responsibility is with the Governor in Council, and they recommend a process by which the Governor should be empowered to pass an Act in respect of any reserved subject, if he considers that the Act is necessary for the proper fulfilment of his responsibility to Parliament. He should not do so until he has given every opportunity for the matter to be thoroughly discussed in the Legislative Council, and as a sensible man, he should, of course, endeavour to carry the Legislative Council with him in the matter by the strength of his case. But, if he finds that cannot be so, then he should have the power to proceed on his own responsibility. Acts passed on his sole responsibility should be reserved by the Governor-General for His Majesty's pleasure, and be laid before Parliament. His Majesty will necessarily be advised by the Secretary of State for India, and the responsibility for the advice to be given to His Majesty can only rest with the Secretary of State. But the Committee suggest that the Standing Committee of Parliament, whose appointment they have advised, should be specially consulted about Acts of this character. Provision, however, is made in the Bill for the avoidance of delay in case of a grave emergency by giving the Governor-General power to assent to the Act without reserving it, though this of course would prevent subsequent disallowance by His Majesty in Council.

Clause 15.—The Committee have two observations to make on the working of this Clause. On the one hand they do not think that any change in the boundaries of a province should be made without due consideration of the views of the Legislative Council of the province. On the other hand, they are of opinion that any clear request made by a majority of the members of a Legislative Council representing a distinctive racial or linguistic territorial unit for its constitution under this Clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed by the Secretary of State, and that it should not be a bar to the appointment of such a commission of inquiry that the majority of the Legislative Council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit.

PART II.

Clause 18.—As will be explained below, the Committee do not accept the device, in the Bill as drafted, of carrying government measures through the Council of State without reference to the Legislative Assembly, in cases where the latter body cannot be got to assent to a law which the Governor-General considers essential. Under the scheme which the Committee propose to substitute for this procedure there is no necessity to retain the Council of State as an organ for government legislation. It should therefore be reconstituted from the commencement as a true Second Chamber. They recommend that it should consist of sixty members, of whom not more than twenty should be official members. The Franchise Committee advise that the non-official members should be elected by the same group of persons as elect the members of the Legislative Assembly and in the same constituencies. This is a plan which the Committee could in no circumstances accept. They hope and believe that a different system of election for the Council of State can be devised by the time the constitution embodied in this Bill comes into operation, and they recommend that the Government of India be enjoined forthwith to make suggestions accordingly, to which effect can be given without delaying the inauguration of the new constitution. If the advice of the Committee that it be re-appointed for the purpose of considering the rules to be framed under this Bill be approved, it should have an opportunity of considering the proposals made for the election of the Council of State.

Clause 19.—For the Legislative Assembly the Committee are equally unwilling to accept, as a permanent arrangement, the method of indirect election proposed in the report of the Franchise Committee. If by no other course it were possible to avoid delay in bringing the constitution enacted by the Bill into operation, the Committee would acquiesce in that method for a preliminary period of three years. But they are not convinced that delay would be involved in preparing a better scheme of direct election, and they endorse the views expressed by the Government of India in paragraph 39 of its despatch dealing with the subject. They accordingly advise that the Government of India be instructed at once to make recommendations to this effect at the earliest possible moment. These recommendations as embodied in draft rules would also be subject to examination by this Committee if re-appointed.

Clause 20.—The Committee think that the President of the Legislative Assembly should for four years be a person appointed by the Governor-General. He should be qualified by experience in the House of Commons and a knowledge of parliamentary procedure, precedents and conventions. He should be the guide and adviser of the Presidents of the provincial councils, and he should be chosen with a view to the influence which it is hoped he would have on the whole history of parliamentary procedure in India. He should be paid an adequate salary.

Clause 25.—This is a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly, on the understanding that this body is constituted as a chamber reasonably representative in character and elected directly by suitable constituencies. The Committee consider it necessary (as suggested to them by the consolidated fund charges in the Imperial Parliament) to exempt certain charges of a special or recurring nature, which have been set out in the Bill, *e.g.*, the cost of defence, the debt charges and certain fixed salaries, from the process of being voted. But otherwise they would leave the Assembly free to criticise and vote the estimates of expenditure of the Government of India. It is not, however, within the scheme of the Bill to introduce at the present stage any measure of responsible government into the central administration, and a power must be reserved to the Governor-General in Council of treating as sanctioned any expenditure which the Assembly may have refused to vote if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good government of the country. It should be understood from the beginning that this power of the Governor-General in Council is real, and that it is meant to be used if and whenever necessary.

Clause 26.—For reasons which prompted the rejection of the process of certification by a Governor to a grand committee in a province, the Committee are opposed to the proposals in the Bill which would have enabled the Governor-General to refer to the Council of State, and to obtain by virtue of his official majority in that body any legislation which the lower chamber refuse to accept, but which he regarded as essential to the discharge of his duties. The Committee have no hesitation in accepting the view that the Governor-General in Council should in all circumstances be fully empowered to secure legislation which is required for the discharge of his responsibilities; but they think it is unworthy that such responsibility should be concealed through the action of a Council of State specially devised in its composition to secure the necessary powers. They believe that in such a case it would add strength to the Government of India to act before the world on its own responsibility. In order, however, that Parliament may be fully apprised of the position and of the considerations which led to this exeeptional procedure, they advise that all Acts passed in this manner should be laid before Parliament, who would naturally consider the opinion of the standing committee already referred to.

Clause 28.—The recommendation of the Committee is that the present limitation on the number of the members of the Governor-General's Executive Council should be removed, that three members of that Council should continue to be public servants or ex-public servants who have had not less than ten years' experience in the service of the Crown in India; that one member of the Council should have definite legal qualifications, but that those

qualifications may be gained in India as well as in the United Kingdom; and that not less than three members of the Council should be Indians. In this connection it must be borne in mind that the members of the Council drawn from the ranks of the public servants will, as time goes on, be more and more likely to be of Indian rather than of European extraction.

Clause 29.—The Committee have inserted this provision to allow of the selection of members of the Legislature who will be able to undertake duties similar to those of the Parliamentary Under-Secretaries in this country. It should be entirely at the discretion of the Governor-General to say to which departments these officers should be attached, and to define the scope of their duties.

Part III.

Clause 30.—The Committee think that all charges of the India Office, not being "agency" charges should be paid out of moneys to be provided by Parliament.

Clause 31.—The Committee are not in favour of the abolition of the Council of India. They think that, at any rate for some time to come, it will be absolutely necessary that the Secretary of State should be advised by persons of Indian experience, and they are convinced that, if no such Council existed, the Secretary of State would have to form an informal one if not a formal one. Therefore, they think it much better to continue a body which has all the advantages behind it of tradition and authority, although they would not debar the readjustment of its work so as to make it possible to introduce what is known as the portfolio system. They think, also, that its constitution may advantageously be modified by the introduction of more Indians into it and by shortening of the period of the service upon it, in order to ensure a continuous flow of fresh experience from India and to relieve Indian members from the necessity of spending so long a period as seven years in England.

Clause 33.—The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial governments. In the relations of the Secretary of State with the Governor-General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor-General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to anyone else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the Statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party.

The relations of the Secretary of State and of the Government of India with provincial governments should, in the Committee's judgment, be regulated by similar principles, so far as the reserved subjects are concerned. It follows, therefore, that in purely provincial matters which are reserved, where the provincial government and legislature are in agreement, their view should ordinarily be allowed to prevail, though it is necessary to bear in mind the fact that some reserved subjects do cover matters in which the central government is closely concerned. Over transferred subjects, on the other hand, the control of the Governor-General in Council, and thus of the Secretary of State, should be restricted in future within the narrowest possible limits, which will be defined by rules under sub-clause 3 of Clause 1 of the Bill.

Rules under this clause will be subsidiary legislation of sufficient moment to justify their being brought especially to the notice of Parliament. The Secretary of State might conveniently discuss them with the Standing Committee whose creation has been recommended in this Report; and Parliament would no doubt consider the opinion of this body when the rules come, as it is proposed that they should do, for acceptance by positive resolution in both Houses. The same procedure is recommended by the Committee for adoption in the case of rules of special or novel importance under other clauses of the Bill. It must be for the Secretary of State to decide which of the many rules that will fall to be drafted by the Government of India can be sufficiently dealt with by the ordinary process of lying on the table of Parliament for a certain number of days. In deciding this point, however, he may naturally have recourse to the advice of the Standing Committee, should it happen to be in session, and obtain their assistance in determining which rules deserve to be made the subject of the more formal procedure by positive resolution.

Clause 35.—This clause carries out the recommendation of Lord Crewe's Committee to appoint a High Commissioner for India, to be paid out of Indian revenues, who will perform for India functions of agency, as distinguished from political functions, analogous to those now performed in the offices of the High Commissioners of the Dominions.

Part IV.

Clause 36.—The Committee do not conceal from themselves that the position of the public services in working the new constitutions in the provinces will, in certain circumstances, be difficult. They are of opinion that these services have deserved the admiration and gratitude of the whole Empire. They know that some members of the services regard the wisdom of the proposed changes with grave misgiving, and that some fear that those changes will not tend to the welfare of the Indian masses. They are convinced, however, that the services will accept the changing conditions and the inevitable alteration in their own position, and devote themselves in all loyalty to making a success, so far as in them lies, of the new constitution.

In the provinces officers serving in a reserved department will be controlled by the Governor in Council, and in a transferred department by the Governor acting with Ministers, but in both cases alike the personal concurrence of the Governor should be regarded as essential in the case of all orders of any importance prejudicially affecting the position or prospects of officers appointed by the Secretary of State.

The Committte think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited, and they have introduced fresh provisions into this clause to that end. If friction occurs, a re-adjustment of persons and places may often get over the difficulty, and the Governor must always regard it as one of his most important duties to establish a complete understanding between

his Ministers and the officers through whom they will have to work. But if there are members of the service whose doubts as to the changes to be made are so deeply rooted that they feel they cannot usefully endeavour to take part in them, then the Committee think it would only be fair to those officers that they should be offered an equivalent career elsewhere, if it is in the power of His Majesty's Government to do so, or, in the last resort, that they should be allowed to retire on such pension as the Secretary of State in Council may considered suitable to their period of service.

PART V.

Clause 41.—The Committee are of opinion that the Statutory Commission should not be appointed until the expiration of ten years, and that no changes of substance in the constitution, whether in the franchise or in the lists of reserved and transferred subjects or otherwise, should be made in the interval. The Commission will be fully empowered to examine the working of the constitutions in all their details in the provinces, and to advise whether the time has come for full responsible government in each province, or in the alternative whether and to what extent the powers of self-government already granted should be extended, or modified, or restricted. It should be clearly understood, also, that the Commission should be empowered to examine into the working of the Government of India and to advise in respect of the Government of India no less than in respect of the provincial governments.

8. This concludes the Committee's specific recommendations of the Bill. There remain certain other topics which do not conveniently fall within any particular clause. The first of these is the treatment of Burma, and after hearing evidence the Committee have not advised that Burma should be included within the scheme. They do not doubt but that the Burmese have deserved and should receive a constitution analogous to that provided in this Bill for their Indian fellow-subjects. But Burma is only by accident part of the responsibility of the Governor-General of India. The Burmese are as distinct from the Indians in race and language as they are from the British.

9. Doubts have been expressed from several quarters questioning the financial adjustment proposed between the Central and Provincial Governments in India. Without expressing any opinion on this controversy, the Committee accept and endorse the recommendation of the Government of India that a fully qualified financial commission should be appointed to advise as to the principle on which contributions from the Provincial Governments to the Central Government should in future be adjusted.

10. The Committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government, but they only express this opinion on the understanding that the appointment of such committees, their composition, and the regulations which govern their precedure, shall be matters wholly and exclusively within the discretion of the Governor-General or of the Governor as the case may be.

11. The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without, in some cases, any statutory limitation of the rates and, in other cases, any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular, without expressing any judgment on the question whether the land revenue is a rent or tax, they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different Provinces ; but in some at least the pitch of assessment is entirely at the discretion of the Executive Government. No branch of the administration is regulated with greater elaboration or care : but the people who are most affected have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the well-being of the revenue payers. The subject is one which probably would not be transferred to ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords ; and the system should be established on a clear statutory basis before this change takes place.

12. The Committee have not hitherto touched on the subject of education in India, and it is far too large for them to make any attempt to deal with it adequately. They have accepted the recommendation of the Functions Committee that, subject to certain reservations about the Universities, the responsibility for the whole field of education in each province should be transferred to ministers. They attach much importance, however, to the educational advancement of the depressed and backward classes, and they trust that the subject will receive special attention from ministers. They are also impressed by the advantage of Boards, such as Sir Michael Sadler has advised in Bengal, for the assistance of ministers in controlling the different grades of education, and they trust that ministers will see their way from the outset to constitute such Boards in every province. The Committee would similarly commend to ministers the advisability of creating local government departments in the provinces

13. The Committee attach the greatest importance to the formation in each Provincial Government of a strong department of Finance which will serve both sides of the Government alike.

14. The Committee have been greatly struck by the earnest representations made to them by several witnesses, both of British and Indian birth, to the effect that the Government of India and the provincial governments must become more vocal, and put forth their view of what the good of India requires with more courage and more persistence than they have in the past. It has been represented to them that it will be of the utmost importance in the future that the Government of India and the provincial governments should have means of explaining to the people of India the reasons why things are done, the reasons which underlie decisions, and the arguments against proposals which they consider will be detrimental to the welfare of the country. It was represented to the Committee that at present, to a great extent, the case for the policy of the Government of India and of the provincial governments is unknown to the masses of Indians, whereas the case against that policy is becoming every day more widely disseminated by means of the vernacular Press. They are glad to think that this opinion is also shared by the Secretary of State for India and the Viceroy. It is dealt with in paragraph 326 of their Report on Indian Constitutional Reforms.

15. In conclusion the Committee emphatically repudiate the suggestion that the changes in this Bill in the form of the provincial governments of India imply any condemnation of the present system of government in India. The Government of India has accomplished great things for India's good and one of its greatest services has been the introduction into India of a reign of law, to which the Government itself is as much subject as the people it governs. It is no reproach to it that in form it has been everywhere autocratic. So long as Parliament on the one hand did not bestow any form of constitutional self-government on any part of India, and on the other hand held the Government of India rigidly responsible to itself for its every action, it could not be otherwise in the provinces any more than at the central seat of government. But, whatever the form, the spirit of its being everywhere and always has been effort for the welfare of the masses of the people of India.

16. The Committee have directed the Minutes of Proceedings, together with Appendices, to be laid before both Houses of Parliament.

The said Draft Report is read and considered.

Paragraphs 1 to 16 are read, and *agreed to.*

The Draft Report is *agreed to* without Amendment.

Ordered, that the Lord in the Chair do make the said report to the House of Lords.

Ordered, that Mr. *Montagu* do make the said report and report the Bill, with amendments, to the House of Commons.

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JOINT SELECT COMMITTEE

ON THE

GOVERNMENT OF INDIA BILL,

Vol. II.

MINUTES OF EVIDENCE.

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17*th November*, 1919.

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MEMBERS, PRESENT:

Duke of NORTHUMBERLAND.
Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.

Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

Chairman.] I wish to state on behalf of the Committee to the Press and the public that there will be an official report of the evidence, and that will be the only accurate and authorised copy. If any representative bodies wish copies of that authorised edition of the evidence to be furnished to them they should make an application to the Clerk of this Committee, and I will decide as Chairman whether that copy should be given. I may say that it will be given to any really representative people.

SIR JAMES MESTON, K.C.S.I., is called in; and Examined as follows:—

Chairman.

1. You are Finance Member of the Government of India?—Yes.

2. The opinions of the Government of India are recorded in the memoranda and letters of the Governor-General in Council?—Yes.

3. And, of course, those are the only expressions of opinion of the Government of India which we can recognise. You are here to answer any questions as to the meaning of that opinion, and to elucidate any points which may not be clear to us?—Yes.

4. When we have done with the Government of India we shall be prepared to hear your private opinion as an Indian Civil Servant of great distinction and experience, but at the present moment we are only going to ask you questions in elucidation of the views expressed officially by the Government of India. Will you, in the first instance, explain to the Committee as briefly as you can the attitude taken by the Government of India in the documents to which I have referred towards the policy embodied in the Government of India Bill, and when you have done that will you kindly explain to us what the amendments are which the Government of India suggest in this Bill and the reasons for those amendments?—The views of the Government of India have been expressed in a series of ten despatches, and it is the intention of the Government of India still further to develop the picture by submitting to the Secretary of State drafts of regulations, of subsidiary legislation which they may have to undertake themselves and of descriptions of procedure which will be necessary to complete as a working scheme the policy of the Bill. The Government of India have asked me to express to this Committee, with the Secretary of State's permission, their very great appreciation of the gravity and magnitude of their own responsibility in the matter. They feel that it is almost impossible to exaggerate the vastness of the experiment of creating for the first time in history a democracy in a great Eastern country, and consequently they make no apology for the apparently inordinate length at which they have set forth their views and their picture of the details of the scheme. What they endeavoured to do was to take every responsible scheme that has been so far placed before them and to try to work it out in detail with their own special knowledge of the material with which it would have to be constructed and the environment in which it would have to start its operations. That is exactly how they treated the Joint Report of the Secretary of State and the Viceroy. They treated it as a draft. They believe that they had an invitation from both the authors of the Report, and they accepted that invitation to examine it critically, to subject it to every possible scrutiny that their experience suggested, and, if possible, to improve it. They tried to picture the scheme in its daily working in future, and they tried to gauge the feelings, the prejudices, if you like—of those who would participate in its working from the outset. They tried to map out the dangers to which the scheme would be likely to be exposed, and they tried to suggest measures for getting round those dangers.

In their despatches, and in the subsidiary papers which I have brought home, we have endeavoured to paint a complete picture, and in doing so it was almost inevitable that we should get away in some respects from the details of the original sketch. I might put it in another way. We took the Report as, so to speak, an architectural drawing, the frontal elevation of some great building, and we tried to translate this into a working plan from which the builders could construct the building with the materials which they knew were at hand, and provide for the needs of those who were going to occupy it. In constructing this working plan we found inevitably certain matters in which the original elevation had to be modified, and it is these modifications that I have been asked to place before the Secretary of State and this Committee. If I am not going beyond the terms of your question, I should like to emphasise, and I have been asked to emphasise, one more point. The Government of India have done nothing more than this: They applied similar tests to every responsible scheme that came before them, and they found that the application of those tests meant the rejection of all the alternative schemes. They are thus in absolutely whole-hearted accord with the policy embodied in the Bill. They accept every vital principle to which the Bill gives effect. There is no difference of opinion in regard to this.

One further point which I have been asked to submit, with reference more directly to criticisms which have been addressed to the Government of India's Despatches, is that they have not consciously endeavoured to whittle away the scheme in any respect whatsoever. They set to work with no primary intention of either enlarging or diminishing the generosity of the scheme. Their sole idea, their sole ambition, was to develop the scheme into an effective working plan. If it does seem to some critics that they have diminished the generosity of it, I think it will be found that that is very largely due to unrealisable hopes that were built upon the original project. However that may be, the sole endeavour of the Government of India has been to show how they can make this scheme a success, and how they can get over the

Chairman—continued.

dangers which they foresee in its working. That, briefly speaking, is the attitude of the Government of India.

5. Having made that position clear, will you proceed to deal with the variations in the scheme now suggested by the Government of India?—There are two classes of variations. There are variations in regard to matters which, if the Bill becomes law as it now stands, will be the subject of rules and regulations, and in regard to them there are a number of minute, or, at least, minor, details upon which the Government of India would like to see departures from what was indicated in the Joint Report. The second class of variations would be alterations which the Government of India would propose in the text of the Bill as it now stands. Do you wish me to address myself to the latter?

6. The latter first and then the rules?—Shall I take the Bill clause by clause?

7. If you please?—The first point in reference to the actual text of the Bill occurs in Clause 4. In Clause 4 it is now proposed that in a Provincial Executive Council only one member, instead of at present two, should have had previous experience of service in India. The Government of India, while accepting this as a general rule, would prefer to see a second official member of Council attached in the event of the Governor being a stranger to India.

The second point is Clause 6. Clause 6 would have the effect of fixing, subject to the five per cent. marginal variation in proviso (a), the number and the details of the constitution of the Provincial Legislative Councils. The Government of India would prefer to leave at least the details to rules which would subsequently be made under the Act. They accept the provision of the maximum total strength of the Councils, but they would like more liberty, more time, to consider the detailed constitution. I may say that they have no intention of going behind the principle of the large elected majority, but their views as to the electorate and the constitution proposed in Lord Southborough's Committee's Report have not yet been finally reached. They think that the subject requires more ventilation, and they would like to postpone, until rules come to be framed, the details which are now given in the first schedule.

In Clause 8 there is very little difference of opinion, and it is very largely formal, but in Sub-Clause (3) Item (f) the principle is embodied of making a number of provincial subjects amenable to Indian legislation. The Government of India doubt whether this is the best way of effecting the control which they agree will have to be exercised over certain subjects, more particularly the transferred subjects. They are inclined to think that in regard to transferred subjects the preferable procedure would be to have a schedule or list of Indian Acts which are permanent, and may not be varied by the provincial legislatures. They are a little apprehensive that this wide power of subjecting provincial subjects to Indian legislation may be regarded as going further than the intentions of the framers of the Report. The difference, however, is more formal than substantial. A still more important matter in the same sub-clause is that it omits wholly an important provision in the present law. If you refer to Section 79 of the Government of India Act. Item (e) of Sub-Section 3 you will see that the local legislature at present has to get previous sanction before it can deal with any measure affecting the religion or religious rites and usages of any class of British subjects in India. What we felt about this was that although admittedly the present law has been regarded as hampering social development in India, it is still necessary to retain a central control over the personal law of Hindoos and Mohammedans. We think it is extremely desirable that provinces should be at liberty to deal with such matters as religious charities, which at present are liable to very grave abuse, and social reforms of any sort almost which do not affect the structure of the personal law of the two great communities. The personal law of Hindoos and Mohammedans is a matter which transcends all provinces. The Hindoo, who is subject to the law of succession prevailing in Guierat, may come and live in Benares and still be amenable to that law, and we are a little apprehensive that any provincial experiments tampering with those provisions would be dangerous and resented. Consequently, we should like to retain in Clause 8 (3) of the Bill a general provision safeguarding the essential features of Hindoo and Mohammedan law. This is not an attempt at drafting, but the sub-clause that we proposed is "affecting any general principle of Hindoo or Mohammedan law." I do not know whether you want me to develop the argument for these modifications or simply to state them.

8. No, simply state them?—In Clause 9 we come to the first real difference of substance. Clause 9, Sub-Clause (2), is drawn in accordance with the proposals of the Report for the financial relations between the two halves of the Provincial Government. I need not repeat those proposals, but the Government of India wish to enter a very strong plea for a clearer demarcation between the financial resources, duties and responsibilities of the official Government on the one hand and the popular Government on the other, than is here proposed. It is a very long story, but the controversy between what has been called the Joint Purse and the Separate Purse is one in which I should be very glad to help the Committee at any time when they require it.

9. You must make that case fully?—Now?

10. Yes?—The proposals in the Report contemplate a single pool into which the whole of the revenues of a province are poured. From that pool every year, at the time of the preparation of the Provincial Budget, the two halves of the Government will meet and endeavour to draw the funds which they require for carrying on the work of the coming year. If there is a struggle for the funds, the Governor will endeavour to compose the differences, and the result will be incorporated in the Provincial Budget which goes before the Council. The Legislative Council will then proceed to deal with all the provisions in the Bill—only the expenditure provisions; there is no reference to the Budget arrangements of revenue. The Council will be empowered to reduce any expenditure provisions, and if the estimate which they have reduced is an estimate affecting a reserved subject, and the Governor is of opinion that he cannot carry on the reserved subject with the reduced funds proposed by the Council, he will be empowered to restore the original estimate and to treat it as if it had been passed by the Council. I may say parenthetically that up to the time I left India the Government of India had not fully appreciated the form in which Sub-Clause (2) is drawn. The original draft, I think, was, to some extent, different. The Secretary of State had telegraphed the changes which were being proposed, but the telegrams were habitually mutilated, and several of the points which are emphasised in the Government of India's despatches, especially those of an earlier date, had reference to an earlier draft, and I find myself in a position of a little difficulty, although I think I can get over it, in putting what I believe would be the views of the Government of India upon what is now before the Committee That is, however, a parenthesis. The broad principle stands out that the Government of India dislike the common pool They believe that if the Dual Provincial Government is to be accepted it depends to a very considerable measure for its harmonious and successful working upon a clearer demarcation of the financial resources of the two halves of the Provincial Government. Put very briefly, what they propose is that each half of the Government should have unfettered control over the revenues from its own Departments. If the revenues from the Departments managed by the official half of the Government are insufficient for their normal requirements, they would be adjusted by a transfer, a subsidy if you like to call it so, or an assignment as we call it in India, from the resources at the disposal of the popular half of the Government; and *vice versâ*. That assignment might take the form either of a share of some head of revenue belonging to a Department under the Provincial Government, or if this is found objectionable, it might take the form of a fixed cash provision rising probably year by year in some fixed proportion so as to allow for the development of expenditure. But what we suggest is that it is of the highest importance that any arrangement

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Chairman—continued.

of this sort should be made for a period of years, that we should avoid what we believe would be fatal to the harmony of the scheme, the annual wrangle of the two halves of the Government over their Budget, two dippers plunging into this pool and clashing with each other.

The main considerations which have weighed with the Government of India in pressing for this very important modification of the scheme in the Report, and, I think, clearly intended to be embodied in the Bill, are at least five. The first is the very obvious one that separate revenues, with separate power over their own revenues, form a tremendous stimulus to the half of the Government concerned, to develop its own resources. Under the joint purse what we fear is that neither half will feel directly the responsibility for making the best of its own revenues. It may be subjected to temptation to diminish revenue; it may be the subject of fads, if you like; and it may give away revenue with a happy sort of feeling that it does not very much matter, because, after all, the pool is there, and if they are not putting quite so much into it as they used to do, or as their critics think they might do, anyhow, the other half are putting in all the funds which may be required. And we do believe that the actual personal responsibility, so to speak, for the results of revenue administration are just as important a factor in administrative training as the responsibility for expenditure.

The second reason that weighed with the Government of India was that a joint purse involves a very considerable degree of temptation to meddle with each others' affairs. We believe, rightly or wrongly, that the success of this scheme will very largely depend on a clear demarcation of the duty which each half of the Government is going to undertake. We believe that it is only by marking down each man's job and making him stick to it, and making him stand by the results, that we will train the new Popular Government in its duties, and that we will make the new Popular Government able to show the proof of its capacity for further confidence. That will be very largely infringed, we fear, by the principle of the joint purse. Let me take an example. Supposing you have, as you undoubtedly will have, excise made a transferred subject. The natural and inevitable course of the policy of Ministers in realing with excise will be to press more and more for prohibition. They believe, rightly or wrongly, that our excise policy has encouraged intemperance among certain classes, and they are committed, deeply committed, to breaking down that policy and to reducing very largely the facilities for intoxicants. Now, as long as there is a joint pool, and the official Government see the trickle of excise revenue, which is a very substantial thing in some provinces, getting less and less there will be a serious tendency for them to come in and remonstrate, and say, "It is all very well, but in your zeal for temperance your are killing your revenue without producing the results you wish." That is what I mean by meddlesomeness. Take the police. There is a rooted conviction among classes of Indian politicians that we are extravagant over our police, and there will be a tendency to press us in every possible way to reduce our charges for police. This affects expenditure, but when I talk about the separate purse, I include revenue and expenditure. There again, you have a temptation to meddlesomeness. In many of the documents which one reads about this and other subjects, there is a sort of easy going assumption that all these fears that we entertain will mean really nothing, because you are going to start this great experiment in a temper of good sense, an intention and determination on both sides to make the best of it. If that were so then I should not have a word to say—the Government of India would not wish to say a word—but the Government of India are apprehensive about the state of feeling under which this thing is going to start. At the present moment feeling runs high. There will be during the initial stages of this new regime much misunderstanding and many oportunities for conflict, and we do feel that we ought to diminish these as far as possible.

Then the third, and almost the gravest, of all the difficulties about the joint purse is the friction that it must produce. We are constantly being told that the friction of a three-yearly, or five-yearly, or seven-

Chairman—continued.

yearly settlement of revenue as between the two halves of the Government, will be just as great as the annual friction over the distribution of the funds in the preparation of the Budget. That, I think, is an absolutely untenable proposition. The friction over the annual distribution of resources will begin in an Indian province about November, when the estimates of the various Departments come into the Finance Department. It will then be immediately apparent that one half or the other of the Government is working for a great deal more than it has any chance of getting. That, if everybody were on friendly terms, would be a matter of relative unimportance, but suppose there is a desperate enthusiasm on the part of each half to get the funds that it wants for its own particular purposes, this feeling, starting in November, will grow very acute until the time that the Governor has to come in and compose it. It is an extraordinarily difficult task for the Governor, and he may fail. If he fails the friction is carried into the Legislative Council when it deals with the Budget. The Legislative Council cuts down one side or the other side; fierce opposition is manifested by the side which has suffered, and, really, till the Budget is finally passed, about April, there is no peace. Now what we feel is that the cumulative effect of this wrangle going on for five months every year must be infinitely greater than any dissatisfaction that may be felt as regards a settlement made, we hope by an impartial body, once in three, five, or seven years. It is just this sort of friction over funds which may seriously imperil the harmonious working of the Council and of the Ministers with their official colleagues. We would do anything we can to remove avoidable points of friction, because we believe that is the greatest danger under the system which the Bill incorporates.

The fourth point is a more detailed and practical one probably, at least it is a more technical one. Anyone who has been Financial Secretary to a province knows perfectly well that the schemes which come in for his consideration right through the year, at all times, are very often schemes which do not necessarily restrict themselves to the Budget provisions for the coming year. Take almost anything that we have to deal with—an increase in our magistracy, which runs over a considerable period; an increase in scales of pay of our civil courts, which are at present underpaid; that runs over years. I am talking about the subordinate courts, munsiffs, and persons of that sort. A scheme for bridging rivers and laying out main roads runs for years; a scheme for improving our police buildings and our court houses, which, in some provinces are an absolute scandal; all these must run for years, and the Finance Department, if it is going to deal intelligently with any scheme of that sort, has to look far beyond the Budget provisions of the next twelve months. It has got to get into its mind, and it has in its mind, a general idea of the expansive capacity of its revenues; it is on the basis of that idea that it commits itself to schemes of continuous recurring expenditure. Now, our point is that unless we know definitely what are to be our resources it is impossible for us to maintain in our minds any estimate of future resources available for this class of work. It sounds technical, but it is a very practical point, and the Government of India feel that under the joint purse system it would be practically impossible for the Finance Department of the province to commit itself to important schemes involving recurring and growing expenditure.

The fifth and last argument which weighed with the Government of India is not wholely financial; it is partly political. It is based on the very exaggerated hopes which have been framed in India by certain perfectly responsible gentlemen, men who will have to play an important part in the inception of the new regime, as to the effect of the joint purse. If you will permit me, I shall illustrate this in the briefest possible manner by referring to certain phrases in a memorandum that has been put forward by a number of very eminent Indian gentlemen of the more moderate school of politics. It is a memorandum by Sir Dinshaw Wacha and Sir Naravan Chandravarkar, and so on. I will hand this in. It is an Appendix to the first Despatch of the Government of India. In the course of this memo-

Chairman—continued.

randum, in paragraph 11, the writers say this: They are talking about financial control, and they are arguing in effect that the financial control which this scheme gives is very much what was hoped for—very much more than it looks on the surface. What they say is this: "The Ministers will naturally, in their own interests, exercise a jealous and vigilant control over the expenditure on reserved subjects in order that the transferred subjects may get as large an allotment as possible, so as to obviate the necessity or reduce the extent of additional taxation, which they honestly think could be avoided." At the end of the same paragraph they say: "The result in practice, therefore, is bound to be an effective control by the Legislature for all practical purposes of nearly the whole of the Provincial Finance even during the transitional period. We consider this to be the great merit of the reform proposals." The Government of India feel that this is an interpretation which is not consistent with the spirit of the measure. They do not believe that it is intended that the official Government is to be left responsible for a very considerable share, and a very important share, of the administration of the province if the power of the purse is to be very largely in other hands.

Finally, it has been urged that the joint purse might very well be accepted as a sign of confidence, and that we might trust that association will increase the harmony of working. What we wish to suggest is that there is much more chance of confidence growing when each side has seen that the other side is honestly doing its best with its own revenues. We would rather start with a clear-cut definition of the position, a clear field of resources, and a clear responsibility for the best use of them, and trust that the growth of confidence and harmonious feeling would in time bring us nearer the scheme of the Report. That is, as briefly as I can put it, the case for the separate purse.

Reverting to clause 9, in one of their despatches the Government of India took what may be regarded as a somewhat extreme attitude in regard to the procedure in the Legislature dealing with the Budget. I think I may say that that attitude would be to some extent modified by the form in which the Bill now stands, more particularly inasmuch as it is now perfectly clear that the action of the Legislature in handling the Budget is restricted to reducing estimates of expenditure and not to increasing grants, following the Parliamentary procedure. Still, there is this difference of opinion, that the Government of India would press for a legislative handling of the provincial estimates on reserved subjects which would not tie the hands of the Executive. They feel that as at present arranged the power to cut down estimates for a reserved department does amount to a very material control over the administration of the department. We are the last to resent any form of advice or influence that would be exercised over the official half of the Government in dealing with reserved subjects, but we feel that the command over their own estimates—the power to pass their own estimates—is an essential condition of administrative responsibility on their part. It has been proposed, but we do not suggest it, that the estimates for reserved subjects should be taken in grand committee. That, of course, is one conceivable alternative, but we do press the view that resolutions on the Budget passed by the Legislative Council with regard to reserved estimates should not be binding on the Executive. It is perfectly true that the Bill provides machinery by which the Governor, if he is satisfied that reduction is unreasonable, or is likely to interfere with his responsibility for carrying on the proper administration of the reserved subjects, has power to restore the estimate; but every act of this sort will expose the Governor to very serious criticism in the Council, to attack in the Council, and to criticism in the Press, and it is quite conceivable that a Governor may shrink from carrying out this duty even when he feels that he ought to undertake it. It is placing a very heavy task upon an officer who is already very heavily burdened by the duties of this new regime. If I may speak quite frankly, there is a rooted belief among certain sections of Indian politicians that all these exceptional powers of the Governor, the power to restore curtailed estimates, and the power to certify

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legislation for a Grand Committee, will in effect be very rarely exercised; that the pressure of popular opinion, the effect of agitation, will be so strong that the Governor will regard them rather as a last resort than as an ordinary piece of machinery in the administrative business of the day. The Government or India had proposed that the resolutions of the Legislative Council in regard to transferred estimates should also not be binding on the Ministers, but that, as I say, was before the Bill had assumed its present form, and I think I may say that their opposition to the powers of the Council over transferred estimates would be modified if they had the measure before them in the form it now takes. What we did particularly want was to protect Ministers against grants being enlarged by the Councils, against their policy being upset by a complete alteration of the whole scheme of their Budget; but, inasmuch as the Councils are now restricted to the reduction of estimates I think the Government of India's opposition would be modified if not withdrawn.

In regard to Sub-Clause (3) of Clause 9 the Government of India have sent home a dispatch in which they discuss the constitution of Grand Committees, and endeavour to procure for each province a Grand Committee, which leaves the official half of the Government in no worse position for securing essential legislation than the Provincial Government is at present *vis à vis* the Morley-Minto Councils. But I fancy that is probably more a matter for rules than for insertion in the Bill. Similarly, in Clause 15, the Government of India wish to represent very strongly a particular form of election for the Council of State. They differ in this respect from the proposals of the Committee presided over by Lord Southborough, and they wish that the two chambers of the Central Legislature should not be elected by precisely the same college, as Lord Southborough's Committee has proposed. But that also again, I am afraid, is probably outside your immediate question, because it will be presumably settled by statutory rules.

11. Still, it is a very important point?—Would you like me to develop it?

12. Yes?—Speaking quite roughly, Lord Southborough's Committee has advised that the elected members of the Assembly, the Lower House, should be elected by the non-official members of the Provincial Legislatures. And they propose that provisionally—I think they admit that it would be inadvisable to maintain it in permanence, but that at any rate provisionally—the elected members of the Council of State should be provided in exactly the same way. Now the Government of India see no virtue in drawing the representatives of the people on these two chambers from the same source, especially as that source is a very limited and narrow one, and also indirect—it is also a form of indirect election, whereas they have always pressed in favour of direct election wherever possible. They realise the difficulties. They realise that Lord Southborough's Committee were faced by a problem which would have required more time for its consideration than they had at their disposal; but they do plead for at least an opportunity of finding an independent electorate for the Council of State. The Report wants to give the Council of State a senatorial capacity, and we should like to carry out that policy by providing a senatorial electorate. We think it can be done. We believe it can be done with very little expenditure of time, that it need not hinder, in any way, the passing of the Bill, and that by the time these bodies come into existence we could have an electoral roll provided and approved by His Majesty's Government, which would produce for the Council of State fresh elements, elements probably of greater responsibility and more representative of the more substantial interests in the State than the proposals of Lord Southborough's Committee permit.

13. Do I understand that they accept the recommendations of Lord Southborough's Committee as regards the Legislative Council?—They do, with some reluctance, accept them as regards the Legislative Council.

14. Was not there some hint in one of the despatches of the Government of India that it would be possible to find a direct electorate?—Yes; but we felt that would probably take more time than was now available.

Chairman—continued.

able. We focussed our recommendations on the Council of State for the time being.

15. You thought that it could be done, but the time would be too long?—Yes. The next point is on Clause 21. This deals with the constitution of the Executive Council of the Governor-General. The present law requires that three members of the Governor-General's Executive Council should have had service under the Crown in India, and that one member should have special qualifications as a lawyer. We recognise that, with the expansion of the Council, the representation of other interests may have to be provided for, and we accept the reduction in the service members from three to two. But we think it is very important that legal qualifications should be maintained for one member. It is of the very highest importance to us to have a legal colleague of high professional standing, and we would beg for at least the perpetuation of the present provision in that respect. We have also suggested both here and, I omitted to say, in the corresponding provisions for the Provincial Executive Council in Clause 4, that there should be a statutory provision for the inclusion of Indian members, but that has been omitted from the Bill, I understand, on the ground of the inadvisability of any racial distinctions of that sort.

In Clause 23 we have a somewhat uneasy feeling that the powers given to the Secretary of State are powers over which there might be no effective control. The Clause is stated in very general terms, and the same general terms attach to the powers of the Secretary of State in other places. But, speaking quite brutally, the law, if it is passed in this form, would enable the Secretary of State to alter the whole constitution by rule. Of course, I state this simply on behalf of the Government of India as a general point. They have no remedy to propose. They realise that the presentation of those rules to Parliament may act as a sufficient safeguard. At the same time, they think it is not improbable that a very important rule might lie on the tables of both Houses of Parliament for thirty days without coming under prominent notice. The only thing that they did constructively put forward was a suggestion that simultaneously with the laying of those rules before Parliament it might be advisable to allow publication in India.

The only other point I have to mention is a purely technical point in Clause 27. Clause 27—a provision which we very strongly support—is made for the appointment of an Auditor-General, who shall be amenable to no influence in India, so to speak. But there is no corresponding provision for appointing a temporary Auditor-General in the absence, owing to leave or otherwise, of the permanent official. A provision to this effect is made in the substantive law for certain other high officials who are specified in the Act, and it may be a pure oversight that it has not been similarly made here.

Speaking strictly to the Bill, I think these are the only proposals that we wish to put forward for amendment.

Major *Ormsby Gore.*] I presume you want only cross-examination on the points already raised?

Chairman.] Yes.

Major *Ormsby Gore.*

16. (To the *Witness.*) Have you any estimate of the proportion of Provincial revenue that will be required for transferred and reserved subjects respectively? Take your own province—the United Provinces—and assuming that the recommendations of the Feetham Committee are adopted, and that transferred subjects and reserved subjects will be such as are in that Report, what, roughly, is the proportion of expenditure which would be required for the two blocks of subjects—about half and half?—Oh, no. I did make a rough estimate of the different provinces, and it varies from two-thirds reserve and one-third transferred, to four-fifths reserved and one-fifth transferred. That is on the basis of expenditure.

17. Assuming that your proposal for the separate purse is accepted, what control would the Legislative Councils have over the expenditure by the official side of the Government? I did not quite follow that. Assuming the separate purse, would the Legislative Council have anything to do with the reserve subject

Major *Ormsby Gore*—continued.

expenditure?—Well, we accept the proposal that they should deal with it by resolutions, but we ask that the resolutions should not be binding—should be influence and not control.

18. That is to say, they would have before them two Budgets each year; one, their own Budget, over which they have absolute control for transferred subjects, and another Budget, on which they would pass resolutions which would have no binding authority?—Yes.

19. Two quite separate procedures?—In practice the estimates would probably be presented as a whole, but in two parts. The first part would be, as you say, figures about which the Council would not be able to pass any binding resolutions; but over the second part they would have the powers that are proposed in the Bill.

20. In Clause 9 you refer to the new despatch of the Government of India in regard to the Grand Committee system. Has it ever been suggested, either in the Government of India or in India anywhere, that instead of having the Grand Committee system in regard to the provincial subjects and the Provincial Councils, where a Governor found it was necessary to get his essential legislation, that essential legislation for the province should be got by the Government of India, which still retains a right, I gather, to legislate in provincial matters?—Yes, that proposal has been put forward. The Government of India considered it, and I think the main difficulty in their minds was the fact that this would open a door to a very serious conflict between the Government of India and the popular element in the Provincial Councils. It is also subject to the obvious objection that it takes the proposal out of the forum which is most familiar with the subject and brings it before a body which represents only partially the interest affected. And also further, there is the difficulty that if a measure which is obnoxious to the leaders of popular opinion in a province were carried into the Legislature of the Government of India, it would certainly run very little chance of passing the Legislative Assembly. It would have to be the subject of special certification procedure there in order to get the Council of State to pass it, so that you would still have your certification complication, only at a different stage.

21. I take it, therefore, the Government of India's view is that it must be the personal responsibility of the Governor in each case which withdraws a Bill or a measure to a Grand Committee?—In the last resort.

22. It is the personal responsibility of the Governor?—Yes, in the last resort.

23. You said the Government of India were considering the creation of a senatorial franchise. Have they also considered whether, if such a senatorial franchise is created for the Council of State, it would be possible to dispense with some of the special franchises and special seats in the Lower House—in the Legislative Assembly?—They have considered the possibility of transferring the detailed representation of interests from the Lower House to the Higher, but one obvious difficulty is that the size of the elected element in the Upper House—only 28 members—would not permit of a very detailed representation of many conflicting and varying interests. It has, however, been considered.

24. You said that Clause 23 would enable the Secretary of State to alter the whole constitution by rules, and that in the House of Commons papers laid on the table are not often observed. Have the Government of India proposed to make any definite recommendations with regard to particular categories of rules being added to this Bill and made statutory?—They have put forward a few—what they call fundamental rules of procedure—for which they would like cover under the Bill, and about which they are a little doubtful whether cover now exists; but I do not think they have gone beyond that.

25. In fact, on the whole they are content to leave it to rules, and they think the rule method is better than increasing the size of the Statute?—Very much more elastic, yes.

Mr. *Bennett.*

26. Are there not points in which rigidity would be preferred to elasticity? You speak of the elasticity which

Mr. *Bennett*—continued.

which rules give. Are there not fundamental points which it would be better to embody in the Act?—There are a few points which we should be glad to see made permanent, so to speak, and not liable to frequent variation.

27. Could you indicate those at the moment?—I doubt whether I could give you a satisfactory catalogue, but I might mention one or two incidentally by way of illustration. We feel, for instance, that it ought to be made perfectly clear that when the Governor consults the two halves of his Government the result should not be decided by a majority vote of, so to speak, the Provincial Cabinet. Our idea is that a consultation between the two halves of the Government will be mainly directed to helping the half which is seised of the immediate issue to arrive at a wise conclusion, with a knowledge of the feelings of the other half on the subject. That is probably as good an illustration as I could give you.

28. Are there any others which occur to you?—One question which has exercised us is the right of provinces to raise loans on the credit of provincial revenues. At the present moment the law makes the Secretary of State responsible for all loans, and hypothecates them on the whole of the revenues of India. We should like to see (and we really are indifferent whether it is provided under the Act or rules or subsidiary legislation) a provision which enables a province to raise a loan on the security of its own revenues.

29. Have you thought what effect that would have upon the credit of the province? Is the credit of the province as good as the credit of the Imperial Government?—I do not suppose it will be.

30. In one of the despatches the Government of India speaks of the desirability of making their second Chamber a Council of, I think, Elder Statesmen?—It is in the Report.

31. By what means would you suggest giving that constitution?—The machinery would be two-fold. In the first place qualifications might be laid down for membership of the Council of State, and in the second place, as I have just been trying to explain, we should like to have a senatorial franchise in addition.

32. Would you briefly indicate the changes which you have observed in what I may call the body politic in India in your time I mean as regards political energies and political activities, and the organisation of political thought. I mean the changes which have occurred in the state of mind of the Indian people generally with regard to political matters?—I first went to India in the year in which the National Congress was born—in 1885. Though it is difficult for one living in the wood to see how the trees have grown, I do feel that there has been an enormous development of the political sense in India since that time. I believe it is very largely due to the growth of this Congress and its activities, and the organisations which have grown out of it. Below it all, of course, lies the spread of Western education and Western ideas. But the India of to-day is almost unrecognisable to people who knew it thirty years ago, and it is very very different from what it was ten years ago. It is an enormously broad subject to cover, but, if I may say so, what strikes me most is the rapidity with which political ideas are penetrating the people. We talk about agitation, and we talk about excesses in the Press and on the platform, but putting all these aside the fact remains that you have reaching into strata of society, which even ten years ago you would have believed could not be affected, an interest in the development of politics and the desire for a larger share of administration of their own affairs. But even deeper than that is the extraordinary spontaneous growth—I think I am right in calling it spontaneous—of the real spirit of notionalism. It is a very real and very vivid influence in the life of India to-day. It is no use our arguing as to its genesis or even its manifestations, for there it is. There is a pride in India, a pride in its achievements, a belief in its future, which inevitably leads to a very rapid development of political consciousness. It is sometimes a little pathetic in its vagueness and its ignorance, but it is there, and it is growing with an enormous rapidity. It is very difficult for me to attempt to survey the situation briefly.

Mr. *Bennett*—continued.

33. Have you noticed this, that classes which twenty years ago, or perhaps ten years ago, were quite apathetic in regard to political matters and public matters generally, are now taking an active and an intelligent interest in Government and politics. Take the trading classes. Twenty years ago was it your experience that they were indifferent in the matter of politics?—Very largely.

34. And that they have now become keenly interested in political movements and are active supporters of political movements?—Generally speaking I think that is true.

35. Would you say that the most perfect administrative mechanism that we could give to India would fail to meet the requirements of the situation, having in view the political activities and the political aspirations which have been aroused in India?—I fully agree—I mean the Government of India fully agree.

Sir *J. D. Rees.*

36. May I ask is it roughly correct to say that the case of the Government of India is that its wishes have been more or less met except as regards this question of the separate purse and greater representation to the lower castes, both which points are under consideration?—Perhaps I might add the constitution of the Grand Committee. If that is under consideration, if you would add that to your catalogue, I think that is true.

37. That would be about right. Then, as regards the separate purse question, do you hold, like your predecessor Sir James Westland, that the whole revenues of India belong to the Government of India, every rupee, and that everything that is done by the Provincial Governments is merely done as the agents of the Government of India?—Oh no; that theory has gone.

38. Is it correct or not? To whom do the revenues of India belong?—By law to the Secretary of State.

39. Then the Government of India is his agent. It seems to me, then, it has not gone. Were not the arrangements made for provincial assignments with the Provincial Governments, factors in a course of devolution—of decentralisation, rather? Were not these arrangements made admittedly to give the Provincial Governments greater power, greater influence and more independence, in their own areas?—Unquestionably. The original provincial settlement was an arrangement by which the Government of India gave to a province whatever it could spare after meeting its own requirements.

40. And that made the Provincial Government, I presume, more independent, more separate from the Government of India?—No. My point is this: that the provincial settlements were merely a handing out of the crumbs that were left over from the feast of the Central Government, and that every five years any balances which the provinces had acquired were confiscated by the Central Government. The present settlement procedure has broken entirely away from that, and gives the provinces what it is believed they will require normally for their administrative expenditure.

41. That is a process of decentralisation, and, as far as it goes, of greater independence and separation for the Provincial Governments?—Yes, I entirely agree.

42. If that is so would not the provision of a separate purse for the popular half of the Government in like manner make it more separated from, and more independent of, the executive half of the Government?—Precisely.

43. You said that there would be a great pressure of public opinion, as there obviously will be, upon the Governors, which would prevent them from exercising their powers of certification and of veto, or whatever you like to call it. Would not the provision of a separate purse to the popular half of the Government render it far more difficult for the Governor to defer to public opinion in the manner which I gather you yourself approve?—The provision of a separate purse would dispense with the necessity of the Governor having to restore, in the face of a hostile Council, a Budget provision on reserved subjects to which his Council had taken exception.

44. But would not the provision of a separate purse tend to separate the popular half from the official half of the Government? I notice in your evidence you

Sir *J. D. Rees*—continued.

speak of the popular half as the new Popular Government. I ask you this because I take the spirit of the proceedings of the new reform proposals to be to preserve the unity of the Provincial Governments and only to alter the method of administering the transferred subjects. In a word, is it not the case that the provision of a separate purse must operate against the maintenance of the unity of the Provincial Governments? That is what I want to lead up to?—I think that the separate purse will operate against the enforced association of the two halves of the Government. It will give each half of the Government a clearer field of responsibility and work; but I hope that it will not prevent the spontaneous association of the two halves of the Government in advice and consultation.

45. But you do agree that it will so far be a dividing influence that it will make for separation and not for unity?—We say that it makes for a healthy separation in that particular point.

46. It makes for separation, but a healthy separation?—In that particular respect, yes.

47. For a separation which you deem to be healthy?—Yes.

48. The Madras share is to be maintained at a wholly disproportionate amount to the total amount to be made up by the Provincial Governments. What has Madras to compensate them for what the Government of India proposes to make over to them?—As to provincial contributions?

49. Yes?—We do feel that the Madras Government has a very real grievance, and that another Provincial Government is in the same position—the United Provinces—but what we suggested was that although for the moment the partition proposed in the Report must be accepted *faute de mieux*, we should like to see a Committee of financial relations established as soon as possible to devise an equitable scale of contributions and to propose the stages by which it should be reached.

50. And meawhile Madras and United Provinces will remain the milch cows?—Anyhow they will have sufficient money for their normal expenditure.

51. Upon the main principle that you have stated as regards the revenues of India, is it the case that the Government of India practically is the Government of all India, including the provinces? Have not they a concurrent and an overriding administrative and legislative authority with the Provincial Governments?—They have that position in the administrative sphere, and I think that is also correct of the legislative; but I do not speak with the same confidence in that matter.

52. You do not dispute that as a proposition, if I put it as such, instead of as a question?—No.

53. Is it the case that a Provincial Government at the present time has really extremely little authority except as the agent of the Government of India? Can they make the smallest appoinment, for instance, without permission? Are they not under the thumb of the local officer, an officer of the Government of India known as the Accountant-General?—They have very wide delegated powers in financial matters, which are set forth in a large volume called The Book of Financial Powers.

54. But that volume is entirely at the mercy of the Government of India; it is composed of their orders, is it not?—No, they are the orders of the Secretary of State.

55. Who recommends the Secretary of State in this behalf? On whose recommendation?—The Government of India.

56. If that is so, if the Government of India really is the Government of all India to a great extent, which I gather you admit, is it not the case that India is already a classic case of duality; is not there duality from top to bottom, vertical duality right through?—Unquestionably.

57. Is the objection to duality, which is one of the chief objections raised to this scheme, an objection to duality as a principle or to duality in nationality? Is it an objection to the new half being Indian, or is it an objection to the principle of duality?—I fancy that the motive is different in the case of different objectors.

58. Which do you think is the chief motive—the the Secretary of State and the Secretary of State in

Sir *J. D. Rees*—continued.

critics, the more powerful motive is distrust of a new and untried form of administrative machinery.

59. You do not think that it is distrust of the new agency suggested, namely, Indian instead of European agency?—I trust not.

60. But what do you think?—I have no doubt that that may be in some minds.

61. This is a matter of primary importance. You referred also to the reports of Lord Southborough and the question of the representation and extent to which the Government of India approved of it, and the extent to which they wanted it altered. That brings in the caste question. I should like to ask you as a man who has spent a long life in India this: Has it been your experience that the upper castes ill-treat the lower castes, or do the lower castes as a general thing hold that they are ill-treated by the upper castes? Is there really up till now an upper caste versus lower caste question in the Hindoo body politic in India?—Oh, yes; I think the question is a very real one, but it is much more acute in the south of India than it is in the north.

62. Do you know the south of India, personally?—No; I am afraid not.

63. Then I will ask you about the north. Is there really such a question in the north? Can you really say that the lower castes are actuated by a feeling of jealousy, dislike, or resentment against the upper castes?—I think they accept it as part of the scheme of life.

64. So do I, but that is what I wanted to get. That being so, do not you think that giving particular seats—fifty per cent. of them is recommended in the Government of India letter—to castes qua castes, is to create so far a question which does not now exist, which you yourself state does not exist so far as you know it?—Has that reference to the Madras proposals?

65. Well, it has, but I put it for the moment as a question apart from the Madras aspect of it, with which you are not personally familiar?—I am not quite clear whether you are going beyond the principle of communal representation?

66. No; I am on it—to give a communal representation is the point. The communal question and the caste question are practically one. Will it not create an upper and a lower caste question which, according to what you have just told me, does not now exist in your experience in India?——

Chairman.] I do not think Sir James said that. He carefully said he believed it did exist in Southern India. You must frame your questions so as not to put into his mouth your own opinions.

Sir *J. D. Rees.*

67. But with respect, I said I would stick to the north because of your personal unacquaintance with the south. I am sorry if I did not make it clear?—In the north of India I do not think we propose giving 50 per cent. of the seats to castes. The recommendations are communal rather than with reference to individual castes within the Hindoo community.

68. At any rate, am I right in supposing—the Chairman having intervened I had better make it quite clear—that in your own experience in India you cannot say that there is really a question between the upper and the lower castes, which is an actual living subject of contention?—I do not think there is any vital hostility in my experience,

69. You made some remarks on Clause 23 of the Draft Bill. It says: "The Secretary of State in Council may, notwithstanding anything in the principal Act, exercise powers of superintendence, direction and control vested in the Secretary of State the Secretary of State in Council and the Gover nor-General in Council." Why not the Governor-General and the Governor-General in Council? He has no functions of superintendence, directon and control peculiar to himself with which this section should deal?—He has certain special personal powers, but I think they are very limited.

70. No doubt, but amongst them is the power of over-riding his Council and sending a minute home to the Secretary of State. They are very large powers, though limited in number. Why is not he brought in that respect under this Clause 23, which deals with the Secretary of State and the Secretary of State in Council,

Sir *J. D. Rees*—continued.

Council, but does not deal with the Governor-General, but only with the Governor-General in Council?—The reason why I did not refer to this point is that the Government of India would have asked for consideration of the question whether the reference to the Governor-General in Council should not be eliminated from this Clause, treated separately, if necessary. They are inclined to think that the Clause originally intended to permit the Secretary of State to exercise devolution of his own authority, and that the devolution of the authorities in India could be separately dealt with, but the matter is one which we are discussing with the draftsman at the moment.

71. Then it is under consideration?—Yes, it is under consideration.

72. As regards Clause 27 and the appointment of an Auditor-General, will the position of the Accountants-General be unaffected by that measure, and what will the Auditor-General be in respect of the existing Controller-General?—The Auditor-General will take over the whole of the audit and accounting functions of the present Controller-General. He will have no concern with his currency and purely financial functions.

73. Will the Accountants-General, who really control the Provincial Governments in their expenditure, in future be subordinates of the Auditor-General instead of subordinates of the Controller-General, or what is the change effected?—We have in draft a Bill which it is proposed, with the Secretary of State's approval, to place before the Indian Legislative Council at the earliest possible moment, and the purport of which is to make the Accountants-General the deputies of the Auditor-General for the purposes specified in this Bill. They will for the present have to continue to carry out the cash remittances, currency, and various other technical functions which they now direct but we hope in time there will be a severance between the Audit Department and, so to speak, the Exchequer Department. That can be arranged, we believe, by legislation in India.

Sir *J. D. Rees*—continued.

74. Arising out of what Mr. Bennett asked you, do you think, quite apart from the question of personal predilections or personal feelings, or anything else, that the continuance of the bureaucratic regime in India is no longer possible and compatible with carrying on the Government without continual discontent and trouble?—I think that steadily increasing modifications are absolutely necessary.

Mr. *Bennett.*

75. I was wondering whether we ought not to avoid speaking of the future Government of India as one half Indian and the other half English, seeing that even in the Executive Councils, Provincial Councils, there will be at least one, and possibly two, Indian members; I think it is as well that at the beginning we should avoid loose expressions of that kind—is not that so?—that they cannot strictly be described as one half Indian and one half English?—I have attempted to use, for want of better parlance, the words official and popular. They are not perfect.

Chairman.] The Committee have now some business to do in private, and therefore we will ask you to come back at 11 o'clock on Monday.

(The Witness is directed to withdraw.)

Die Lunæ, 21° *Julii* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Marquess of CREWE.
Earl of SELBORNE.
Lord BRODERICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

Sir JAMES MESTON, K.C.S.I., is recalled; and further Examined, as follows:—

Lord *Islington.*

76. In your evidence last week you explained at length the reasons which led the Government of India to propose a financial system in the Provinces different from that which had previously been agreed upon and which is outlined in Clause 9 of the Bill?—Yes.

77. You propose now a separate purse instead of a joint purse, and in your evidence the other day you elaborated your reasons for the preference that you hold for this method?—Yes.

78. In the first place, I would like to elicit this: Am I right in saying that originally and for some considerable time, the Government of India strongly advocated a system of divided heads as the basis of relationship between Imperial and Provincial Finance?—They did.

79. And their main reason for advancing that principle was, I understand, that in a quasi-federal system it is better to have completely different sources of revenue for the Central Government and the Provincial Governments?—Yes.

80. It was found, however, on closer investigation, that the heads of taxation which would be allocated for purely Imperial purposes would be found to be insufficient for the purpose?—For the central requirements, yes.

Lord *Islington*—continued.

81. And as a result of that a scheme was devised, was it not, a somewhat complicated scheme of divided heads?—Are you talking about past history?

82. Yes, for the moment I am talking of the past history of the financial arrangement as advocated by the Government of India for Imperial purposes?—As advocated in the Report?

83. As advocated by the Government of India; not as advocated in the Report?—I am very anxious not to appear at cross purposes. I am afraid I was thinking of the old system of provincial settlements in my previous answers to you. Do you wish me to describe the movement of the Government of India's mind in regard to the proposals in the Report?

84. I merely wish to elicit from you the change of mind of the Central Government in regard to Imperial financial arrangements? — Then I think I can put it briefly. When the inquiry conducted by the Secretary of State and the Viceroy was at work in India, a scheme was put forward by the then Finance Member of the Government of India, advocating what is practically a development of the existing provincial settlement system. One of the objections taken to this was the retention of the old method of divided heads, which was regarded as likely to provoke interference and perpetuate

Lord *Islington*—continued.

petuate the existing sense of grievance, and the Government of India thereupon placed before the Secretary of State and the Viceroy virtually the system which is accepted in that Report.

85. You have now in its place the scheme of lump contributions from the Provinces?—The essential feature of the proposal in the Report is that to which you have already referred, the clear separation as between the Central and the Provincial heads of the main sources of revenue. The result, as you also mentioned, is that with any logical division of that sort the Central Government is left with insufficient resources for its central needs, and it consequently has to levy subscriptions from the Provinces.

86. In the light of that more intimate experience that you attained by further investigation, would you be prepared to say that you prefer a system as now proposed to that of the original system suggested, of divided heads?—Subject to the ultimate equalisation of burdens among the Provinces, it is certainly preferable to my mind.

87. Now, as regards the Provincial proposals of finance, do you regard your proposed dualised system as a sounder system than the joint purse system, originally proposed, or do you propose it because you regard it as an indispensible and almost inevitable corollary to the proposal of a dualised system of government?—As a financial device, the Government of India considered it superior, and as a political measure they consider that it essentially follows from the dual Executive.

88. As a financial system, the Government of India regards this divided proposal as preferable?—As decidedly preferable; yes.

89. Do you think that a dualised system of government could properly be worked with the original scheme, or would you say that it would be difficult to work it unless you have a dualised financial system?—Put in the briefest possible manner, it seemed to the Government of India that a dualised system, involving as it does the responsibility of two separate Governments in the same area, inevitably necessitates the control by each of these Governments over their own finances, and they would find it extremely difficult to picture a dualised system working with a unitary purse.

90. Now under your proposal of the separate purse can you tell us how you propose to raise the contributions to the Imperial Fund, the Central Government? Is it to be collected from both the reserved and the transferred Budgets?—No, it would be a first charge upon the reserved Budget.

91. It is to be a first charge upon the reserved Budget, and the transferred Budget is to be exempted from any obligation to the Central Government?—Yes.

92. Does that strike you in any way as isolating those who are coming into the constitutional system from central requirements for which they are as much concerned as anybody else?—It is purely a matter of convenience. It would be just as easy to make the contribution a first charge upon the transferred Budget. The whole matter is disposed of when you make your settlement as between the two. The assumption on which we proceeded, and I admit the contrary assumption might just as easily have been accepted, was that in estimating the requirements of the reserved departments we should include the contribution to the Government of India.

93. But assuming this financial system came into practice over a period of years, would not you apprehend that the transferred branch would find themselves completely isolated from one of the most important obligations of India, and get further and further removed from it, if they did not pay their due contribution towards the common purse?—The isolation is only relative. When the arrangement is made as between the two parts of the Government the share of revenue which is allotted to the transferred subjects is and has to be arrived at with reference to the whole liabilities of the province. Among those liabilities are not only the contributions to the Government of India, but the service of loans which may have been raised by the province in the past or of loans which may be raised in the future. Among them may conceivably be permanent charges such as you have in England against the Consolidated Fund, charges of

Lord *Islington*—continued.

the pay of Judges. It has been suggested that the pay of the Governor and of all-India Services are also to be treated in the same manner. So that your settlement as between the two halves has to have regard to the whole liabilities of the province, and not only to the immediate requirements of each half. To that extent there is not the sharp isolation, I think, which you apprehend.

94. Now as regards the separate purse in its internal working within the province, I understand that your principle is to allocate a certain head of taxation to become available exclusively for the maintenance of certain specified services. Is that a correct interpretation?—I should put it a little differently, I think. The intention is that each half of the Government should enjoy the proceeds of the revenues of the departments which it administers. There is no ear-marking of specific heads of revenue for specific purposes beyond that.

95. But that would be ear-marking, would it not, in a pretty precise form?—It is not ear-marking in the sense that a particular tax is ear-marked for a particular expenditure purpose. It is ear-marking in the sense that whatever revenue is derived from the departments controlled by half the Government concerned is at the disposal of that section of the Government.

96. Now may I ask what may occur as possible and probable contingencies? Take first that the revenue would be found to be in excess of the reasonable requirements of the services. If that be the case the suggestion is that the surplus may be handed over to a reserved service, if the reserved service requires it. The revenue which is in the hands of the minister for a specific service is found to be in excess of what may be deemed the reasonable requirements of that service?—Yes, I understand.

97. You see my point?—Yes.

98. In the first place I put this question: Would not that entail an inducement that might be almost irresistible to a Minister and to the Legislative Council to project unnecessary schemes and spend more than is really required for that service?—The intention of the scheme is that Ministers should have the whole of their own revenues available for the whole of their own expenditure. If those revenues are not sufficient for that expenditure they have to receive a subsidy from the other half of the Government. This, I take it, is your proposal? If the revenues are more than sufficient for their expenditure they will have a large surplus. Now there are two contingencies to be dealt with. In the first place this may mean that the revenues available to the official half of the Government are insufficient for their expenditure, in which case the settlement would involve an adjustment by which part, at least, of the surplus of the popular half would be allotted for a period of years to the official half. That is one contingency. The other contingency is that after that settlement has been made the surplus revenue of the popular half is still excessive; that would only mean that their balances are increased. It might, as you suggest, afford a temptation to heavy expenditure; but the expenditure would naturally be scrutinised with the same care as any other projects.

99. The power of expenditure under your scheme rests to a very great extent in the hands of an individual Minister in association, it is true, with the Governor?—Very much in his own department, yes.

100. When that first alternative takes place, as undoubtedly it will in the ordinary practice if this comes into force, do you apprehend there will be a certain amount of friction and wrangling on the part of the contending parties—the Minister, as representing the Legislative Council, being very reluctant, and showing reluctance, to give up a portion of the surplus for the reserved service?—That is the strongest possible argument, to our minds, against the joint purse, that that friction—the friction which you describe—will be continuous. Under the proposals for the separate purse that reluctance to give up a share of the revenue will certainly be manifested, but it will be settled for a period of years at the settlement.

101. But do you really see any hope of abatement of that friction under this very precise form which you indicate?—Under the separate purse system?

Lord *Islington*—continued.

102. Yes?—Our point is that friction will occur, and undoubtedly must occur, when two sides are struggling for resources out of a common reservoir at the time of settlement, and it will probably be protracted for some little time afterwards, but it is by no means so great or in its cumulative effect so serious as the annual friction which would occur over the distribution of each Budget season under the joint purse system.

103. I put this question without any suggestion of undue disparagement. I fully realise the difficulties of evolving a scheme, but as it stands now would not you be prepared to say that it does suggest a very serious reversal of recognised orthodox finance as practised in every other part of the Empire?—The separate purse is unorthodox?

104. Yes, both in principle and in working out its practice, does it not rather shock your long-skilled economic conscience on its merits?—It is in the closest possible analogy with the arrangements between the Central Government and the provinces. It is extremely familiar in India.

105. It is familiar under the old bureaucratic scheme, but I am dealing now with the commencement of a new constitutional scheme?—The inevitable and ultimate defence is that each side of the Government gets control of its own purse.

106. To avoid wrangles you suggest a fixed adjustment between the halves of the Government over a period of years?—Yes.

107. Will not this have a tendency to stereotype the position of a department over a period of years?—That is exactly what we are trying to secure.

108. I know. You say that this method will create a tremendous stimulus to development?—Yes!

109. But is not there a possible other side of the picture, that it might have a contrary effect?—The stimulus would develop all our resources—that was my argument—not the development of expenditure. Our argument as regards expenditure was that it provided an assurance for a prolonged period of time of the resources that would be available for the department, and would therefore allow the department to lay out its financial policy with a confidence which is impossible under the joint-purse arrangement.

110. The stimulus for the development of resources, apart from very careful collection, seeing you get your full value, means the power for further taxation, does it not, within that area?—Yes, it connotes that, certainly.

111. Of course, in all these things one is only speaking rather hypothetically, but you would admit, I suppose, that whilst on consideration you throw the weight of your view in the direction you have indicated, it is arguable that it might also be anticipated that it would create a potential stimulus for conflict and meddling, which is the very result you want to avoid?—As I said the other day we did hope that the separate purse would prevent meddlesomeness, which, I may say, is an entirely different matter from legitimate consultation and advice.

112. Now, you take Excise, and you suggest that by making it a source of transferred revenue it might crush the enthusiasm of those who desire to break down the facilities for intoxicants. You said that in your evidence?—It will steady them. I think, in their policy.

113. It will steady them?—Yes.

114. Looked at from the broader point of view, would you admit that this is rather a localised, if not primitive, method of educating India to a high form and to a high sense of financial responsibility?—It is a direct method; it is a method of which the consequences are immediately apparent; consequently, we think it is an instructive method.

115. A policy of dealing with excise is a question rather of high policy, and would in ordinary cases be considered and decided on by the corporate mind of the Cabinet?—In England, I suppose it would.

116. In your case you are leaving it to the decision, and a decision influenced by outside facts, of a Minister?—It seems to us essentially a class of case which ought to be left to the decision of a Minister. It is one of the many forms of social reform which Indian opinion considers that we have neglected in the past, and it seems to us extremely desirable that

Lord *Islington*—continued.

precisely this form of question should be one of the first responsibilities in which a Minister engages himself.

117. And should have the deciding voice by himself?—Should undoubtedly have the deciding voice, yes.

118. I think another point you raised is that in cases where an expenditure is over a period of years before the undertakings are completed there will be great advantage by the dual system of finance. You say that it is easier to estimate—that the Finance Department would find it easier to finance over a period of years in individual cases than in the whole, but surely the Finance Department business, in order to get at the whole resources and the estimated whole resources for years to come, can only be found by carefully investigating and estimating each individual source?—Quite so. The Finance Department, as I conceive it, if the separate purse system is established, will know for three, five, or seven years ahead what are going to be the resources at the disposal of each half of the Government. It will have a very clear indication from its previous experience of the rate of progress of those resources. At the present moment, for instance, we know roughly the percentage by which provincial finances expand. In the same way there will be established, through experience, a rate of expansion for the two different purses. And the section of the Finance Department which is to deal with each purse will then be in a position to commit itself to projects of expenditure against each with a reasonably sure knowledge that when the time comes to mature those projects the funds will be available. Our point is that under the joint system that confidence will not be present. The Finance Department will not know beyond the year in which it is actually working what amount of revenues are going to be at the disposal of the Governor in Council and of Ministers respectively, and, consequently, it will not be in a position to advise either the Governor in Council or Ministers as to the acceptance of projects of continuous and expanding expenditure.

119. So that after careful consideration you consider that you arrive at a more accurate estimate by dealing with it in this divided fashion than would be arrived at by estimating each and then aggregating the whole resources of the province?—I do not think I should quite put it in that way. What I would say is that in this way we should have an opportunity of knowing the picture of our resources for each half of the Government separately.

120. The detailed picture?—The detail of the two halves. Under the other system the two halves are absolutely kaleidoscopic; you cannot say from year to year what are going to be the resources at their disposal. It is only a matter for negotiating and bargaining at the beginning of each financial year. That is what I say handicaps the Finance Department in its advice as to projects of the class which you have in mind.

121. But that kaleidoscopic aspect—is not that a very strong argument for having a comprehensive whole if you are to arrive at a sound estimate of the resources of the province?—We shall have an estimate of the expansion of the resources of the Government as a whole, but that is no use when we do not know what share is going to be at the disposal of each half of the Government.

122. You give a fifth reason for your case, on account of the remarks of certain prominent Indians?—Yes; I quote them as an example.

123. As over-interpreting what is really meant?—Yes.

124. You really think this proposal of divided heads is going to have a tendency towards abating those very efforts which you apprehend?—The efforts of control over the dual purse?

125. As suggested by those Indians, that the Ministerial branch of the Government would have control not only over their own affairs, but over the affairs of reserved subjects as well?—I think it must undoubtedly have that effect.

126. Now, you suggest that either half of the Government should have the power to raise taxation?—Yes.

127. In

Lord *Islington*—continued.

127. In other words that means that an individual Minister may have the power to propose to the Legislative Council the acceptance of a tax within the perview of his own Department?—The procedure which we have proposed, which is elaborated in one of our dispatches, is that if an individual Minister wishes for fresh taxation he places his proposal before the Governor, who thereupon convokes a meeting of his Councillors and his Ministers to discuss the proposal from every possible point of view. There is, broadly speaking, no tax which does not affect more than the Department immediately concerned with its collection. The effects of taxation spread very widely, and consequently it is of the highest importance that the Governor should have before him the proposal in its executive aspects, its economic and financial aspects, and possibly its general political aspects. It is quite conceivable you may have a tax which causes unrest or affects the general happiness of the people. We consider it of the first importance that the whole of the united wisdom of the Government should be turned on to any proposal of that sort; but we virtually leave it to the Governor to say, after he has heard everything that can be said from all sides of the question, whether the tax is one which he is prepared to endorse or not. If he endorses it, the Minister would then proceed to place it before the Legislative Council, and probably in the form of a Bill, and we assume he would have the support in so doing of his colleagues on both sides of the Government. The further point which your question suggests is that taxation raised by one-half of the Government should be taken only out of the field which that one-half administers. We do not go so far as that. We thought it quite conceivable, for example, that Ministers may wish, for the purposes of expanding primary education, to assess upon land. Now, the Land Revenue, according to the proposals which at present hold the field, is a reserve subject, but we should not think for a moment of debarring a Minister from proposing, after the procedure which I have indicated, a tax upon land as a measure for financing education. So that the barriers between the reserved and transferred departments would not necessarily be barriers for taxation purposes.

128. As regards taxation, if I have interpreted what you say correctly, although the Minister may propose, the decision is made by a Unitary Government?—No.

129. Plus the Governor?—It is not made in any sense by a majority of the Government; it is made by the decision of the Governor to support his Minister, after hearing what all his colleagues have to say. The proposal would emanate from, be on the responsibility of, and be carried through by, the Minister, but would have the Governor behind it.

130. And it would undergo full discussion in the combined Government?—Yes.

131. And I suppose you would say the same for borrowing?—Yes. There is a supplementary—though a very important—reason for that in so far as all borrowing will be, we conceive, upon the credit of the general revenues of the Province, not upon the revenues of either half of the Government.

132. So that really all full responsibility as to whether this should take place or not, both in regard to taxation or borrowing, rests on the shoulders of the Governor ultimately?—Constitutionally, it rests on the Governor with his Ministers, or on the Governor in Council, as the case may be, but it is the Governor who has to make up his mind whether he is going to support it.

133. He has got to make the decision?—Yes.

134. A Minister puts forward a scheme of taxation; undergoes very careful discussion in the combined Government, and the objections to it exceed the advantages of it; it rests with the Government to decide whether that taxation should be imposed, or whether it should be refused?—It comes virtually to that, yes.

135. It comes entirely to that, does it not?—Constitutionally the position is probably a little different. It might be stated a little differently.

136. Well, I will not press it further. Now there are one or two questions as regards the dual system of government, and it is on account of this that you have based your dual system of finance, is it not?—Yes.

Lord *Islington*—continued.

137. You propose to give the Governor in the ultimate resort a veto over the Ministers?—To the extent provided in the Bill, yes.

138. I will put it in this way: A Minister brings up an important Bill in regard to education or agriculture, assuming those are transferred services. He brings them up to the Governor, and it is he and the Governor, those two, who discuss and decide on the original draft of the Bill as brought up from the department?—The first discussion would certainly be with them, yes.

139. Apart from all the difficulties of the situation, on merits would not you say, especially in the early days of India, that the Bill would have very much more chance of being sound and satisfactory if it had the benefit of full discussion and possible decision by the corporate mind of the Cabinet?—The proposal certainly does not contemplate that it should not have full discussion as between the two halves of the Government in a matter such as you describe of grave general importance; the Governor would naturally and inevitably call the two halves of his Government together for consultation before deciding whether to support or to discourage his Minister.

140. But there would be no power of decision in that conference on the part of other than the Minister of the Government?—There would be no voting; no decision by a majority.

141. Your objection to having any voting or any decision in its corporate capacity as a Cabinet is because you consider it would evade the underlying principles of the announcement of the 20th August?—Precisely.

142. Now suppose the Provincial Government consisted of half officials and half non-officials, the latter appointed from the elected members and holding the portfolios of the transferred subjects, the Governor presiding, your contention is that in such a scheme the Ministers are thus bereft of their responsibility to the Legislative Council. Is not that so? That is the contention, is it not, in favour of the dual system of government?—The contention is that individual responsibility is obscured; but what you have described of course is dualism. You have your Ministers responsible for the transferred subjects.

143. You have your Ministers responsible for their department; but they come to the Cabinet?—In so far as they come to the Cabinet and are liable to be overruled or outvoted, we say that responsibility is obscured, that there is no individual responsibility on the part of Ministers.

144. Let me put a point to you: I hope you will not consider it too far away. I suppose you will admit that to comply faithfully with the pronouncement of the 20th August, the constitution certainly in its early days in India need not be more popular in character than the constitution as it exists to-day in England?—No; I accept that.

145. You would accept that?—Yes.

146. Now I will ask you this further question: What difference do you see between the position and power of an official member of the Provincial Council and a member of the British Cabinet who is a member of the House of Lords?—I find it difficult to compare the two, but if there is to be any comparison I should say in the first instance the official member of the Provincial Government is amenable to Parliament.

147. The member of the House of Lords, do you mean, is?—No, the official member of a Provincial Government is appointed by the Secretary of State as the agent of Parliament and is thus amenable to Parliament.

148. To the British Parliament?—Yes.

149. Now I am putting another hypothesis: Assuming that instead of his being appointed for a fixed period so that he is irremovable, assume his appointment and withdrawal rested on the discretion of the Government precisely in the same way as the position of a member of the British Cabinet, whether he be drawn from the House of Commons or the House of Lords, rests on the discretion of the Prime Minister, would not that, *pro tanto*, advance the popular aspect of the Cabinet?—Your official member would hold office during the pleasure of the Governor?

150. Yes?—

Lord *Islington*—continued.

150. Yes?—I see. I do not see how it would make a Government a more popular Government; it would make the official members of the Government more amenable to the Governor, and to that extent I should think it would make him much more autocratic.

151. Is not that assuming that the Governor is always going to take a course contrary to the desires of the Legislature?—I think if the Governor is a strong man he will necessarily procure as colleagues men who will take his view, and, among other disadvantages of the scheme you propose, I think it would have a most disastrous effect upon the public services. It would immediately lead—it is difficult to put it in correct words—but it would immediately lead to the time server coming to the top, and to the man who is not afraid of giving honest and fearless advice disappearing from the Cabinet that you describe.

152. I suppose that might be said of any Cabinet?—I am not familiar with Cabinets.

153. I will not press that point further. Now I will put another point to you. In regard to this the most difficult problem we have to face, the dual system of government. Has it ever struck you in the scheme which you have evolved that, in your genuine desire, in which we all participate, to comply with the announcement of the 20th August, you are somewhat overdoing the individual power and responsibility of the Minister, and that, if you are not actually forgetting you are at any rate underrating the very effective popular power which you are giving to the Legislative Council? You are giving them a majority of two-thirds elected members, with power to sanction or to refuse transferred subjects. Do you follow that question?—I certainly do not think we underrated the latter consideration. We have always felt very acutely the position of the Minister *vis-a-vis* of a popular assembly. I find myself in very considerable difficulties in alluding to that. It will, of course, be his duty to try to lead and guide the assembly, and it is precisely for that reason that we attach such enormous importance to the assistance and advice that he receives from the Governor. He will require that at every step in the earlier stages of the new régime. But with reference to the earlier part of your question, I doubt whether it is possible for us to overrate the importance of giving right away from the outset some measure and some form of responsibility to the individual Minister. It seemed to us the only way in which we could train the leaders of the future to the task which lies before them. So long as we had them sheltered in what you have described as a Coalition Cabinet, so long we felt that there was no possibility of their either acquiring the habit of coming to fearless decisions or being held accountable for these decisions.

154. In spite of all that you have said, I suppose you do fully realise that in clothing this individual Minister with the powers which you suggest you are giving him far more extensive and far more arbitrary powers than those possessed by any Minister, however important he may be, in the British Cabinet. You realise that?—Well, I have no personal knowledge of the extent to which the action of the individual Minister in the British Cabinet is liable to be corrected and overruled by what corresponds to our Governor.

155. However important he may be, he cannot suggest to Parliament, with the mere assent of the Prime Minister, taxation; neither can he propose legislation. It has got to go through the whole procedure of the corporate mind of the Cabinet, and, if it is very important legislation, it has probably to go to a Cabinet Committee?——

Chairman.] I think you must be careful, Lord Islington, how you put these questions. You are getting into a very complicated question. Some of us would not agree with your statement.

Lord *Islington.*] I merely want to argue the point.

Chairman.] But you must not state as facts matters which are in dispute.

Lord Islington.

156. I did not realise that I was stating anything which was in dispute. (To the Witness.) You are suggesting that Bills, whether important or less important, will be dealt with by the Minister and the Governor?—I think I did suggest—if not, I do it now—that in any measure of importance the Governor will naturally invoke the advice of both halves of his Government. The whole theory of joint consultation depends upon the discretion of the Governor, and it is to our mind inconceivable that a Bill such as, for example, for universal compulsory education, should be introduced into the assembly without the whole force of the Government having been turned on for its consideration. But the responsibility for the Bill lies on the Minister when it comes before the Council, and the difference between this procedure and the procedure with which you are drawing analogies, is, to my mind, simply this, that in the one case we are working through a transitional stage to responsible Government, whereas in the other case you have reached responsible Government, and during the period of transition we must have transitional machinery.

157. Does not really the significance and power of popular Government rest in this scheme very largely in the Legislative Council?—Oh, yes.

158. You have proposed a constitution which will secure that decisions on transferred subjects will be secured in the Legislative Council?—Yes.

159. Although I fully appreciate what you say with regard to the transitional stage, I want to elicit from you by the questions which I put that on its merits and in the early days of India especially, it is important that you should have the full mind of all concerned rather than individual minds?—I quite appreciate that point.

160. Your object in this whole scheme is to establish two degrees of power?—Two sections of power

161. Yes, two sections you may term them. There is the section which deals with transferred and the section which deals with reserved?—Yes.

162. In the Executive you accomplish this by giving two different sets of people these powers respectively in the form of two Executives?—Yes.

163. In the Legislative Council, on the other hand, you give to one and the same people the two degrees of power?—Subject always to the power of the Governor to withdraw a Bill which vitally concerns a reserved department from the purview of the assembly.

164. I admit that, but I am speaking quite broadly. The Legislative Council as a body occupies that position in two capacities. It occupies its position as a constitutional body for transferred subjects with those reservations which you have mentioned; it occupies the position as a critical body for reserved services; and therefore one and the same people are discharging the two duties in the Legislative Council?—Yes, I think that is broadly true.

165. Now to be consistent, should not that be carried on to the Executive, and should not it with consistency and practicability be carried out?—In other words, should not we have the Executive deciding certain matters and advising upon others?

166. Yes, that is it. Why should not you have an Executive like this as I have already described, of two official members appointed under the conditions which I have mentioned, two non-official members from the elected members of the Legislative Council, with their porfolios, and a Governor; a Governor with an instrument of instruction from the Secretary of State to throw his influence in the direction in accordance with the announcement of 20th August, of transferred subjects, and another instrument of instruction to the Governor to be given full discretion—I will not put it higher than that—as to the course he should take after full consideration and decision in his Cabinet on reserved subjects; and—I will not put it higher than this—would that, in your judgment, place the Governor in a more invidious position than he would be placed in under that scheme?—I think it places him in a more powerful position, but the only way in which I could answer this very comprehensive question—I do not know whether it is permissible—is to state the objections to the scheme which you have put forward. I do not know whether I am allowed to do that now.

Lord *Islington.*] It is a most important question. I would suggest that we should get as much information on this point as possible, and especially from the witness, who is here to represent the Government of India.

Chairman.] Yes.

Witness.]

Witness.] The proposal that Lord Islington has outlined has been very forcibly placed before the Government of India, and most anxiously considered by them. It has had various forms, but put in its simplest form it comes to this: that you are going to have something in the nature of a Coalition Government in the provinces, that part of that Government is to be a body of officials holding their authority from the British Parliament ultimately, and that the other part is to be a body of non-officials holding their authority from the Local Legislative Assembly. I think that states the case fairly.

Lord *Islington.*

167. I do not altogether accept the word "Coalition"?—I hope you will correct me.

168. I do not think "Coalition" is quite the word?—Then I will withdraw it; I will say a composite Government.

169. Yes, that is better?—The form in which the proposal last stood before the Government of India contemplated no definite distribution of portfolios. It left it to the Governor to decide which of his colleagues was going to hold any particular portfolio for the time being, and in many ways that has the advantage of great simplicity. Now that scheme, to our mind, would not stand an analysis for at least three reasons. The first was—I repeat it again, I am afraid you have heard it *ad nauseam*—that it does not give anything more than a superficial training in real responsibility. Any member of the Government, if his policy happens to be challenged, can always retreat behind the corporate responsibility of the composite Government.

170. That is the case with all other Governments, is it not?—I do not know sufficiently well to answer that. We are endeavouring to get the beginnings of responsibility. We want to get our Ministers imbued with a sense of the duty which rests upon them of coming to a decision and standing by it, both before the electorate and the Council, and of being judged by it and its results by the Parliamentary inquiry which gets to work ten or twelve years hence. As I say, our first objection is that a composite Government does not train individual responsibility in the initiation of policy.

171. Would it be inconvenient if I interrupted you for one moment?—No.

172. You say it would not train the Minister, but have not you rather forgotten the immense amount of work which a Minister has in his own department and the responsibility and the discretion that he has in that department?—No, not at all.

173. Quite apart from what he brings to the decision of the Cabinet?—No, I fully realise it.

174. Would not that be a very great and effective training in responsibility in that kind of work, as it is in the British Government?—It is a training up to a point, but what we say is that when broad questions of policy come up the responsibility is absorbed in the corporate responsibility. But the second, and possibly the greater and certainly the less academic, argument is that this inevitably involves a conflict between the two halves of the composite Government from which there is no escape except by deadlock. You have the two halves of the Government deriving their authority and their ideals and their standard of work and everything from different sources, and those two ideals and standards must from time to time clash; and when they clash which is to prevail? Is it going to be the official Government, with its somewhat autocratic powers, dependent on the good will of the Governor, or is it going to be the popular half of the composite Government, resting on the assured support of the Assembly? We do not know which it is going to be, but that the two will diverge and will conflict we think is inevitable.

175. You will admit that they will diverge in both schemes, but you think there will be less chance of conflict by keeping them in water-tight compartments, but giving them an opportunity of full discussion together?—Undoubtedly, because each half of the Government can pursue and develop its own policy. Here there will be an impasse. The question of policy will be before the composite Government; the decision upon it can only be reached by a political crisis. We are most anxious to avoid this at all costs. We believe that conflict between these two ideals and standards is

Lord *Islington*—continued.

going to be the greatest danger of the new régime, and we do believe that when a conflict of this sort comes it will be in the power of the Ministers, of the elected members of the composite Government, with the whole power of the Assembly to paralyse the work of the Government. The third objection we have is that there is no line of gradual development emerging from this scheme; the only step which you can take after you have established your composite Government is to give a majority of Ministers, and thus introduce responsible Government straight away. The gradation which the Report contemplates and which we regard as absolutely essential to the training of this full responsible Government is entirely absent from that proposal. These in brief are our objections to the suggestion.

176. What would be the gradation under your scheme? What would be the next advance?—The steady transfer of one department after another until the whole administration passes into the hands of Ministers.

Lord *Sinha.*

177. I will endeavour to confine myself to the different clauses of the Bill, which you have dealt with. I will deal first of all with Clause 4 of the Bill. I think your suggestion with regard to that came to this, that in the three Presidencies there should be, as there are now, three members of the Executive Council, two official and one non-official?—And in any Province in future to which a Governor may be appointed from outside India, yes.

178. The Government of India recognises, does it not, that except the three Presidencies and the other Provinces, that is five out of the eight, you continue to have members of the Indian Civil Service at the head of the Local Government?—For the present, yes.

179. And that apparently is given effect to in the second Schedule to the Bill dealing with official salaries where the salaries of the Governors are differentiated according as they are the three Presidencies or the other Provinces?—Yes, the Schedule simply repeats the existing arrangements.

180. That practically means that, having regard to the salaries assigned to the Governors of the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces and Assam, you are not likely to get any men from the public life of England to go out as Governors of those five Provinces on those salaries?—That I could not say.

181. That is what you expect; it is on the basis that the present system should remain that those salaries are assigned? The salaries remain the same because the present system is expected to continue. Is not that so?—That is so, yes.

182. The Bill apparently adopts, at least, for the lifetime of this Act, if it is going to be an Act, the recommendation of the Government of India?—I am very glad to hear it.

183. Does it not seem to you so?—Frankly, the Schedule was prepared without any reference to the future. It was directed partly against giving existing incumbents higher salaries than they now draw, and partly against extravagance, and I cannot call to mind that during the discussions in the Government of India it was related in any way to their proposals as regards the staffing of the Provinces.

184. What I wanted to put to you was this, that the salaries assigned do not make it likely or possible to get public men from the public life of England for the Governorship of these Provinces?—I hope you will pardon me for not answering that.

185. Very well; I will not press it further. If I am right in that, that would be contrary to the recommendations of the Joint Report, would it not? It goes against the recommendation of the Joint Report, which was to the effect that ordinarily the Governors would be taken or imported from England—from the public life of England?—What is the reference?

186. I am afraid I have not the reference ready. I gave you my general impression of the Report——

Mr. *Montagu.*] Is it paragraph 218: "In all Provinces the head of the Government would be known as Governor, though this common designation would not imply any equality of emoluments or status, both of which would continue to be regulated by the existing distinctions, which seem to us generally suitable."

187. No

Lord *Sinha.*

187. No, I will not trouble you with regard to that if it is not your impression of the Report. I gave you really my impression. If I can I will find it later?—The Government of India, in making the suggestion, were influenced by the fact that, certainly in the more backward provinces, it might be difficult for an administrator unfamiliar with the languages and habits of the people to assume control at present, but that as political life developed and education expanded we regard it as inevitable that that time will arrive.

188. I am not quarrelling with that recommendation. I am leading up to the point about the Councils which is dealt with in Clause 4. The Decentralisation Commission also recommended that, did they not, namely, that the Governors should be imported from the public life of England, though the Civil Service was not to be excluded invariably from holding such appointments?—I think that was the purport. I do not remember the precise words.

189. So far as the Executive Councils are concerned, up to 1911 there are only two, namely, Madras and Bombay?—Yes.

190. And there are only two members?—Yes.

191. Both officials?—Yes.

192. It is only since 1912 that you have had four Councils, namely, Madras, Bombay, and the new ones being Bengal and Bihar and Orissa?—Yes.

193. And there have been three members of the Executive Council in those?—Yes.

194. Presumably when there are Departments transferred to Ministers some of the work that is now being done by the Executive Council will be done by the Ministers?—Yes.

195. Presumably, therefore, there will be less work to do so far as the Executive Council is concerned?—We appreciated that argument, but we felt that, on the other hand, it would probably be impossible for the Governor to undertake definite portfolios under the new régime. He will have a very great deal of work which does not fall upon him now in reconciling the two halves of the Government and helping his Ministers and watching the political development generally. We felt he would almost have to be counted out as the holder of a portfolio whereas at present the Governor in Presidency Governments very often takes a considerable share in the executive work.

196. That might be remedied by having two non-official members of the Executive Council?—Quite.

197. The whole idea of the Report as well as of the White Paper issued with the Bill is that there should be an equal number of officials and non-officials in the Executive Council?—Yes.

198. And the voting power should be the same?—Yes.

199. And the paragraph in the Report which is relied upon by the Government of India for the purpose of having one more official member is really directed against what was asked for by a certain section of Indian political opinion, namely, that the Indian Civil Service should be excluded altogether from the Executive Council?—Yes, I accept that.

200. And so far as you know any departure from the idea of equal voting power in the Executive Council will be very unacceptable to Indian political opinion?—Yes, I agree.

201. And the fact of there being one Indian member in a sort of permanent minority will greatly affect the position of the Indian member of the Executive Council; he will always feel that he is in a permanent minority?—*Quâ* Indian?

202. *Quâ* non-official?—Yes, he probably will.

203. And it would be considered a whittling down of this scheme of the Report, would it not?—I believe it is being so described, yes.

204. Now going on to Clause 6, I understood your suggestion to be that though the numbers given in column 1 of the 1st Schedule—that is, the aggregate number of the members of the Council might be retained—the details in the other columns should be omitted?—Yes.

205. Do not you think that there would be enough elasticity by the Clause which I have given—Clause 6a?—In the proviso?

206. Yes?—The Government of India have suggested in a telegram, which arrived recently that 5 per cent. is not adequate, and that 10 per cent. would be preferable; but my instructions had reference not so much to the elasticity as to the uncertainty of the communal electorates at the moment. We were very anxious that the proposals put forward by Lord Southborough's Committee should be subjected to public criticism. We believe that they might be amended, and consequently that the ratio as between the three columns of election might be found to call for variation.

Lord *Sinha*—continued.

207. You have noticed that not only is there the 5 per cent. margin provided for, but also a provision that there may be rules made for varying the proportions which the classes and numbers specified in the Schedule bear to one another?—Yes.

208. Would not that be sufficient?—It probably is. But we felt that inasmuch as the maximum number had been our practice in the past there was no immediate necessity for departing from that.

Schedule—118 for Madras, 111 for Bombay, and so forth—are numbers which are the result of various adjustments made in each province?—Yes.

210. After consultation with the heads of Local Gov-

209. Those numbers which you find in the first ernments, and after taking all shades of opinion?—Yes.

211. And it is unanimously accepted by the whole of the members of the Southborough Committee on Franchise?—That is so.

212. And to reopen that matter now might possibly lead to undesirable controversies being reopened?—That is quite possible.

213. Do not you think it is desirable that some sort of finality should now be reached without further delay with regard to constituencies and electorates?—What we felt quite frankly was this, that the main substantial proposals of the Report had been subjected to enormous public discussion, but that when we come to the matter which most affects the electorate it is proposed to put this through without any ventilation or any preliminary discussion amongst the interests concerned except to the extent to which they were able to place their views through witnesses before Lord Southborough's Committee.

214. It is the fact, is it not, that the Southborough Report on the question of franchise has been very widely accepted by all sections of opinion in India?—I could not say that; I do not know what has happened.

215. I will pass on to Clause 8. I think your criticism on that was that it omitted Section 79 (3) (e) which required previous sanction for any law affecting religion or religious rites and usages of any class of British subjects in India?—Yes.

216. You have noticed that the clauses affecting status are intended to be made subject to sanction, that is, legislation affecting status is intended to be made subject to the sanction of the Central Government, and that this is merely a matter of drafting. That is in the Schedule with regard to all Indian subjects?—Yes, that is so. The view taken by the Government of India, more particularly in the Legislative Department, was that although that possibly might cover it, it did not cover it with the same definition and clearness as the clause that we propose to introduce. We are desperately afraid of the personal law, the Hindoo and the Mohammedan, being affected in a roundabout way.

217. It is really a matter of drafting?—Very largely.

218. The people who were drafting this, as well as the Government of India and the Legislative Department, are agreed that fundamental questions like questions of status should be made subject to the sanction of the Central authority?—If that is so, I have no more to say.

219. Now I come to a more important Clause, 9 (2). With regard to that there has been a good deal of examination already; that is the effect of the resolutions with regard to the Budget. Is the question of the separate purse versus the joint purse distinct from that, and the effect to be given to resolutions of the Council?—Quite distinct.

220. The latter, that is the effect given to resolutions, is dealt with in Clause 9, sub-clause (2)?—Yes.

221. The question of a separate purse or a joint purse is intended to be provided by rules to be made under

Lord *Sinha*—continued.

under Clause 1, sub-clause D, for the allocation of provincial funds for the purposes of the two parts of the administration—Yes.

222. Rules to be provided for that?—Yes.

223. So that the Bill leaves the question: how such allocation is to be made unprovided for in the body of the Bill, and intends to provide for it by rules to be made under the Bill?—I suggested that in my examination-in-chief.

224. I am just leading up to the point. Therefore I propose to keep the two questions separate. The Joint Report definitely proposed to give power to the Legislative Council to assent to resolutions on the Budget or not?—Yes.

225. The scheme of Budget procedure, as laid down in the Joint Report, is entirely abandoned in the Government of India dispatch of the 5th March of this year, is it not?—It is very materially modified, yes.

226. I think the heading is that it is abandoned: "Report Scheme Abandoned." It is paragraph 69, on page 27. The Budget procedure is dealt with in the Joint Report, in paragraphs 255 to 257. You will notice the last sentence of paragraph 256: "Except in so far as the Governor exercises this power the Budget would be altered in accordance with the resolutions carried in Council." That is the power given by proviso 9 (2) (a) with regard to reserved subjects?—This, as I read it, is a much wider power than the Bill takes. It is intended to be the same as that covered by proviso 1.

227. "The proposals of the Local Government for the appropriation of the provincial revenues in any year shall be submitted to the Council, for its assent, in the form of resolutions: Provided that (a) the Local Government shall have power, in relation to any such resolution, to act as if it had been assented to, notwithstanding the withholding of such assent, if the resolution relates to a reserved subject, and the Governor certifies that the expenditure provided for by the resolution is essential to the discharge of his responsibility for the subject." That is exactly what there is in the last sentence of paragraph 256, is it not?—No.

228. There are more restrictions in the Clause?—No; on the contrary, the Government of India read the last sentence of paragraph 256 of the Joint Report as giving the Legislature a very much wider power than the Bill takes for it, and it was from that point of view that the Government of India's alternative scheme was put forward.

229. I am coming to that, but what I put to you is this, that in paragraph 256, if you look at the two sentences which precede the last: "If the Legislative Council rejects or modifies the proposed allotment for reserved subjects, the Governor should have power to insist on the whole or any part of the allotment originally provided, if, for reasons to be stated, he certifies its necessity in the terms which we have already suggested. We are emphatically of opinion that the Governor in Council must be empowered to obtain the supply which he declares to be necessary for the discharge of his responsibilities. Except in so far as the Governor exercises this power the Budget would be altered in accordance with the resolutions carried in Council."?—Our point was this, that the resolutions carried in Council might affect (a) the revenue estimates which are not touched in the Bill.

230. That was, obviously, the error of the Government of India, was it not, because you will see that Budget is upon the allotments—that is their appropriations of revenue to expenditure?—I do not understand "allotments" to have that exclusive meaning; we were dealing with the estimates as a whole, both for revenue and expenditure. But I waive the point about revenue. What I come to is the further point that under the description given in the report the Government of India apprehend that it would be possible for the Assembly to transfer funds from a reserved head to a transferred head, or vice versa.

231. The Government of India considered that the last sentence in paragraph 256 was put into the Report by inadvertence?—They considered that it was far too wide.

232. I think they said it was put in by an inadvertence, did they not? Will you look at paragraph 73 of the Government of India Despatch of the 5th March?—Yes, because we thought the procedure was far wider than the Report really intended.

Lord *Sinha*—continued.

233. As to whether there is justification or not, that may be so; but that was considered to be put in by inadvertence?—Yes.

234. Whereas I suggest the whole point of the joint Report was to give to the Legislative Council power to assent to or refuse the resolutions on reserved subjects, as well as transferred subjects, subject only to the Governor's power to override in the case of reserved subjects?—I accept your interpretation.

235. Therefore the scheme, so far as the Government of India is concerned, is a considerable reduction—the Government of India proposed to reduce considerably the powers of control which were intended to be conferred upon the Provincial Legislative Councils?—That is so—which the Report proposed to confer upon them.

236. And the result, apart from the modification which you have said the Government of India will be able to accept now—the effect of the proposals of the Government of India, as made in their despatch of the 5th March, would be this: that the Legislative Council would remain in exactly the same condition as before, that is, under the previous Act, merely an advisory body with regard to finance, both on reserved and transferred subjects, and with regard to legislation, it would have its powers curtailed from what they are now by reason of the Grand Committee procedure?—As regards financial powers, they would remain the same.

237. As regards legislative powers, they would be less than they are now?—On paper less, yes.

238. I mean in law they would be less?—Yes; in law they would be less.

Chairman.] You are speaking of reserved subjects?

Lord *Sinha.*] I am talking of legislation with regard to every subject.

Witness.] I was under the same misapprehension—that you were dealing with reserved subjects.

239. No. I am speaking of legislation both with regard to reserved and transferred subjects; their powers would be less under the Government of India scheme than they are now?—In regard to legislation, their powers would be less under the Report and under the Government of India scheme than they are now, in so far as they are modified by a possible reference to the Grand Committee.

240. So far as the Report is concerned, their legislative powers would not be less as regards transferred subjects, would they?—I think not.

241. It is only with regard to reserved subjects that the proposal is to institute the Grand Committee procedure?—The Governor has a power to withhold measures which in his opinion seriously affect his own responsibilities even if they deal ostensibly with transferred Departments.

242. Yes; but responsibility for reserved subjects, Clause 9, Sub-Clause 4, deals with Bills relating to reserved subjects which may be referred, and Sub-Clause 5 deals with Bills other than Bills for reserved subjects, which again may be the subject of Grand Committee procedure, provided that they affect the safety or tranquillity of the Province or the interests of a specified reserved subject, so it is always in connection with reserved subjects that the Grand Committee procedure is to be used?—The safety or tranquillity of the Province comes in. That can hardly be called a subject.

243. That is law and order, I suppose, and that is a reserved subject?—Yes.

244. So that practically the two are equivalent expressions, are they not?—I am very anxious that I should not give a wrong answer.

245. I do not want to suggest anything that might mislead?—I understand your questions are directed to examining me as to whether the Government of India's proposals are less favourable to the popular element than the proposals in the Report?

246. Yes. That is what I am showing. With regard to both finance and legislation the powers of the Legislature would be considerably curtailed from what they are now under the Government of India despatch?—As regards finance they are considerably curtailed. As regards legislation the Government of India's

Lord *Sinha*—continued.

India's despatch follows, for all practical purposes, the proposals in the Report, so that I do not plead guilty to any further reduction.

247. I would not ask you to compare the two, but in fact their legislative powers are more extensive now than they would be under the Government of India's despatch if those proposals of the 5th March were carried out?—That is to say, if you treat the Grand Committee as an integral part of the new procedure, quite so.

Mr. *Montagu.*

248. Would you elaborate that point? I do not quite follow it. You have assented, I think, to what Lord Sinha said, that the legislative powers given to the Legislative Council as proposed by the Government of India's despatch would be less than they possess now under the existing statute. Is that what you say?—As I understood Lord Sinha's question it was this: Does the proposed legislature possess a lower power in regard to legislation than the Councils under the Minto-Morley system, and I acknowledge that it does if the Grand Committee procedure is taken to be included.

Lord *Sinha.*

249. I will not trouble you by going into that. The Grand Committee is to be chosen out of the legislature for a particular purpose?—Yes.

250. It is a Committee of the legislature *ad hoc* in regard to any particular matter, and broadly speaking only for the purpose of carrying a measure which it is anticipated cannot be carried through the Legislative Council?—That is so.

251. That being so, I suppose it is natural that there should be considerable apprehension in Indian political circles as regards the proposals of the Government of India?—I believe there is.

252. The curtailment of the powers of the Legislative Council?—Yes.

253. As regards the power to control, you referred for a memorandum by Sir Dinshaw Wacha and Sir Narayan Chandravarkar and others, which, I understood you to say, shows unrealisable expectations?—I suggested that it shows expectations which it would be impossible to realise in consistence with the declaration of the pronouncement of August, 1917.

254. That memorandum by the Bombay leaders of political opinion was mainly for the purpose of controverting another section of opinion, which contended that there was no substantial reform at all under the joint Report? Is not that so?—That reform was unsatisfactory and insufficient, yes.

255. I think they made a catalogue, a sort of list of about twenty-six items, with regard to which there were some substantial proposals for reform in accordance with what had been long asked for by Indian public opinion. It is on page 129 of Command Paper 123?—I see the reference.

256. The main object of this was to convince the opponents of the reform that they are wrong in suggesting that the report was unsatisfactory?—That is so.

257. With regard to the power to alter the Budget, does not this memorandum lay stress on the fact that that power will depend upon the restraint and wisdom with which proposals to alter are made?—There are some most excellent pronouncements in the course of the memorandum. I only drew attention to two or three particular sentences.

258. What I want to emphasise is this, that it is not really an unrealisable expectation that they are referring to, but an expectation that the proposals to alter the Budget will only be accepted if they are reasonably and wisely made. That is emphasised throughout the memorandum?—One has to take the document as a whole, I quite agree; but I was drawing attention to two sentences which I am sure will be fastened upon by public opinion in India, both now and hereafter, and which, to my mind, led Indian publicists to believe that the joint purse was going to give them full control over the whole of provincial finances, and I said that that was an unrealisable hope so long as responsible Government was not achieved.

Lord *Sinha*—continued.

259. I am trying to draw attention to the fact that Sir Dinshaw Wacha and Sir Narayan Chandravarkar and others are throughout insisting that the Governor's power to veto, or rather to restore the allotments if altered, with the inquiry which is to be held after definite periods, will exercise such a restraint upon the Legislative Council as to induce them not to propose unreasonable alterations?—Yes, I have no doubt that they have. They are reasonable men, and they put the thing in a reasonable manner.

260. Those Indian publicists, who were talking of control, contemplate that the result of the different proposals in the Report will be to ensure both knowledge and experience of administration far greater than is now possessed by members of the Legislative Council?—I am sure of that; but I do not wish to pin my argument exclusively upon any particular sentences in this or any other memorandum. I refer to the general belief, the general expectation held throughout all circles of Indian politicians that under the joint purse system the popular half of the Government is to be given an effective control over the purse of the official half.

261. Only if the proposals which they make commend themselves to the Governor as reasonable and feasible. Would there be anything wrong in that attitude?—Not at all.

262. Would it not be premature to assume that there will be an unreasonable spirit of hostility to the Budget allotments of the official half of the Government if we remember that the proposals will be now made after considerable discussion in Standing Committees, in all the reserved Departments, with the secretaries familiar with the proposals and with the Minister accepting or acquiescing in the Budget provisions as made by the Executive Council?—If all those agencies are friendly, I see no difficulty; but it is a very large assumption to start with, that you are going to have an absolutely peaceful atmosphere in which this new régime is going to be initiated. I do not want to make any sinister suggestions whatever. All that the Government of India asks for is that we should from the outset avoid possible causes of friction. I do not say there will be friction; we apprehend that there will be, and we do ask that causes of friction should, as far as possible, be eliminated.

263. So far as this particular point is concerned, that is the effect of resolutions with regard to reserved subjects, is not the difference somewhat small? Whereas the popular side says, "Promise to accept our resolutions if they are reasonable," the official side says, "We will not make that promise, but we will accept them and shall accept them if they are reasonable."

Chairman.] Does not everything depend on the interpretation of "reasonable."

Lord *Sinha.*

264. I expect it does. But what I suggest is this: that the opportunities for being reasonable will be far more, because the opportunities for knowledge of details of administration, now wanting, will be provided for, and are provided for, in the scheme?—I quite agree with that, as a general proposition.

265. So far as reserved subjects are concerned, the Governor's power will be sufficient, I suggest, to prevent effect being given to wild or unreasonable resolutions?—I believe that that power, if constantly and fully exercised, would have that effect, but it casts an enormous burden upon the Governor.

266. Does it not prevent unreasonable resolutions being constantly brought forward?—It depends upon who is the judge of reasonableness.

267. I will come to the question of the separate or joint purse. There are more ways than one of creating a separate purse supposing that a separate purse is decided upon?—Yes.

268. You know of other methods proposed?—Yes, many methods have been proposed.

269. Some have been proposed by expert financial authorities in the India Office?—Yes.

270. It is very much the same as that proposed by Sir Sankaran Nair in his Minute of Dissent on the despatch of the 16th April, I think?—Yes.

271. That is, the entire revenue to be allotted to reserve

Lord *Sinha*—continued.

reserved subjects, and the remaining fraction to transferred subjects?—That is a proposal which has been put forward under high authority.

272. And so far as any question of friction is concerned it will be as free from that as the scheme which you suggest?—That I doubt.

273. You doubt whether it would be as free from the chance of friction?—Yes.

274. I understand the Budget scheme of a joint purse would be perfectly feasible if carried out by reasonable men in a reasonable manner, as the Government of India says?—Quite.

275. Under your scheme, so far as any question of taxation or borrowing is concerned, the Governor is to decide ultimately, after consultation between both halves, as to which half is to borrow or tax, or whether both halves are to borrow or tax?—Yes.

276. And that will depend upon the decision of the Governor entirely, which you expect both halves to accept loyally?—Yes.

277. That is with regard to a division of new sources of revenue, you think both halves would accept loyally the decision of the Governor?—Not a division—the creation of new sources of revenue.

278. It may be a division, because both halves may agree on joint taxation and borrowing and divide it in certain proportions?—That might occasionally happen, but I think it would be very rare.

279. If they are likely to accept loyally the decision as to the creation and probably the division of new sources of revenue, would you not expect that they would accept with equal loyalty a decision of the Governor with regard to the allocation of existing sources of revenue?—No, I should not expect that that would necessarily follow. It seems to me that the two cases are very different. In the case of existing sources of revenue you have a very large fund indeed on which there are enormous claims coming from all sources; the conflict of interests and of demands is enormously multiplied. In the case of the creation of a new tax the issue is an extremely simple one, and it is very simple in the case of a loan. Although a new tax and a new loan do require, according to our proposal, the consent of the Governor, we certainly do not expect that they would be matters of annual occurrence, whereas the other thing is annual—it extends over a very much larger field—and the opportunities for difference of opinion are very great.

280. On the other hand, have you not this fact, that you have the experience of many, many years to guide both parts of the Government in considering as to how much is really necessary for each of the departments?—We have experience of the old official policy, but we understand there is going to be a new heaven and a new earth, and the progressive policy of the popular half of the Government will create demands which we never have had to consider before.

281. Seeing that both are men of the world, men of business, and know that reserved services are as essential for the people as transferred services, and that there must be protection of life and liberty just as much as there must be education, as seeing that the people are that way inclined in the Executive and the Ministry, would you not expect them loyally to accept a decision of the Governor, after full discussion as to the necessities of each department, as to how the revenues should be allocated?—I sincerely trust so, and I believe that the state of affairs which you describe will arrive in time; but I say it is far too much, with human nature constituted as it is, to expect that it will be an atmosphere in which this thing will begin. All that we propose to do is to lay down safeguards and precautions against immediate trouble. The joint purse is only one of them. It is quite possible that the separate purse, 15 or 20 years hence, will yield to the joint purse. But we object to starting—I do not use the phrase in an offensive sense—with a happy-go-lucky idea that everything will go well, and finding afterwards that things go badly. We would rather prepare all the ammunition we can against trouble and trust that it will be unnecessary in the near future.

282. May I suggest that it might create trouble if you began with a fear or a suspicion that there will

Lord *Sinha*—continued.

be a great deal of unreasonableness—that that in itself might be a cause of trouble?—I trust not. We do not display our suspicions.

283. Might it not meet the purpose which I am sure both you and I have in view if there was this power given to the Governor in case of agreement being impossible to refer the question to an impartial tribunal or to make a rule for that purpose?—That is to say, to enable a separate purse to be instituted if the Governor finds that he cannot work the joint purse?

284. Yes, an allocation to be made, not by the Governor's decision if he finds there is unwillingness to accept it, but an allocation to be made by some outside method or means—to try whether people will be reasonable, and if evidence is found that they are being unreasonable, then to exercise the power of calling in an outside body to decide?—That is, to initiate a separate purse?

285. Yes?—That is a conceivable compromise.

286. It might prevent the fear or suspicion which I am suggesting might be the result of beginning with a separate purse?—I quite see your point.

287. In the Government of India's scheme, which I am afraid I am always calling your scheme, the Government proposes to make the division of subjects a basis for the allocation of revenue?—Yes.

288. The division of subjects as made by the Feetham Committee, has nothing to do with revenue; it is not based on any proportion of revenue, or anything of that sort?—No; it deals entirely with functions.

289. And therefore it seems to me that to make a separate purse on the basis of that division might be erroneous, or, at any rate, not warranted by the fact of division into subjects?—Functions include the collection of revenue, and all we suggest is that the revenues which are entrusted to them for assessment and collection should be at their disposal. The two things are very much interlaced.

290. Need it be so, because the Reserve Department, for instance, has, as you have said in answer to Captain Ormsby Gore, about 75 per cent. or 80 per cent. of the revenue?—Of the expenditure, I think I said.

291. Therefore there must have been more of the revenue, because the first charge is upon that?—In some provinces more, and in some less.

292. But a very large proportion of the revenue will be in the Reserve Department?—We worked out an imaginary separate purse for Bombay, and there we found that the revenues were high in proportion to the expenditure on the transferred side—that the transferred side, in other words, would have to make a subsidy to the reserved.

293. But, ordinarily it will be the other way about, will it not?—I have not examined them with care. In the United Provinces it is almost equality. There will be no transfer. The revenues derived from the functions which the Feetham Committee assigns to Ministers would cover their expenditure and leave them with a substantial surplus, and so on the other side of the Government.

294. And the adjustment from one side to the other, whichever it may be, will always create a certain amount of friction, in any case?—It will be a matter for discussion. But the point which I beg you to remember is that that adjustment will be made on the basis of the known figures, the known needs and expenditure of the two halves of the Government in the past, whereas the allocation to be made by the Governor is a hypothetical allocation on the demands for the next year. There is, I think, substance in the argument.

295. As regards the stimulus to develop each other's resources, it might be looked at from another point of view, might it not, that both sides should have an interest in the development of the whole revenue?—I urge the advantage of the stimulus of developing one's own resources, not each other's.

296. And to develop the whole if it belongs to both?—Yes.

297. That would also be a kind of stimulus?—That is a stimulus, but not so powerful as the other.

298. The quantity or degree of it might differ?—Yes.

299. What you call meddlesomeness might also be called, I suppose, advice; because advice, if not accepted, is likely to be considered meddlesome?—May

Lord *Sinha*—continued.

I try to describe the difference between the two? What I had in my mind when I spoke about meddlesomeness was a case of this sort. Again I come back—and I apologise for referring to it—to the classic instance of excise. A Minister undertakes a heroic excise policy, which his colleagues on the official side of the Government, though they sympathise with his motives, believe to be impracticable. What I mean by meddlesomeness is his official colleague coming into his office every second day and protesting against some order which has been issued in his (the Minister's) department in regard to excise, threatening to take it to the Governor, demanding a meeting of the full Government to consider it, and urging his colleague, possibly in a somewhat oppressive manner, to modify the details of his policy. That I regard as meddlesomeness to be avoided. On the other hand, I welcome to the fullest degree the widest consultation between the two halves of the Government in regard to matters of broad and general policy. That, I think, is the distinction which I attempted to draw. I think the one thing is objectionable and the other is part of the scheme.

300. That might happen in whatever system there is, whether a joint or separate purse?—There is no reason why it should happen in the case of a separate purse, because the Minister becomes responsible himself for whatever the details of his policy may be, and there is no reason why his official colleague should object to it, because it does not affect him.

301. So far as taking part in the discussion is concerned, I suppose he might. However, I will leave it there. As regards friction, for five months in the year which you speak of that will invariably be there because the Standing Committee on Finance and the Standing Committee in the other reserved departments will have to have all these matters placed before them, I take it?—I do not see why there should be friction if each half knows it can draw only to a certain extent on the revenues.

302. Friction in the sense of a suggestion that a department is spending more than it ought, there will be, because you are bound to put these proposals for discussion before Standing Committees both in Finance and other matters?—That, I think, happens independently of any Budgetary arrangement.

303. What I suggest is, if they want to make controversy they can always do it, because you are going to have Standing Committees in these things?—That would happen independently of any Budgetary arrangements.

304. Therefore you will not have any more wrangles by a Budget being brought before the whole Council and Ministry than you would otherwise. That is all I want to suggest. I am afraid you will not get rid of the wrangles as long as you have the procedure laid down in the Bill of Standing Committees and so on. I will go on now to the next point about Grand Committees. I think you have just touched upon that. I suggest to you that the Government of India in their despatch has not paid sufficient attention to the nature and composition of the Legislative Council now proposed, and I say so for this reason. Take Bengal, for instance, which has 125 members of the Legislative Council. In constituting their Grand Committee, which will be 50, the Government suggests that as they have only 16 officials available and they will have to nominate 26 out of the 50 to have a bare majority, they will have a difficulty in finding the non-officials to be nominated in order to have that majority?—That is an argument.

305. Because they say 24 will be elected?—Yes.

306. But of these 24 at least 6 or 7 will be European members elected by the 15 or 16 European members of the Legislative Council, who I expect will be, on a Bill such as is referred to a Grand Committee, on the side of the Government in respect of measures affecting peace and tranquillity?—We should deplore any general assumption of that sort, because it would make the controversy before the Grand Committee practically a racial controversy.

307. I am suggesting this, that there is no reason to assume that all the elected members of the Grand Committee will be against the Government view in regard to the nature of the Bill that would be referred to the Grand Committee. I suggest that assumption as unfounded, having regard to the composition of the legislative bodies now to be constituted. You assume, do you not, that all the elected members may be against the Government?—We have made that assumption, yes.

Lord *Sinha*—continued.

308. Of course, you may say I am wrong, but I suggest, having regard to the nature and composition of the Councils, that that assumption is unfounded and ought not to be made?—We had to assume that in the matter of legislation which had produced great popular excitement and opposition, the members of the Grand Committee who would be elected by the non-official members of the Council would find themselves inevitably, for all practical purposes, in opposition to the measure.

309. But they are to be elected by transferable votes, so that all the sections of the Legislative Council will be represented in the Grand Committee?—Take Bengal and look at their composition. With a Grand Committee of 50 you have to nominate 10 members in order to secure the bare majority which the Report proposes. We demurred entirely to the suggestion that those 10 should be drawn from European or similar interests. We felt that nominations had to be directed to securing representation.

310. Perhaps I am taking you off, but I suggest it may not be necessary to draw upon Europeans for the nominated side because you will have European elected members on the side of the Government amongst the 24?—If we assume they are on the side of the Government, you may have some European members in the Bengal Council, but there are Councils in which the European interests will hardly be represented even by the transferable vote.

311. In all the bigger Provinces there are large European elements represented?—Not to the extent you have in Bengal, I think.

312. No; not so large?—We are very anxious to avoid any anchoring of our hopes on racial grounds.

313. And further, you have the whole of the elected as well as the nominated non-officials to choose from, a fact which I think is not taken sufficient account of by the Government of India. It is not necessarily from the nominated non-officials but also from the elected. Nominations are to be made from the nominated members?—Yes.

314. I suggest that you might very well extend your choice and make them from both elected and nominated members, and in that way the difficulty will disappear?—The nominated members are very few in some Provinces.

315. But if you extend your choice also to the elected members the difficulty would disappear. You said the Government of India is looking for a senatorial electorate?—Yes.

316. They have not found one yet?—They have not been authorised to find one.

317. But they are looking for one, I thought?—No; they are waiting for instructions.

318. The kind of electorate which you suggest would mean, in Madras, for example, about 1,500 out of about 40,000,000, taking the high property qualifications, and so on. I think that is the kind of thing suggested?—Yes.

319. Over an area of 123,000 square miles?—That is the area of Madras, is it?

320. Yes. Is it possible for any candidates to get into touch with 1,500 people scattered over 123,000 square miles? Would not it be a negation of all principles of direct election?—I ought to explain that this suggestion is put forward purely as an indication of the type of thing that we anticipate. We have not had an opportunity of consulting Local Governments about it even.

321. Would the effect be to restrict it to territorial magnates, plutocrats and perhaps a small leaven of persons otherwise distinguished?—It would be to restrict the electorate to certain definite qualifications of a high character.

322. Of the character which I mentioned?—I do not think that they would be exclusive; we might have high educational qualifications, senates of universities.

323. I said "otherwised highly distinguished"?—Yes.

324. It would be very unacceptable to Indian opinion, would it not, such a Chamber as that?—I do not press for that particular Chamber. What we press for is something which is elected in a different way from the elected members of the Lower House.

325. If

Lord *Sinha*—continued.

325. If the purpose of the Council of State is the same as for a Grand Committee would it not be possible to devise some kind of Grand Committee instead of a Second Chamber like the Council of State?—That is quite possible; but it dispenses altogether with the existence of what you may require afterwards—a Second House.

326. Supposing you decide not to have a Second House either in the provinces or in the Central Legislature, the purpose immediately in view may be served by something like a Grand Committee?—That would be the next best solution, I should think.

327. With regard to Clause 21, I think the only objection about the qualifications that the Government of India refers to is that they would prefer the legal qualifications to be retained?—They have also suggested that two Indians should be prescribed by law.

328. With regard to both these suggestions, may I put this to you? If the present qualifications—that is, a barrister of so many years standing, and so on—remain, that would exclude people in India who have quite as good qualifications as barristers, would it not?—That is a very controversial question. I am not in a position to express an opinion.

329. Perhaps I am wrong in putting it to you in that way, but it would exclude people—Indians—who had not been qualified by admission to the English Bar?—And who are very highly thought of in their profession. I accept that.

330. Men, for example, like a gentleman you know very well, Sir Rash Bihari Ghose, or the late Sir Bhayeshyam Ayangar, of Madras?—I quite accept that.

331. It would have the effect of excluding men like that?—Yes, this particular formula would have.

332. And in that way would be undesirable?—I think this formula may want modification. What we ask for is that legal qualifications should still be insisted upon.

333. Then with regard to the statutory provision for two Indians, do not you think that might have the effect of cutting down the number of Indians who might otherwise be found capable of being in the Executive Council?—I am afraid I do not follow the question.

334. If you said there must be a restriction with regard to the number of Indians in the Council or rather that there must be a provision definitely fixing two, the minimum would be taken as the maximum?—I think the present Act——

335. The present Act has no racial qualifications?—No; I see your point.

336. Therefore I suggest it would be better not to have any definition of the number of seats on the Executive Council open to Indians?—I see; yes.

337. Do you think the Government of India has any serious objection to the demand which has been put forward consistently that as in the provinces so in the Imperial Executive Council or the Indian Executive Council the numbers should be half and half?—The Government of India have not considered that point.

338. Do you think personally there would be any objection to that?—I should not like to express an opinion on the subject.

339. With regard to Clause 23, which, I think you said, gave extraordinarily wide powers to the Secretary of State in Council, do you think the Government of India would agree to the proposition that the Secretary of State should, by rule, give up the right to control all matters of legislation, administration, and finance in which the Legislature, the Government of India, and the Executive of the Government of India agree?—The Government of India have been considering this question, and I am not fully seised of their views at present

340. Then I will not ask that——

Chairman.

341. Do not you think that in connection with the kind of subject referred to by our friend Lord Sinha it is a little misleading to use the words "reasonable" and "unreasonable"? Is not the real question we have to consider those differences of opinion which are an inevitable part of politics?—That is the difficulty—who is to say what is reasonable and what is unreasonable on either side?

Mr. *Montagu.*

342. The first question I want to put to you is this: When the scheme upon which this Bill was founded was being prepared you were Lieutenant-Governor of the United Provinces?—I was.

343. Could you tell the Committee something of the consultation which went on with you and the other heads of the provinces, and the degree to which at that stage, in principle, anyhow, unanimity was reached?—When the inquiry first started in India there had been no chance of communication between the heads of the provinces. An attempt was made to establish such communication, but it came to very little. But in the end the heads of all provinces except Burma were summoned to Delhi in, I think January 1918, were addressed by the Secretary of State and the Viceroy, and set to work there and then to try and arrive at at least the outlines of a scheme which they could put before the inquiry. Such an outline was arrived at, and was accepted, subject to, I think, a minor qualification on behalf of the Punjab, and the complete dissent of Lord Pentland, and was placed before yourself and the Viceroy, and, although I have not that document with me, it probably is on the record; but the essential feature of the document was, and the essential feature of our understanding was, that although some of us wanted a longer period of preparation than others, we did all agree that when the first Statutory Commission visited India it should find Diarchy working in all our Provinces. There were details which I do not suppose you wish me to allude to.

344. At that time, on the supposition that the 20th August declaration was to be taken as a starting point, the majority of the heads of the local Governments were prepared at some time or other to face the Diarchic system?—Most clearly.

345. It would not be fair to ask you about the degree, shall I say, of complicity of the members of the Government of India in the scheme as published. In the big despatch of March 5th, in paragraph 7, these words occurred: "Members of the Government of India were indeed kept in close touch with the deliberations, and no important conclusions were arrived at without reference to them." You know enough about what occurred then to say that that is by no means an overstatement of the facts?—So far as I had any part in these preliminary discussions the Government of India as a whole was always a participant.

346. And, therefore, on the assumption that the joint purse and the separate purse were discussed at that stage, the views on that and similar subjects in the despatch represent second thoughts after consideration and criticism?—I think so, yes.

347. The Report had been published for a year, I think, roughly, and criticism had come from two different sources, the local Governments, on the one hand, who sent in these despatches, which have now been published, and the non-officials, who had been passing resolutions of various kinds in their various representative assemblies or organisations, and it was the criticism of both kinds that the Government of India took into account?—Yes.

348. Could you just explain whether it is, or how far it is, true to say that the result of criticising the local Government's criticism led the Government of India to go further away in a direction which the local Governments did not like; and the result of considering the non-official criticism was, so far as I can discover, to recommend the adoption of no single point that the critics made?—Is that in regard to the financial arrangements?

349. Anything. I do not know if I have made myself clear. The Government of India were to a great extent participants in the original scheme; they have now suggested modifications, as the result, you have agreed, of criticism. Those modifications have been in no sense what the local Governments suggested—or perhaps you can show me where I am wrong—and in no sense what the non-officials have suggested. How does that come about?—I do not know that the latter statement is not subject to some modification. I can lay hands upon definite protests on the part of non-official critics against the financial proposals, for example. A strong point was made of the impropriety of leaving Ministers to be fed, as it was called, by the crumbs from the table of the official half of the Government. But speaking generally, and waiv-

Mr. *Montagu*—continued.

ing any incidental support of that character what I would say is this, that the criticisms on all sides forced the Government of India into a very minute and detailed examination of the details in practical working of the scheme, and compelled them to try and visualise it in its everyday admistrative aspect. Although it may be true in individual respects that they have not followed one set of critics or the other, they have endeavoured to make the scheme a working plan in all its minute ramifications. I cannot say—I should be wrong in saying—that they have slavishly followed any particular body of criticism. The fact is that the great bulk of criticism was self-contradictory, and the criticisms destroyed each other, and in many cases we had to start as if we were working on a clean sheet.

350. This point is so important to me that I am afraid I must press you a little further. Let us take the general consensus of opinion so far as it can be judged from here—of Indian non-official opinion on this Report. Am I right in saying that on the whole as time has gone on it has become more favourable?—I think it has.

351. Am I not right in saying that nearly the whole of it has expressed the view that the Bill does too little in the fabric of the Government of India itself?—Undoubtedly.

352. Your answer to that has been not to suggest anything more about the Government of India, but to suggest something less by objecting to standing Committees and Under Secretaries. You do not see your way to meet them in that line of criticism on one single point?—We founded our proposals in that respect upon one of the axioms in the Report, which lays it down that "The Government of India must remain wholly responsible to Parliament, and, saving such responsibilty, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now introduced in the provinces." Taking that as a general statement of very wide application, and of infinitely more authority than some of the details which were either suggested or criticised, we have attempted to make the scheme consonant with that declaration. That is the only answer I can give.

Mr. *Montagu*—continued.

353. There was no alteration in the proposals made as to the Central Government that could be conceived to be consistent with that declaration?—There was nothing more generous than what we suggested in our despatch.

354. Take the Local Governments, as I understand it the majority of the Local Government came to you and said, "We dislike Diarchy; we want a unitary system of Government," and your answer to that appeai seems to have been to have made a greater duality of Government. So that both sets of critics came to you and got no satisfaction?—Our complaint against the majority of the Local Governments was that their scheme was infinitely less generous than ours with regard to the structure of the Provincial Executive.

355. I will put it to you very tentatively. Are not the modifications suggested by the Government of India in all things due to their own reconsideration of the question rather than to the criticism which has been put to them from outside—I think that is broadly true.

356. I want to ask you one more question before we adjourn. The points to which I want to direct your attention more in detail than any other points are the relative merits of a dual form of government and a united form of government. For that purpose, would you be kind enough before we meet to-morrow morning to look through your evidence, to see the arguments that you used against the joint purse, and to consider how far those arguments against the joint purse would be equally applicable to a united Government. Do you see what I mean?—Yes.

357. Of course, you could not have a separate purse, I imagine, with a united Government?—No.

358. But I think it was Lord Islington who put to you if you did not have a separate purse what was the point of a separate Government?—I see.

359. And would not the united purse and the united Government taken together be open to some of the objections which you have pointed out as arising under a dual form of government and a united purse?—I see.

(*The Witness is directed to withdraw.*)

Die Martis, 22° Julii, 1919.

MEMBERS PRESENT:—

Duke of NORTHUMBERLAND.	Mr. BENNETT.
Marquess of CREWE.	Sir HENRY CRAIK.
Earl of SELBORNE.	Mr. MONTAGU.
Lord BRODRICK (Viscount Midleton).	MAJOR ORMSBY GORE.
Lord ISLINGTON.	Sir J. D. REES.
Lord SYDENHAM.	
Lord SINHA.	

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

Chairman.] Before resuming the evidence of Sir James Meston, I wish to make a statement which I hope the Press will take note of. It is rendered necessary by many of the communications received by the Secretariat. It is this: This is not a Committee to inquire into the state of India or into the Government of India, or to report on the best form of Government for India. Neither is it a Committee to do again the work done by the Southborough Committee. It is a Select Committee of the two Houses of Parliament dealing with the Government of India Bill, according to strict Parliamentary precedent and procedure, and no evidence of any sort or kind by whomsoever tendered will be admitted which goes beyond the scope of the Committee's terms of reference. I also wish to make it quite plain that the Committee is working under a time limit, and therefore there must be a very strict scrutiny as to those who tender themselves as witnesses. Evidence can only be admitted of gentlemen really representative of large and important interests. It is quite impossible to allow evidence to be tendered by every lady or gentleman who is interested in Indian affairs. And also there must be a strict limit to the number of witnesses heard in evidence on behalf of even large and important interests.

SIR JAMES MESTON, K.C.S.I., is recalled; and further Examined, as follows:—

Chairman.

360. I think you wish to correct something you said yesterday?—Yes. I should be most grateful if you would allow me to correct an error into which I fell in answering a question of Lord Sinha's. The question in the transcript which I have just got is No. 337. Lord Sinha asked whether the Government of India had

Chairman—continued.

Chairman—continued.

had any objection to a proposal which would leave the Imperial Executive Council constituted half of officials and half of Indians. In my reply I said that the point had not been considered. My memory failed me, because the point had been considered, and is dealt with, though very briefly, in paragraph 113 of the Government of India's dispatch of the 5th March. I should like, if I may, to have my evidence amended accordingly. In the second place I would like, with your Lordship's permission, to hand in a statement which clears up certain difficulties that were felt yesterday in regard to the earmarking of expenditure or revenues under the financial system which the Government of India had advocated. This is a statement showing in quite a rough and informal manner how a separate purse could be prepared for two exemplar provinces. (*The same is handed in. See Appendix B.*)

Mr. *Montagu.*

361. I have only a very few more questions to ask. My first is this: When the report on which this Bill is based was published for criticism you, I think, agreed to the appointment by the Indian Legislative Council of a Committee to consider the report?—Yes; the Government of India did.

362. And you received a report from them suggesting certain amendments, which are printed as an appendix to the Government of India dispatch?—Yes.

363. You also received what is called the final opinion of the European Association?—Yes.

364. Also printed in the Blue Book. You also received the criticisms of the Local Governments. Now, you conferred with the Local Governments at Delhi?—Yes.

365. Did you confer with the members of the Legislative Council, or of the European Association, on the points which they had suggested?—No; not since I have been a member of the Government of India.

366. You were present at the meetings of the Heads of Local Governments at Delhi this year, I think?—Yes.

367. Was there any attempt made to bridge over the difference of opinion between you?—Very strenuous attempts were made.

368. And it was found to be impossible?—Five Heads of Local Governments found it impossible to arrive at any conclusion which was consistent with what we regarded as the fundamental principle of the scheme; two Heads of Local Governments were entirely in agreement with it.

369. Entirely in agreement with the proposals in the report, or entirely in agreement with your amendments of the proposals in the report?—They were entirely in agreement with the fundamental principle of Diarchy. That was the main issue before us.

370. No Local Government suggested to you, did they, your arrangements for the finance of the provincial Government?—No.

371. Or for the abandonment of the proposals for Under Secretaries and Standing Committees in the Government of India?—No.

372. There was, of course, a difference of principle between you and the Heads of the five Local Governments?—A vital difference of principle, yes.

373. Is it fair to the Government of India to say that all their efforts have been directed to keeping the constitutional changes, so far as they relate to real power, to the transferred subjects in the Provinces and maintaining everything else much as it is to-day?—If I may put it in this way, I think that the dominant consideration of the Government of India has been that Diarchy affords an opportunity to the new popular Government to undertake work of a very real and responsible character within its own field, and that the Government of India consider that that opportunity is sufficient for the first stage of the new régime, and that development from that stage would naturally follow by the increase of the size of the field. They recognise that with the popular vote and the presence of Ministers in the Government the influence of the popular Government upon the administration of reserved subjects must steadily grow, but their proposals are directed against converting that influence into control.

374. Quite, and for that reason, in the Presidencies, at any rate, you would like to keep the Executive Council as it is to-day?—Yes.

Mr. *Montagu*—continued.

375. Would you like to keep the composition of the Grand Committees of the Legislative Councils so as to reproduce exactly the position as it is to-day?—Well, as nearly as possible; it is impossible to reproduce it exactly.

376. You were not unanimous, of course, in your despatch, but there was less unanimity about the proposal with regard to the Executive Councils than any other, I think?—Yes, there were two members who felt difficulties about it.

377. Is not one of the difficulties in the Executive Council always that there is a demand on the one side or the other for equality of numbers?—There is a demand on the non-official side for equality of numbers.

378. Is not there always an objection also on the official side to increasing the Indian members to such an extent that they would be in a majority?—Oh, yes.

379. So that it really works both ways?—Yes.

380. I think you said, in answer to Lord Islington yesterday, that as a consequence of that you did not see what the next stage in the Local Government scheme was going to be?—Yes.

381. Because an increase in the numbers would mean complete control to the Indian members of the Executive Council by voting straight?—That had reference to the increase in the number of the non-official Councillors drawn from the popular Assembly.

382 And therefore you thought that that would not be the next stage?—Yes.

383. Could I press you to express your opinion: What do you think would be the next stage?—Under the system of composite Government?

384. Yes?—I could not conceive any other stage except that, and that stage I regard as extrmely dangerous.

385. Is it not possible at least that the next stage might be Diarchy after all?—My submission was that the type of composite Government described by Lord Islington was practically Diarchy inasmuch as there is a division of functions.

Lord *Islington.*

386. A very different Diarchy from what you are proposing?—Yes, but a dualism.

Mr. *Montagu.*

387. You will agree with me that it is very important that whatever we do should be acceptable to some body in India?—Yes.

388. What do you think would be the effect on public opinion in India, so far as you are able to judge it, of the adoption of the Local Government scheme as it stands?—I have seen very little expression of public criticism upon the Local Government scheme. In so far as it approaches the original proposal of the Congress of the League, I presume that certain features in it would be acceptable, but certain others would certainly be most unacceptable to those who stood by the Congress League scheme. And inasmuch as the great bulk of moderate opinion in India has associated itself closely with the principle of dualism, I should hardly expect them to gladly accept the change now proposed. But what I think is even more important, and would probably weigh more heavily with Indian opinion, is the certainty that a vital fundamental alteration of the scheme in the direction suggested by certain heads of Local Governments would very gravely delay the initiation of any measures that are now going to be taken under this Bill. We have had a year to prepare the details of the working of dualism; we have not nearly completed the details of the scheme, and if we have to cast the whole of that over and start anew with an entirely different series of proposals it would be some considerable time before anything in the nature of executive action could be taken under it.

389. In any form of Government of which you have been a member is not there normally an amicable discussion among the members of it as to the allocation of available supply?—My experience is a little limited in that respect. The only Government for which I was responsible was for six years that of the United Provinces, where, as you know, there was no Executive Council. It was a single-handed Administration, and there, I confess, I was very rarely, as Head of

Mr. *Montagu*—continued.

of the Provinces appealed to, because the Departments managed to arrange their difficulties between themselves with the help of a strong Finance Secretary. Now in the Government of India, with which now I am at least equally familiar, the financial dispositions of the year hardly ever come before the Council at all until they are in the final form in which the Finance Department suggests that they should be presented to the Secretary of State for approval. There, again, the Departments settle their own affairs very largely among themselves.

390. They settle it by discussion among themselves?—By discussion among themselves with, as I say, the help of a strong Finance Department.

391. Is that what you would call meddlesomeness or a wrangle?—Oh, no, there is no wrangle; there is a good deal of soreness sometimes.

392. Take any Government in any country: Suppose you were at the head of a spending department, let us say the Education Department, would it not be natural that you should view with great jealousy proposals for increased expenditure, let us say, on the Army?—I have no doubt I should.

393. Would your jealousy be greater or less if you you were excluded from the discussion of the expenditure on the Army with a view to cutting it down?—If my power of influencing the administration existed it would certainly be greater.

394. You must have a joint purse; you cannot have a separate purse in a unitary Government, I presume?—No; a joint purse would be the natural consequence of a unitary Government.

395. This is the point I left yesterday: Would not the wrangles be much worse than they would be under a dual Government?—I think the difficulties of a joint purse under a composite Government would be just as great as they are under the dual system. There, perhaps, would not be the same uncertainty as to the future expansion of revenues, but there would certainly be the same temptation to meddlesomeness, the same tendency to wrangling which we have talked about, and there would certainly be the same friction. Even under a composite Government it is this friction which would be the rock on which, I think, the whole scheme would break, because all the non-official members would be exercising a constant pull for greater economies in the Departments with which they are not immediately concerned, and in doing that they would have the Assembly behind them, so that the whole weight of the Assembly would be behind one particular section of the Government as against the other, and at any moment you might have a crisis for which I can see no possible solution.

396. But would not it be worse in view of the fact that all the members of the Government would be equally responsible for all decisions?—Quite so; they would all have to defend each decision.

397. They would all be equally responsible, and they would have an equal share in anything coming to them?—Yes.

398. One more question about the joint and separate purse. Supposing a Legislative Council moved a resolution under your scheme—I am taking the Government of India scheme now in its entirety—to reduce expenditure on a reserved head—an advisory resolution, as it would be—and supposing the Governor accepted that resolution as being right, there would be a reduction in the expenditure, and the money would, I think, go into the reserved balances, and might be used as an argument for a reduction in the reserved allotment when the next settlement came?—Undoubtedly.

399. But in the meanwhile it would be there to swell the balances?—Yes.

400. I am postulating a case in which everybody is in agreement that too much has been taken, at any rate in that year, for the reserved head, and therefore the resolutions have been accepted. At the same moment the transferred head might be crying out for new expenditure. They could not touch the money in the balance, and would therefore have to resort to taxation. Is not that a true picture of what might happen?—I would modify it to this extent, that under the separate purse scheme there would be two separate balances; each half of the Government will have its own balances just as its own resources, and its own powers of taxation, and your question, if I may say so, assumes that the Ministers have completely depleted their own balance. The Government of India would certainly hold that in those circumstances the moment for improving their resources had arrived, in any case, without reference to the adventitious addition of the balances of the other half of the Government.

401. Then you think it unachievable, at any rate, in a Provincial Government in India, that money saved by one department should be available for another?—Oh, no; I do not go so far as that. I think probably you put the case from what I believe will be the strictly proper point of view, but it is not at all inconceivable that given the amicable relations which we hope are going to grow as paving the way from a separate purse to a possible future joint purse, you will frequently have arrangements by which one half of the Government accommodates the other half with any surplus funds which may be at its disposal. I thing that is a contingency which we may certainly regard as probable.

402. My last question to you on this subject would be this: You postulate even under your separate purse proposal some give and take between the two halves of the Government?—Yes.

403. Now, is not your only real reason for your separate purse proposal a fear that this wrangle may become so unfriendly that there is no solution?—That expresses the fear that I entertain regarding an enforcement from the outset of the joint purse.

404. But would it not be more logical to take the proposal put to you by Lord Sinha yesterday, that, instead of safeguarding yourself against the fear that the usual departmental discussions—discussions which you have admitted are usual—would lead to quarrels, you should provide machinery in case those quarrels were to occur. Is not that more logical?—I do not contest that as a perfectly reasonable proposition.

405. I must ask, I am afraid, three more questions. You were talking about the recommendation that the Government of India made that there should be a statutory enactment for the appointment of two Indians or one Indian, to the Executive Council, as the case may be?—Two Indians on the Imperial Council and one on the Provincial was the suggestion.

406. Why do you suggest it should be statutory?—It is very largely to meet the feeling that the statutory provision at the present is wholely one-sided. We desire to retain a statutory provision which will secure us at least two in one case and one in the other, members of the public services. If this is resented we are quite prepared to make a corresponding statutory provision for non-official Indians. That is the only reason.

407. But, as a matter of fact, since the Morley-Minto Report there have been Executive Councils appointed, and there has never been any doubt that, although it was not statutory, they would continue as they are?—That is so.

408. And it is true, is it not, that even if you had your statutory prescription of the 12 years' service or 10 years' service, that does not exclude Indians who possess that qualification?—Not at all.

409. You said yesterday that you agreed that the proposals as regards the Legislature put the Legislature in a worse position than they were to-day as regards legislation?—Yes.

410. And you said that that was due to the fact of the Grand Committee procedure. That is all, is it not?—That is all.

411. That is so important a statement that I want to pursue it a little further. You would not wish to put the Legislature from the point of view of legislation in a worse position than it is in to-day, would you?—No.

412. That would be clearly out of spirit with the whole enterprise?—Yes.

413. If that is your view, why did not the Government of India suggest an alteration?—I think my answer has been read as though I had taken Lord Sinha's question in a somewhat artificial and narrow sense. What I understood Lord Sinha to ask was whether the Legislature, apart from the Grand Committee, had the same powers under the Bill as the Legislature

Mr. *Montagu*—continued.

Legislature has by law at present, and my reply was that it had not, inasmuch as certain measures of legislation can, under the proposed scheme, be withdrawn from the Legislature, which is not the case at present. But if one develops the proposition one sees at once the essential difference between the two positions, inasmuch as at present the Legislature has an official strength which secures its capacity for passing practically any laws that are put before it by the Executive Government.

414. So that if instead of talking of the Legislature you talk of the elected members of the Legislature, they have enormously greater powers?—Infinitely greater. I never contested that point.

415. I only wanted to clear up the point?—Quite so; I am very grateful to you.

416. It was very important, I think. There are two respects in which their powers are increased, one in their numbers, and another in the relaxation of the requirements of the previous sanction for the introduction of legislation?—That is so.

417. And even when we come to the Grand Committee, as proposed in the Report, at any rate they have more powers than they have at present on the Grand Committee?—Undoubtedly.

418. And if the Government of India's emendation of the Grand Committee were accepted, it would be as nearly as possible the same as at present?—As nearly as possible, yes.

419. I now want to ask you just a question or two about the rules under the Bill. I think it was Mr. Bennett who asked you whether there was any matter which it was proposed to deal with by rules under the Bill which you would have preferred to see dealt with in the clauses of the Bill itself. May I repeat that question?—I think my answer was that there are some matters of very considerable importance which we do desire to see provided for in a formal and authoritative manner, but whether those ought to go into the Bill, or whether they ought to take the form of statutory rules under the Bill is a matter which the Government of India confidently leave to the draughtsmen and the exigencies of Parliamentary procedure.

420. One of the matters to be dealt with by rules is, of course, the division of functions?—Yes.

421. You have suggested the exclusion of secondary education from the list of transferred subjects?—Yes.

422. Did you regard that as being in harmony with the principles which the Report suggests ought to guide one in selecting the transferred subjects?—What we felt was that the control of primary and, to put it quite informally, vernacular education is a matter which is much nearer the people and much more directly under their control than the infinitely more difficult and more technical questions involved in secondary and University education. We felt, speaking quite frankly, that so many mistakes have been made in India in the past in the organisation of secondary, and more particularly University, work—mistakes which we believe have been made in other countries as well—that we are frankly anxious for an opportunity to remedy them before we hand over probably the most difficult of all subjects to the new popular Government. I do not think I can put the matter more succinctly than that.

423. I do not want at this stage, because it is a publication since you left India, to take you through all the questions involved in the Report of Lord Crewe's Committee, but I would ask you this question: Do you assent to the principle that where the Government of India acts in conformity with the wishes of the Legislative Assembly it should not be controlled from England?—I find great difficulty in accepting that principle broadly. But I have to confess that, largely owing to physical reasons, I have been unable to study either the Report or the comments that have been made upon it, and I should be most grateful if I might have a subsequent opportunity of answering this question, because, apart from other things, I am still in the position of being only the representative of the Government of India, and I am not familiar with their views on this particular point.

424. My last question to you would be about Lord Southborough's Report on the Franchise. As I understand it, that Report was unanimous with the exception of the question of Women's Franchise?—It was certainly a point on which the report was not unanimous.

425. As I understand it, in every case the recommendations that they made in each Province were based on the recommendations of the Local Governments and were concerted with them?—I understand that to have been the ordinary procedure.

426. It is not the intention of the Government of India to do that work all over again, is it?—Not at all.

427. You do not want to re-submit the proposals to the Local Governments over again, do you?—In regard to some details we should like to consult the Local Governments, more particularly with reference to their silence regarding the constituencies for the Central Assembly.

428. One of the things which interests me is this: In your comments upon Lord Southborough's Report you suggest a modification of the Mohammedan representation in Bengal?—Yes.

429. Now Lord Southborough and his colleagues base themselves upon what I have always understood to be a voluntary agreement between certain Mohammedans and certain Hindoos made at Lucknow?—Yes.

430. Now if you want to alter or modify that agreement, is it because you think the Mohammedans who entered into it were not representative of Mohammedan opinion?—I am most grateful to you for asking that question. It gives me, if I may take it, an opportunity of countering, of strenuously countering, a suggestion that has been made that the Government of India, in making the proposals they did, had in view the rejection of the Lucknow compact. There was nothing further from their minds. They fully, and I think almost unanimously, decided to abide by the Lucknow compact as a political document of new and rare importance, and of great value, and very highly regarded by the politically minded members of both communities. There was no intention whatever of going behind the compact or breaking it. During the discussion, however, it was pointed out that for reasons which it would be profitless to discuss now, the Mohammedans of Eastern Bengal felt that they had fared somewhat badly in the agreement that was arrived at at Lucknow. They asked for treatment which they had not received under their own compact, and having regard both to those facts and to the actual population statistics, we endeavoured to meet what seemed to us their perfectly legitimate request by a suggestion that we should add a certain number of seats to the Mohammedan representation in Bengal alone. I may say this, that if we had thought for a moment that this proposal was to be treated seriously as an attempt to break the compact we should probably not have put it forward.

431. Would you have been very shocked if Lord Southborough's Committee had suggested Women's Suffrage in India?—I should have found it a very hard doctrine in the conditions of India to-day.

432. What you mean, I presume, is that a very few women would exercise the vote?—I would go a little further than that, I think: very few women would come to the polling booth to exercise the vote. The exercise of the vote by the vast majority of women who would be enfranchised would present extraordinary difficulties, practically and socially.

433. Supposing Lord Southborough had used the word "person" wherever he had used the word "male," or words to that effect—the same qualification for men and women—would it have enfranchised a great number of women?—I have not got the figures, but I should think a very considerable number.

434. A very considerbale number pay income tax or land revenue?—A very considerable number.

435. I forgot to ask you one question about the financial arrangements. I am awfully sorry to jump about like this, but I might go back to that question. If a Governor acted with discretion and courage there would be no difference between a resolution which was advisory on a reserved subject and a resolution which was binding, unless the Governor reversed it?—Very little practical difference.

436. Have not you, therefore, in recommending one course rather than the other, underestimated the steadying effect of the Statutory Commission proposal?—I do

Mr. *Montagu*—continued.

—I do not think so. Our difficulty has been—I am sorry to repeat the same line of argument so often—simply this, that at the outset of these new arrangements, probably for the duration of the first two Councils, that is to say for the first six years, we anticipate a period of considerable strain, difficulty, and possibly misunderstanding. After that we certainly anticipate smoother water, and probably by the time that the Statutory Commission comes along it will find a much better spirit than we fear is possible at present in operation in nearly all the provinces. We are most desperately anxious to carry things through the first five or six difficult years with a minimum of friction and difficulty. That, I think, puts our position as clearly as I can put it.

437. Yes, but, Sir James, supposing this Bill passes, the only possible method by which Indians can obtain more power in the provinces is through the Statutory Commission?—Yes.

438. If, therefore, they behave unreasonably even in the first year, in the excitement of the first year, they know that it will be quoted against them when the Statutory Commission arrives. That is the sort of evidence upon which the Statutory Commission will come to its conclusion. Is not that so?—I hope the Statutory Commission will be in a position to forget and forgive by the time it starts work.

439. Do you think anybody will let it?—Oh yes.

440. I am putting now a pure hypothesis; I am not expressing any opinion; but supposing this Committee were to decide against you on that subject, and supposing the scheme was that all Budget resolutions were to be binding unless those on the reserved subjects were restored by the Government, is there any logical reason why the same system, *mutatis mutandis*, should not be applied to the Government of India itself? I mean, of course, there would be no transferred subjects there on the hypothesis, but is there any reason for not allowing the Budget to be debated in the Legislative Assembly with power to the Government to restore any item it wishes?—This is a proposition outside the report, as I understand.

441. Well, it is one of the amendments which has been suggested in India to the Bill, and it is included in your Blue Book as coming, I think, from numerous public bodies?—Yes.

442. You have not made that recommendation, I admit?—No.

443. And you probably did not make that recommendation, because you objected to that system even in the provinces. I am only putting the hypothesis. Supposing you were beaten, if I may use the word, on the Provinces, is there any logical reason why the same thing should not apply to the Government of India?—That is to say, is there any reason why the proposals for the expenditure of the central revenues should not be submitted to resolutions of (*a*) the Central Assembly, and (*b*) the Council of State, and that those resolutions, if accepted by both those Houses, should not be binding on the Government of India save in so far as the Governor-General refused to accept them?

444. Yes?—I accept that proposition.

445. You accept that proposition?—Yes.

Lord *Brodrick* (Viscount *Midleton*).

446. You were Lieutenant-Governor of the United Provinces?—Yes.

447. Do you think that under the scheme of the Bill you could have administered the United Provinces as Governor without undue difficulty as regards the functions of the Governor himself?—I think so.

448. With regard to the Governor's relations to the Executive Councils, would you explain the extent to which they are changed as compared with what they are now? What is his status as regards the Executive Council?—I will endeavour to answer your question, but I may explain that I have no personal acquaintance with the matter. I have never been a Governor with an Executive Council. My Province was a single-handed one.

449. No, but take your general knowledge?—My answer would be that little or no difference is proposed in the relations of the Governor with the Executive Council from those that subsist at present, mainly because the legal position remains unaffected. Section 50 of the present Act is not, I think, at all altered, or at any rate not materially altered by the Bill now before you.

Lord *Brodrick* (Viscount *Midleton*)—continued.

450. With regard to the Government of Bengal, on page 202 of the letter of the Government of India of the 5th March, the functions of the Governor are drawn up. Under them, as I understand, although he is a member of the Executive Council, he can override the Council. Then if his Ministers and Executive Council differ on overlapping subjects, he has to decide between them; he has to decide disputes as to whether a question falls within the reserved or transferred category. Then taking his relation to the Legislative Council, he has to certify Bills for Grand Committee; he has to certify if a clause of a Bill dealing with a transferred subject infringes on a reserved subject; he can dissolve his Council; he can refuse assent to a Bill and he can certify as to the necessary financial provision for reserved subjects; he can dismiss his Ministers and veto legislation?—Yes.

451. Is there any precedent for the presiding officer of an elective Council like a legislative Council having the power to override their decisions as well as the power, when he is sitting with a Council which is not elected, to override them? Had the Government, in assenting to that, any precedent in their minds for such action?—The power of veto over a legislative Council exists at present. The power of overriding the Executive Council also exists at present under the conditions defined in Section 50. The power of dismissing Ministers, we understood, exists in Dominion constitutions, so that, although the complex of all those powers may not at present exist anywhere, inasmuch as the Indian conditions do not exist anywhere else, we thought we had grounds for each individual power.

452. The President of a popularly-elected assembly has got to keep order, has he not?—Yes.

453. Do you think the function of keeping order, for which he should possess the confidence of every member of the Assembly, can, at the same time, be properly exercised with the function of overruling the Assembly?—In the sense of vetoing Legislation?

454. In the sense of vetoing Legislation, or even of deciding that, as between them and another body, the business belongs to another body, and not to them?—That second power does not affect the Legislative Council as much as the Ministers—the Ministers vis-à-vis the Executive Council. I should put it in this way, that his power of over-riding the Legislature is restricted to his power of refusing to accept resolutions, and his power of vetoing Legislation. Although I admit the anomaly of having a President, the Speaker, so to speak, placed in that position, we had to accept it as a transitory measure. We believe that in time the Legislature will have its own elected President; but during the preliminary stages we feel that the advice and guidance of the Governor, who probably may be the only man in the room with Parliamentary experience, will be invaluable.

455. Would it not be probably preferable to appoint another man with Parliamentary experience to guide the Assembly and leave the Governor free and untrammelled as a deciding factor?—Yes; I should see no objection to that

456. Do not you think, speaking generally, that the massing of all these, as you yourself, I think, admitted, anomalous functions in one man is excessive?—It places a very heavy burden upon the Governor of the future.

457. And especially, I assume, on a Governor who has only just come from England. Would you agree with what is said by the Government of Bombay on page 193, para. 15: "The majority of these duties are imposed upon the Governor owing to the suggested division of the two spheres of Government, and in the opinion of this Government the burden, in practice, will be intolerable." Would you go as far as that?—Not quite so far.

458. Would you go so far as the Government of Madras on page 161, para. 10: "It appears to be a grave defect in the scheme that such a hiatus should be liable regularly to recur." "There must be a period at the commencement of each Governor's term of office when these responsibilities will be in excess of his powers, owing to his lack of acquaintance with the

Lord *Brodrick* (Viscount *Midleton*)—continued.

the country, people and officials"?—It was mainly for that reason that we suggested strengthening his hands by the appointment in those circumstances of a second official colleague. We all admit the gravity of the burden that falls upon the Governor, and many of the Government of India's proposals have been directed to trying to lighten that burden.

459. Well, if they were lightened further you would not be distressed. I should like to ask you one question about the Grand Committee. The Grand Committee is to contain fourteen out of forty who would be nominees of the Government or certain supporters of the Government?—I think fourteen would definitely be officials. That is about the ratio.

460. At all events, the parties would be very evenly matched in the Grand Committee. The decision might go either way, might it not?—For or against the Government measure?

461. Yes?—Oh, yes. It is very even.

462. Considering the way Grand Committee has had to be made up, do you think that their decision would be taken as a final one?—Well, by law it would be final.

463. But I mean would it be accepted? You are taking it is an alternative to a decision by a popularly elected body. Do you think that their decision would be accepted?—It would not carry the same popular assent as a decision by the full Council.

464. Do you think it would carry more popular assent if the Governor himself had to decide the matter?—That would be a system of ordinance or regulations, I take it.

465. It has been the custom in India from time immemorial to have decisions of one man. This Grand Committee would not be an actual popular body? Do you think it would carry more weight than the decision of one man who was really an impartial judge, so to speak?—I think so, because even in the Grand Committee, constituted as it is, you have representation of all the different interests concerned; you have free discussion; you have publicity, which would not attach to the decree of an individual Governor.

466. I should like to ask you one question about the time of reconsidering this Bill. If once the question is settled and you fix such a period as ten years, do not you think that an agitation to change the decisions arrived at may begin very soon? Do you think that ten years is a sufficiently long period? The object is to get everybody to set to work, not to consider the machinery, but to do the work. Do not you think that if there is a prospect in ten years of the machinery being overhauled again too much time and attention may be devoted to that?—What we felt was that ten years would come in the life-time of the fourth Legislative Council under the new scheme, and that possibly the agitation of the character you describe would be visible in the early years, in the first Council or probably even the second, but that after that people would settle down to work, settle down possibly to greater harmony. On the whole, we should be indisposed to shorten the period of ten years We should be sorry to see any shorter period.

467. Would you object if it were made fifteen years?—I think it would cause disappointment in India if it were made fifteen years. I think ten to twelve years is the period which Indian sentiment would welcome.

468. Your object in fixing the period would be as largely as possible to get people of all classes to centre on the work to be done rather than on the change of machinery for doing it?—Quite so.

Sir *Henry Craik.*

469. I think the Government of India took part in the earliest negotiations leading up to this Bill, and assented to it? They took part in the earliest deliberations, and assented to the views that were expressed in the report?—The Government of India have been at work on this question in a very acute and active form since 1916, and they certainly were participants in all the earlier discussions.

470. That is what I mean—you were participants in the earlier discussions, and you accepted the views generally embodied in the Montagu-Chelmsford report?—Yes.

Sir *Henry Craik*—continued.

471. You then assented to the dualism principle of the Diarchy, and you still continue to support that view?—We do.

472. But I think you recognise that the dual system at least is novel and untried?—We do.

473. And you say that although you have spent more than a year now in trying to elaborate the details you are still far from being satisfied that they are fully arranged?—That is of the scheme as a whole?

474. Yes; does not it come to what I say, that although you have been working at the details for a year you still feel that a long time must elapse before you can settle?—It is a revolution.

475. Let me ask you first with regard to one of the answers you gave, I think, to Sir J. D. Rees: I think you assented to the fact that at present India was a case of duality—that there was duality from top to bottom, vertical duality right through. He put that question, to which you answered, "Unquestionably"?—That, I think, was the purport of it—yes.

476. Surely, the analogy between the duality, that there is in the sense of the Government of India having certain functions and the provincial Governments having others, is a very different sort of duality from that which is now proposed?—Oh, entirely different.

477. There is no analogy between the two?—The dualism between the central and provincial functions is a dualism subject to one uniform control.

478. A dualism where people may take different views of particular administrative measures, and may form a judgment slightly different, but where they are both responsible to Parliament, whereas the dualism which is embodied in this report, and which you support, is, in the words of the dispatch, a division between two authorities, one the Imperial Parliament, the other an Indian electorate?—Yes.

479. Therefore there is no analogy really between the two dualisms, what may be called the existing dualism, and what is now coming forward?—My answer had reference rather to the implied suggestion that the Indian citizen is unaccustomed to deal with two sets of civic authorities. Under the division between central and provincial powers that, of course, is not so.

480. You admit that this system, with its many advantages, which we all admit is novel and untried: You look with favour upon it very largely because you think that it will form a most successful educative process towards responsible political government?—That is one reason; there are other reasons.

481. I say you do so largely; I used the word "largely" because of that?—Yes; I accept that.

482. In watching the development of political responsibility and freedom, can you point to any precedent for such a course of education? Do you think that it will be the best means of developing political responsibility that you should assign personal responsibility for certain functions to some Ministers, and deprive them of anything but merely advisory functions with regard to others? Has not political responsibility been developed in all our history by joint responsibility, gradually developing itself?—As a general proposition, I should say that political responsibility has been the result, in most countries with which I am familiar, of joint action between two parties in the State. Of those two parties, one or other might be in power alternatively, and each has the capacity for influencing the situation and developing the growth of political institutions; but in an Indian Province the conditions are so entirely different, in so far as your official Government must remain in effective power while the other, or popular, Government is learning its work. That is, to me, what differentiates our scheme from any historical analogy that I have yet seen.

483. I did not mean to refer to the analogy of divided Parties, but rather to the fact that men learn the real functions of government by being associated with others who take a joint part with them in the Government, and that it is not by being relegated to a particular subject, and told that there you may exercise your personal freedom and responsibility, that they develop a sense of joint responsibility?—May I put a consideration which I think is

Sir *Henry Craik*—continued.

relevant to your question. The Government of India took its stand on the provision in the Bill, Clause 28, which prescribes, ten years hence, the appointment of a Parliamentary Committee to examine the work of the system of Government, and to decide to what extent it is desirable to extend or modify the degree of responsible government then existing; and they felt that it would be an impossible task for this Commission, or any other form of inquiry, to come to a decision on these all-important matters unless they had before them material which can only be provided by demarcating the responsibility of those who are going to take upon themselves, by increasing degrees the task of responsible government. If they had to examine the records of a composite Government with joint responsibility they would find it almost impossible to ascertain at first hand, and in a manner that would satisfy their own judgment, the part which had been played by the representatives of the people as opposed to their official colleagues, more particularly if there were, as there probably would be, a frequent interchange of portfolios.

484. Without offering any opinion, I recognise the points to which you attach value. You think you will develop responsible government by a demarcation of functions, assigning particular functions to certain Ministers responsible to the Legislative Councils, retaining other functions in the hands of those responsible to the British Parliament, and that at the end of certain periods of years an outside authority will come in and say: "Now we will form a judgment as to how far this is successful, and what further extensions we should have." You see there is another course—I only put it; I do not pronounce upon it—of saying: "We will give you as far as possible, we will extend to the Indian population as far as possible, a joint share at once of authority and of responsibility, and we will allow that to grow of itself, and to develop itself as it has in every other country which has claimed free government," without being reviewed at decennial periods by an outside authority—you recognise that?—Yes, I recognise that as the alternative.

485. I have studied your despatch very carefully. You had before you two plans for demarcation which the Government of India calls in their despatch the vertical and the horizontal division?—Yes.

486. A very good name. Now the vertical division is that which is adopted in the Diarchy?—Yes.

487. And you set aside the horizontal division which would develop and educate political responsibility by assigning a large and responsible share in subordinate functions and gradually extending these subordinate functions?—Yes.

488. But with no demarcation?—We set that aside, yes.

489. You did not think that that was good?—We thought that it failed in various respects.

490. But you admit that your plan—I think you answered my friend Lord Midleton just now—does present the very serious anomaly that you have to correct it by calling in a very very strong exercise of individual authority on the part of the Governor, for which you could point to no parallel in any of our self-governing colonies or even the Crown colonies?—I should think the position in a Crown colony was at least as autocratic as the position of a Governor under our scheme.

491. Not in the way of establishing the semblance of a very popular representation, and yet giving power to knock that over?—I am not sure that in the earlier history of our Dominions the Governor was not endowed with very full powers to guide and correct his Ministers.

492. Yes, but they were not given a camouflaged system of independence which was to be knocked over. Now I am going to ask a few questions about revenue. You prefer a separate purse?—Yes.

493. In that you differ from the Report and the recommendations?—Yes.

494. You say that taxation is also to be separate?—Taxation and borrowing, yes.

495. But I observe in some of your answers that you are not to carry out the system of demarcation in regard to taxation, because you contemplated in one answer that you gave that the Ministers, the persons responsible to the Legislative Council, might propose

Sir *Henry Craik*—continued.

a new land assessment for primary education, although land matters, of course, would be one of the reserved subjects?—Yes; I said so.

496. Would not any such tax very seriously interfere with the reserved subjects of land administration?—The land administration would collect the tax.

497. Which it might not approve of?—It probably would not like it.

498. And it might find the land administration very seriously affected by that tax?—The principle of levying cesses on land in addition to the ordinary land revenue is quite familiar in India. I do not think it would present any serious difficulty.

499. That is only one instance. Is it possible, with the power of taxation and proposing new taxes which you give, that one Minister might propose a tax interfering very seriously with the administration of a Department which was under the authority of another Minister?—I doubt if it would interfere more seriously than, for example, the well-known centimes additionels in France levied by local authorities for local purposes.

500. With regard to the revenue, do you say that each section should also be responsible for the collection of its own tax?—If a tax levied at the instance of one half of the Government happened to fall within the administrative field of the other half it would be the latter which would collect and hand over the proceeds to the section of the Government which was in need of the money.

501. Would there be one common tax-gathering authority, or would there be a number of different divided and demarcated tax-gathering authorities?—No; I do not think so. The same authority would collect as at present. I am afraid we sometimes picture this scheme as if it were going to upset the whole of what is really the kernel of Indian administration; the ordinary district officer's work.

502. That is quite true; but is it not possible to imagine that now that you are upsetting all this past administration you must now face a future which will be rather different, and where you will have to be guided by broad principles which you must lay down; the old habits which you have been accustomed to may give way and you may not find them the same safeguard that they were before? You are establishing a new system, and you must have broad new principles upon which it is to rest. You must either have one system of tax-gathering or you must have demarcation?—Our system is very much demarcated at present.

503. And you propose that that will continue. It would be a very dangerous thing. Let me take one other aspect of this finance. I want you to turn to para. 74 of the despatch of March 5th. You say, with regard to the Finance Department: "We are convinced that the Department in each province must be one and undivided"?—That is so.

504. Is that consistent with separate purses?—Perfectly.

505. But surely financial control must really affect enormously—it must dominate the separate purses, and according to this paragraph you make the Finance Minister absolutely dominant?—I hope not; that certainly was not the intention. The Finance Minister will certainly be in a position to advise and to warn his non-official colleagues about acts of theirs in their financial administration.

506. If there is a difference between his colleagues and himself, then he must bring it to one authority, and that authority will presumably follow the advice of the Finance Minister, and that authority will surely override all differences between sectional Ministers?—I do not look at it in that way at all. Financial administration is the handmaid of the Executive administration, and in so far as the Executive on either side requires the help of the financial experts it will have it, but it will be in a very much stronger position if those are experts with an outlook upon the whole field of Provincial administration. But the idea that the Financial Department will in some way be able to overrule or override Ministers is a complete fallacy which we have endeavoured to destroy in the course of this despatch.

507. Do

Sir *Henry Craik*—continued.

507. Do you not think that finance must not be the handmaid, but rather to a very great extent the dominant influence in all this?—It is a very powerful influence, but I should never allow it to completely override Executive considerations.

508. The first allotment has been made under section 1 (1) (*d*), and then there are to be separate purses, and it is to be stereotyped for a certain number of years, and to be subject to review at the end of that period?—That is the suggestion.

509. During the intervening time, within the limits set for it by the purse assigned to him, the Minister does not need to consult his colleagues. There is no give and take. He knows what his money is?—Yes, he is master within his own house.

510. Do you think that finance, which must dominate administration so largely, should remain stereotyped for a considerable period of years? We must turn to our own country and our own experience: How would any administrative office in this country do if it were told, "You must go on with a fixed Budget for a certain number of years"? Would it be possible to develop its administration?—This is not a fixed Budget, this is a Budget which will grow with the development of their own resources. There is no fixity about it.

511. We may hope it will grow, but it is not necessarily so. It is not adjusted according to its own needs. The growth of their resources is one which may come with prosperity and with an increase in the product of certain taxes, but it is not one which grows by being shaped by the estimates which are submitted from year to year according to the needs of the Department?—I take it the resources of the two halves of the Government will grow if their policy is wise and progressive, just in the same way as the resources of the Provincial Governments as a whole grow at present.

512. Surely there might be a great misfortune which might make the particular taxes yield less than at present?—Take the case of a famine, which will immediately react very seriously upon the reserved departments, much more seriously upon them than upon the transferred departments. It will then be for the reserved departments to take the necessary measures of economy to meet this difficulty, and, should the worst come to the worst, possibly to borrow or even ultimately to impose taxation.

513. Would you not do what is ordinarily done in a free nation with a popular assembly, which imposes taxes to the measure of its needs, and raises the taxes as required each year?—That would be done under our scheme. That would be practicable under our scheme.

514. You think that the divided purse might be adjusted by give and take—that there would not be very serious friction?—The give and take to which reference was made in my answer earlier this morning dealt with the surplus funds at the disposal of the two halves of the Government.

515. But I think you did say in answer to Mr. Montagu that you thought good sense and forbearance and mutual feeling would save you from a great amount of the friction that might possibly be feared from separate purses?—No, I think my position is a little different from that. What I have been trying to establish is that the separate purses will allow operations to begin, and will prepare the way for the good sense and forbearance that may ultimately make it possible to come back to a joint purse That is my suggestion.

516. You do not think that if you were to draw a larger amount of Indian responsibility into the Government without demarcation of functions, forbearance and developing responsibility and the lessons of common action would yield results as good in administration?—The position of the Government of India is that what you say would be true if both the official half and the non-official half of the Executive Government derived their authority from the same source, but inasmuch as they derive their authoities and instruction, their ideals and standards, from different sources, we fear friction and difficulties which would destroy the whole structure of the composite Government such as you suggest.

Sir *J. D. Rees.*] On a point of order: Sir James Meston's evidence is very important and covers a wide field. Will those of us who have examined him earlier be allowed to ask him some brief argumentative questions aring out of his evidence at the close of his examination?

Chairman.] That rather depends on the time at our disposal.

Duke of *Northumberland.*

517. I have only one question. Can you tell me whether you think it is absolutely necessary to have one uniform system of legislation for the whole of India, or whether, in view of the great differences which exist between Provinces, some of them more advanced than others, and also in view of the fact that there is a difference of fundamental principles between the Governments of Provinces regarding this point, it would not be possible to set up a slightly different constitution for the different Provinces of India?—I do not think the Government of India would have any objection to an experimental variation of that sort.

Lord *Sydenham.*

518. I think when you were Lieutenant-Governor of the United Provinces in 1917 you put forward a scheme for constitutional reform?—Yes; I submitted a proposal, like all other heads of Provinces.

519. And those proposals differed considerably from the scheme which is in the present Bill?—Oh, yes.

520. Quite considerably?—Yes.

521. Before the conference at Delhi last January, had the Provincial Governments any opportunity of proposing alternative schemes? — Yes; they were called into conference in January, 1918.

522. And asked to put forward alternative schemes? —They were asked to assist the Secretary of State and the Viceroy in arriving at a scheme which would be generally acceptable.

523. Do not you think that the present scheme, as it stands, has been coldly received by the Indian educated classes?—No; I should not say that. I think it has met with a very gratifying acceptance.

524. Are there any non-officials, British or Indian, who accept the scheme whole-heartedly, as it stands? —There are; yes.

525. May it not be said that it has somewhat alarmed both the public services and the non-official classes, British and Indian?—The public services, to take them first, are naturally nervous about a change which so materially affects not only their position, but their duties and responsibilities in the past. Everyone who knows the public services believes that they will loyally do their utmost to cooperate and make a success of whatever scheme Parliament decides upon. As regards the non-official Indian and British residents in India, the diversity of opinion is so enormous that it would be difficult for me to bring it into one formula. We have attempted to summarise it very briefly in the beginning of the first despatch.

526. In one of your replies to Mr. Bennett you spoke of the interest in politics reaching new strata of Indian society. Is not that in some measure due to the alarm of Mohammedans and lower caste Hindoos at the future possibilities before them, and their wish to have safeguards—in some measure, I said, not entirely?—That desire for safeguards has been certainly manifest within the last year since it became apparent that a form of responsible Government was imminent. But the point that I tried to make, in answer to Mr. Bennett, was rather that what, for want of a better term, I will describe as the spirit of nationalism, is generally permeating classes who were indifferent in years gone by.

527. I think you said the Government of India had considered all criticisms of this scheme. Has that consideration included the addresses sent from non-Brahmin bodies to Mr. Montagu, in 1917?—Oh, yes; they were very carefully considered.

528. Do you think this Committee ought to see those representations?—That is not for me to say, I think.

529. Of course, you understand that these people are mostly very poor, and that they would send deputations to this country if they had money?—I presume they would; yes.

Lord *Sydenham*—continued.

530. But we are only likely to hear from the Non-Brahmin Association of Southern India and, I think, from the Madras landholders, because they are the only people who have been able to raise sufficient money?——

Mr. *Montagu.*

531. Did you assent to that statement of Lord Sydenham?—I am not familiar with the matter. I understood it was a statement of fact.

532. I thought it was a question?—No; I did not understand it so.

Lord *Sydenham.*] I think that is the fact, is it not, Mr. Montagu?

Mr. *Montagu.*] I do not know. I thought you were putting it to the witness, and I wondered whether he knew.

Lord *Sydenham.*] The Non-Brahmin Association of Southern India has sent a deputation? I think you told us so?

Mr. *Montagu.*] No, I did not. I do not know of any deputation, officially.

Lord *Sydenham.*] I think you will find it is mentioned in what you said the other day.

Mr. *Montagu.*] I said I was given to understand so. I do not want to enter into controversy. All I meant was that it ought to be clear whether the statement is a statement or a question, and, if it is a question, whether silence assents to it. I understood Lord Sydenham to ask Sir James Meston whether it was not true that the only non-Brahmins who could come to this country, owing to the question of funds, were the non-Brahmins of Southern India.

Witness.] I could not answer that question.

Lord *Sydenham.*

533. Apart from constitutional theory, speaking simply as an experienced administrator, do not you think that the scheme put forward by the five heads of Provinces is rather more in keeping with Indian traditions and sentiment, and more likely to work smoothly, than the scheme embodied in the Bill?—I certainly do not think it is more likely to work smoothly. I feel it is likely to produce a very much more acute and dangerous form of confusion and conflict.

534. Do you think that the complications of this dual Government—which are very difficult for us to understand—are likely to be understood or mastered by the people in India?—I do not think any constitutional change will, at the outset be understood by the masses of the people. We have to teach them.

535. You remember paragraphs 47 and 48 of the Government of India's letter, dealing with the Indian Civil Service, and you remember that that proposes that, in case of disagreement with a popular Minister, a Civil Servant should ask to be allowed to retire upon a proportionate pension?—That is proposed; yes.

536. Do you really, personally, think that that is fair to men without private means, men who, having spent a great part of their lives in India, would not be able to make a change?—That depends very much on the generosity with which the pensions are determined.

537. But a proportionate pension on years might press very hardly on a man who had some years to serve?—I quite agree; yes.

538. You realise also that if a popular Minister having a dispute with a Civil Servant is proved to be wrong, and if the popular Minister's decision is reversed, the Civil Servant who was right still has to go?—He would be in a very difficult position if he stayed.

539. Is not that rather a serious matter as tending to get rid of some of the most exeperienced and conscientious members of the Civil Service in India?—The matter, of course, is a very serious one in its effect upon the public services; but there are bigger considerations even than that.

540. And the bigger considerations aught to override, I suppose. Now, will the Government of India make similar provision for all the other services which are similarly affected by the Bill?—The Government of India have proposed to put the whole of the all-India services on a similar footing.

Lord *Sydenham*—continued.

541. As regards proportionate pensions?—I think as regards practically every suggestion they make here.

542. In your statement to the Chairman you said, very frankly, that it was a rooted belief in some quarters that the execeptional powers of the Governor, the power to restore abbreviated estimates and the power to certify Legislation in Grand Committees, will rarely be exercised, because of the pressure of popular opinion and the effect of agitation. Now, does not that rather point to Government by intimidation?—It points to the necessity for a strong and experienced Governor.

543. A Governor who will not be intimidated by political pressure?—Undoubtedly.

544. Is there at the present time any public opinion in India in the sense in which we use the words here, considering that 94 per cent. of the people are not yet educated?—It is very rapidly growing.

545. I think you said, in reply to Lord Islington, that the divided purse system was advocated by the Government of India for one reason, that it made it easier to estimate the revenue in advance. I do not know whether I misunderstood you. Could you make that point clear?—My point was that the divided purse enables each half of the Government to estimate with confidence in advance what are going to be its own resources in the future.

546. Is not it the practice in this country, and everywhere else, to estimate the national resources as a whole?—It simply means a combination of the estimate of the two halves; but the point I have been trying to make is that under the joint purse system neither half of the Government will know from year to year what is going to be the division of resources in future. That will depend entirely upon what you might call the "pull-devil-pull-baker" attitude of the two halves of the Government at each Budget period, whereas under the system that we have been trying to urge, the growth of each half of the revenues will be a definite calculable figure within certain obvious limitations.

547. You did not mean to convey the impression which I derived that it was easier to estimate on a divided basis than to estimate the revenue as a whole?—Oh, no; I should be very sorry if I were understood as meaning that.

548. Then my impression was wrong. I think you said in reply to Sir John Rees, that the divided revenue system must emphasise the duality of the Government. Is that your view?—It is a very natural consequence of the duality of the Cabinet.

Sir *J. D. Rees.*

549. I said the divided purse?—It is a very important attribute of the duality of the Cabinet.

Lord *Sydenham.*

550. May I take it, from your reply to Lord Islington, that you referred to the divided purse as an essential part of the dual system?—The Government of India have hardly gone so far as that. They say that the divided purse is a feature of the dual system which they regard as of the very highest importance.

551. You would not go so far as to say that you would rather abandon the dual system than give up the dual purse?—No; I have no instructions to say that.

552. Now, I do not think you made it quite clear what would happen if one purse is overflowing and the other is depleted?—I am afraid I must answer this at some length, because I have to begin at the beginning, so to speak. When the purses are divided, the first step is to take the Provincial balances at the present moment. The Provincial balance is a very considerable sum, which is now standing to the credit of each Province with the Government of India; it runs into crores of rupees. Some part is earmarked for specific purposes; some part we shall have to earmark as a famine insurance fund; but after that there will be a considerable amount of free money banked with the Government of India at the credit of each Provincial Government. If the separate purse is instituted, a division will be made first of all of that balance. Supposing we take hypothetical figures: If a Province happens to have a balance of three crores

of

Lord *Sydenham*—continued.

of rupees at its credit, it is quite possible that one crore will be placed at the credit of the official half of the Government, and two crores at the credit of the reserved, or vice versa. Anyhow, a substantial opening balance, as we call it, will be at the disposal of each half of the Government. Each half of the Government will then be placed in possession of the proceeds of its own revenue departments, and there will be any subsidiary adjustment that may be necessary to ensure that those proceeds are sufficient for the normal expenditure requirements of the departments concerned. Before either purse can be exhausted it must have spent, not only the whole of the revenue which has been allocated to it, but also the whole of the balances standing at its credit. When that time comes, my suggestion is that the part of the Government concerned will have so far exhausted its finance that it is time for it to look about to find new sources of revenue—in other words, to impose new taxation.

553. I think you admit it would not do to take the surplus from the transferred purse to make up any deficiency in the reserved purse, because that would probably give rise to a considerable wrangle?—I should not suggest that.

554. And also it would be very difficult to impose taxation solely for the purpose of filling up one of the purses?—That may have to be done. I may also mention one quite subsidiary and purely technical argument that balances in the sense that I have been trying to describe them are really available for non-recurring expenditure, whereas if one-half of the Government has committed itself to a policy which requires larger recurring expenditure than corresponds with its revenue, it would naturally impose taxation; it could not with any prudence depend entirely upon its balances.

555. Do you think that a surplus in the transformed purse might create a danger of rather rash financial schemes?—That is why we have this strong Central Finance Department to help to advise them against rashness.

556. I understood you said that the transferred Budget was exempt from contributions to the Central Government?—I said that as a matter of convenience we proposed to cast the contributions upon the reserved Budget.

557. Does not that mean isolation from the liability to contribute to the needs of India as a whole on the part of one section of the Cabinet?—The necessities of each section of the Cabinet will be determined after the elimination of the contribution; in other words, let me put it in this way, that the first charge upon the available resources of the Province as a whole will be the contribution to the Government of India; a second charge will probably be the service of loans already existing or in future to be created. Then what remains will be distributed between the two purses, so that I think it is somewhat of a straining of language to speak of either one or the other as being subjected to the burden of contribution.

558. It would not be correct to assume that the transferred Budget is relieved from any liability for the needs of the Government of India as a whole?—I think that is an imperfect statement of the case.

559. Now do you realise that you are really conferring upon Ministers, who for a time may be inexperienced, powers which no Minister in this country at present can use?—I find it very difficult to answer that question through want of experience of this country.

560. I have some experience of both, and that is my view, which may be quite wrong, but you would rather not answer that?—I have not really the knowledge to answer that.

561. Do not you think that one result might be to create an Indian bureaucracy with very large powers?—I think at the outset your Ministers will be drawn from a very narrow circle, and will probably represent interests which you may not regard as universal. The only corrective for that is to get the business going and start it, and let the interests who consider themselves neglected get into the habit of political action, and get into the habit of having themselves duly represented both in the Council and in the Ministry.

562. I think you admit that under popular Ministers Indian bureaucracies might be made up in time, and

Lord *Sydenham*—continued.

that they might have more power than bureaucracies administered by the other side of the Cabinet?—I hope that that tendency will break down.

563. Do you not think the Government of India tends to under-estimate the effect of the enormous changes produced by the large elected majorities of the Provincial Councils, combined with the very great increase of the powers and functions of those Councils?—I do not think it under-estimates them, but it finds a great difficulty in seeing any line of advance so long as you maintain the present constitution of the Councils. It is tremendously impressed by the growing and natural resentment against the constant use in many Provinces of the official bloc in the Councils.

564. Of course, the official bloc would go?—I beg your pardon. I thought you were referring to the advantages of the present councils.

565. No. I was speaking of the system which would prevail with a large elected majority and with the enormous increase in the powers conferred upon the councils. Is it not fair to say that that alone must place at once a heavy and direct responsibility on elected members, and, through the elected members, upon the electorate of India?—That is the whole purpose of the scheme.

566. That alone, without your dual system and your Diarchy—that is my point?—I am afraid I do not quite catch the question.

567. My point is this: You are going to give large elected majorities in every Provincial Council in India?—Yes.

568. You are going, at the same time, to give those councils very much increased powers, powers which they never dreamed of possessing before. Would not that alone give direct and heavy responsibility to the elected members, and therefore to the electorates?—Yes; but not to the members of the Executive. We want to get the leaders of the people brought into the Executive to a much larger extent than is possible at present.

569. The responsibility you are thinking of is the responsibility of Ministers, and not the responsibility of Parliament?—We have been thinking of both, really. There are two, if not three, classes of responsibility.

570. But much more the responsibility of Ministers?—I am thinking of that primarily in dealing with Diarchy, yes.

571. Now, with regard to what Sir John Rees called vertical duality, which is said to exist already in India, does not that exist in every Federal system in the world?—Quite so.

572. I think you told Sir Henry Craik that there was not the slightest analogy between that and duality in a Cabinet?—Yes.

573. Is not unity the fundamental principle upon which the Cabinet system in all countries absolutely depends?—I quite agree.

574. As dual cabinets are quite unknown throughout the civilised world, and, as you say, they are novel and untried, must not all ideas of what will result from them in India be pure conjecture?—Very largely conjectural at present.

575. I think you have seen the Government of India proposal for Grand Committees, which are to provide a majority of one in every Province?—Yes.

576. And I think the Government of India said that this was necessary in order that the will of the Government should prevail in the Grand Committee?—In order that the official half of the Government might be able to carry legislation, which they regarded as essential.

577. Considering that people suffer a good deal from temporary casualities in India, do you think a majority of one is likely to be effective?—Casualties may happen on both sides.

578. That is true; but if any very burning question was to be settled by the final vote in the Grand Committee, might not some temporary casualties be rather likely to occur?—That is, of course, a possible contingency, yes.

579. Now, supposing the Grand Committee sits quite intact for its final decision, would not any debate in that case be a hollow sham, because the division could be forejudged?—The majority of nominated members

is

Lord *Sydenham*—continued.

is not wholly official. You have both in the proposals of the Report and even in the modified proposals of the Government of India a substantial majority of non-officials.

580. But the whole principle of the Grand Committee is in order to enable the Government to carry a Bill which it cannot carry in the Legislative Assembly?—That is the point, yes.

581. As the result of a division presumably on that principle must be a foregone conclusion, might not the members of the Grand Committee very well decline to debate at all?—That is possible, yes.

582. And would not it really be better, if the Government cannot by persuasion and argument in the Legislative Council get its Bill passed, and if the Bill has no outside support whatever, for the Government to abandon its Bill than to go into the Grand Committee?—The difficulty to our minds was that the Executive may at any time be faced with the necessity of passing a Bill in the interests of the peace of the Province, which is admittedly repugnant to the popular interests in the Assembly, and if it is going to be deprived of that power, it seems to me that it loses its validity as an instrument of government.

583. Are not the powers for the preservation of order sufficient as they now stand—those powers which reside with Provincial Governments and the powers of the supreme Government on the top?—It is only a few months ago that we had to pass a very exceptional measure.

584. Most true, but that puts the thing on as firm a basis as it was before?—Yes, but it does not provide for all future contingencies. The present law is very powerful and effective, but it is also to be remembered that the new Councils may find it part of what they believe to be their duty to attempt to modify the present law.

585. That would be another thing; that would not be a Government trying to pass its Bill and failing to do it in the Council. That would be the popular Minister trying to pass a Bill to which the Government objected. That would be different?—I quite accept that.

586. Do you not really think that these checks and artifices, which are transparently obvious, must cause offence to a great many sober-minded Indians?—It is really a question of the balance of advantages, whether we are going to start this new system on a basis which we believe to be a safe one, or whether we are going to embark upon something which is absolutely unknown and untried without the safeguards which ordinary administrative exprience and prudence have suggested.

587. In reference to your answer to Mr. Montagu, did the Government of India accept the all-Indian Moslem League as really representative of the Mohammedans of India as a whole?—They have not contested the presentation of the case.

588. Then they regarded the all-Indian Moslem League as competent to form the compact which was arrived at at Lucknow?—They accepted the fait accompli.

589. I think you said in reply to Lord Midleton that you regarded the position of a Governor of a Province as practically unchanged by the Bill?—Vis-à-vis his Executive Council. That was the question.

590. You said you had had no experience as the Head of a Council Government?—Yes.

591. Do you think that there is anyone in India who has had that experience who will agree with your view?—My statement was simply that the position of the Governor vis-à-vis his Executive Council is the same under the Bill as it is under the existing law. I did not go further than that. I admitted that the burden upon him would be greater, his responsibilities and anxieties would be greater, and all that. My answer was explicitly directed to the position under Section 50.

592. That his position would be unchanged?—Vis a-vis his Executive Council.

593. But his general position vis-a-vis his popular Ministers and his divided Cabinet must be very much changed?—It is entirely new.

Sir *J. D. Rees.*

594. Arising out of your evidence I gather you hold that substantially the position of the Government of India and its powers with regard to provincial Governments are not altogether changed; in the chief features they remain?—The powers of the Government of India in relation to provincial Governments remain as at present under Section 45 of the law. There is a proposal that a considerable measure of devolution or decentralisation should be undertaken.

595. They do retain the concurrent power to a great extent of overriding legislation?—In respect of reserved subjects they certainly do.

596. Can it be said that when responsibility is conceded to a provincial Government in part none is given to the Government of India? Can you divide them off like that? Does not the concession of responsibility to a provincial Government really imply a concession of responsibility all round? Is not the position of the Government of India altered by reason of the concession of that responsibility?—May I make it clear what I have been asked to answer? I have been asked to say that inasmuch as provincial Governments are now being given a larger measure of responsibility, the capacity for control on the part of the Government of India must be, *pro tanto*, weakened?

597. Yes?—Yes, I accept that.

598. You spoke about the women's vote. You said they would not come to vote if they had the vote. Do you base that upon the well-known and admirable qualities of Indian women, their deference to their husbands' opinions, so that they would not care to vote otherwise—upon their well-known modesty—or do you base that upon a feeling that it is a purdah proposition?—I think it would be very repugnant to the feelings of respectable ladies in India to come to the jostle of the polling booth.

599. But the United Provinces is primarily a Hindoo province, is it not?—There is a very large majority of Hindoo residents, yes.

600. There is nothing in the Hindoo religion, is there, to prevent Hindoo women from freely appearing in public anywhere, and even voting, if they had a vote?—There are very large social difficulties about it.

601. Perhaps so; but is not the purdah a Mahommedan proposition, and would Hindoo women be really prevented by this consideration from voting?—I think in practice, whatever may be the history of the case, Hindoo ladies of standing would find very great difficulty in coming out to vote.

602. In Bengal, with reference to the special representation, are not the Mahommedans chiefly the descendants of converted Hindoos?—I have no doubt there is a substantial element of that class.

603. Are they not the majority?—I am not ethnologist enough to say that.

604. Is it the case that they retain very much the characteristics of Hindoos, and not the characteristics and zeal of converts? Do they not remain very much Hindoos as they were before?—I believe they adhere to a good many Hindoo practices.

605. Do you think, in proportion as they approximate to Hindoos, they stand in less need of communal representation?—I think their keenness as regards their own communal interests is just as great as if their Mohammedanism dated from the days of the Prophet.

606. You do think so?—Yes.

607. You are not familiar with the Lubbays and Moplahs, the converted Mahommedans of the South?—No.

608. Sir Henry Craik referred to the very strong powers, the very extraordinary and excessive powers, which Governors would be expected to exercise under this scheme, but cannot a Governor now actually override his Council? Is he not really, whenever he chooses to exercise the power, in an equally powerful position now?—His powers to override are defined by the law. They are strictly defined, and they are not absolutely discretionary.

609. He is the judge of when he may override?—Yes.

610. And he can do it by simply reporting to the Secretary of State what he has done?—He can follow the procedure under Section 50.

611. That

Sir *J. D. Rees*—continued.

611. That being so, is it altogether correct to say that the new scheme puts the Governor in a position of extreme power, and far greater power than he has now? Well, I admit it does to a great extent, but not to the extent which is represented?—What I said was it added enormously to his labours and his responsibilities.

Chairman.] Thank you, Sir James.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

Chairman.] I should be much obliged if the gentlemen of the Press would take a note of this matter, also. The Clerk of the Committee has received very numerous letters from gentlemen representing deputations and other interests, and I think it would be for the convenience of all concerned if those gentlemen would note that the Clerk will be in attendance in his office at the House of Lords on Thursday afternoon next, from two to three o'clock, in order to answer any questions which these gentlemen desire to raise, and I think it will facilitate explanations very much if the gentlemen will kindly call and see the Clerk, instead of communicating by correspondence.

SIR CLAUDE H. HILL, K.C.S.I., C.I.E., called in; and Examined.

Chairman.

612. Sir Claude, you are a Member of the Council of the Government of India?—Yes.

613. And have been since what date?—Since April, 1915.

614. You are of opinion that, in view of the nature of some of the criticisms that have been levelled at the proposed system of government, it might be worth while to give the briefest outline of the developments which have led to the conclusion that the scheme of the joint Report is the only method of advance which has yet been proposed which fulfils the essential requirements of the case?—Yes.

615. We should be very glad if you would proceed on that assumption?—I have endeavoured to do so in the statement which I have put in. Would it be desired that I should read that statement?

616. I think you might go through it?—It was evident as early as 1912-13 that the system of administration, resulting from the Morley-Minto reforms—especially in relation to the constitution of the Legislative Councils in the Provinces, would require amplification and development very shortly. Except in Bengal there was, under that scheme, a nominated majority of members on all the principal Provincial Legislative Councils, and there was a general feeling in favour of an attempt being made to enlarge the elective element and to secure a wider electorate. It was also, I think, the general opinion that the solid official, or nominated block of votes, was responsible for the general and growing spirit of criticism of, and opposition to, Government measures on the part of the elected minorities. Schemes were informally and tentatively discussed which, while retaining full responsibility, were designed, with proper safeguards, to extend the powers of control or influence of the elected elements on the Councils; and these, after Lord Hardinge had left on record a Memorandum on the changes which he felt were called for in the constitution of the Administration, were taken into consideration by Lord Chelmsford's Administration in 1916. The resultant proposals were embodied in the Government of India's Despatch No. 17, dated 24th November, 1916. The proposals then laid before the Secretary of State were subjected to the criticism that they failed to devolve any form of responsibility. It came to be recognised that the responsibility, ultimately (at present) vesting in Parliament and exercised through the control of the Secretary of State for India, could only be devolved in so far as that responsibility was susceptible of discharge by some substituted representative authority. It was not to be expected that Parliament would abate its control in favour of the Indian bureaucracy. The announcement of the policy of H.M.'s Government on the 20th August, 1917, gave expression to this view in the words, "The policy of H.M.'s Government . . . . is the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible. . . . This policy can only be achieved by successive stages." (3) The difficulty then was, as recognised by the Report, to frame a scheme which should, by successive stages, arrive at the goal of responsible government for India, while securing immediately substantial steps in that direction. Paragraph 101 of the joint report shows the impossibility of achieving the end in view by an elaboration or development of the system prevailing under the Morley-Minto scheme. The Congress

Chairman—continued.

League proposals were worked out upon such lines, and the joint report had no difficulty in showing that their acceptance would merely mean the grant of power without responsibility, and must create very great embarrassment, while failing altogether to achieve the grant of responsibility by gradual steps. At the same time the difficulties in the way of a division in the administration were very clearly perceived by all who were engaged in considering the problem, and there was, at first, the greatest reluctance to contemplate any scheme based upon such a principle. The obvious drawbacks incidental to the existence of two authorities exercising equal jurisdiction in the same area were carefully visualised and examined: and these drawbacks were present to the minds of all who were at the discussions which preceded the framing of the Joint Report, and several of the members of the Government of India who were so present had had considerable first-hand practical experience of district administration. Schemes alternative to the one involving dualism in the Government were therefore carefully considered, with a view to seeing whether they could not be adapted to meet the requirement of "responsibility." I have here an example of such a scheme—I have not been able to get copies made of it—purely as an example, a scheme which I prepared myself for consideration before the pronouncement of August, 1917, and completed afterwards, and I put it forward only by way of example, as showing that I myself recognise that it fails to conform to the principle which was announced in August, 1917.

617. You will let us have that?—I shall be happy to put it in (*handing in the same*). After very protracted discussions, all inspired with the desire to avoid dualism if possible, on account of its admitted drawbacks and difficulties, those who took part in the discussions in the early months of 1918, were forced to the conclusion that if there was to be the grant of a measure of responsibility, and if that measure was to be framed so as to secure conformity with the requirement that it should be susceptible of development, by successive stages, up to the grant of full responsible government, then there was no alternative to a system under which the Government should be in two parts; and it is perhaps well worth stating that it was also recognised as being right and proper—quite independently of the declaration of policy (though this in itself was binding)—that there should be a delegation of responsibility. In this term we had in mind (a) that there should be direct personal responsibility for the Acts and Orders of Government by a Minister, and (b) that such Acts and Orders should be open to the criticism of the elected representatives of the Province to whom they would have to be justified by the Minister in charge of the Department of Government concerned. The conclusion recorded in the first sentence of paragraph 144 of the Joint Report had the full concurrence of the members of the Government of India. Speaking for myself, I should like to add that I am confident that the practical difficulties and drawbacks inherent in dualism can be very easily exaggerated. It is often represented, for example, that it will be very embarrasing if conflicting orders are received by a district officer from the two different parts of the Government. It may be admitted at once that this may happen, and that it is most embarrassing. It happens under the present system. But the embarrassment need not be very serious. In such a case, if there were irreconcileable conflict, it would be the district officer's obvious duty to refer the matter back

Chairman—continued.

back to Government for instructions, and it would be the function of the head of the administration to bring about discussion between the contending departments. In any event, such a contingency not only can (and does sometimes) arise under present conditions, but it is not peculiar to dualism, and would be quite as liable to occur under any extension of the existing system. (5) The position, as it eventually presented itself to me, may perhaps best be expressed as follows: (a) There was practical unanimity in favour of changes in the provinces' legislative councils, which would give a substantial majority of elected members and thus get rid of the official block which was admitted on all hands to be the most fruitful source of friction. I may say that was recognised long before any questions of reforms arose, and when I was a member of the Government of Bombay, before I joned the Government of India. (b) There was a preponderating feeling that, in regard to many of the departments of Government, the Legislative Councils should be allowed to control and direct policy. (c) It was held, on the other hand, that there were some departments—e.g., law and order, peace and good government, the public services, etc.—in respect of which delegation of unfettered control to the Legislative Councils would be impossible at present, and that such delegation would be unfair to the Legislative Councils themselves at the start. (d) Consequently certain restrictions upon the powers of the Legislative Councils were required. (e) In respect of matters falling under the category under which there was a preponderating feeling that the Legislative Councils should be allowed to control and direct policy, it was undesirable to grant such enormously increased powers to the Councils without simultaneously devising a scheme for fixing, directly or indirectly, upon the Legislative Councils, the responsibility for the Acts determined upon. (f) This could only be achieved through the medium of a Minister selected from the Council. If these premises be admitted, it is exceedingly difficult to avoid the conclusion arrived at in para. 215 of the Joint Report; and the proposals made in para. 218 seem to me to be the logical outcome. I have not personally seen any alternative scheme which attempts to comply fully with the announcement of H.M.'s Government, dated 20th August, 1917. Then turning to what has been specially criticised, as far as I have seen it, namely the question of certification, it is objected in some of the criticisms that the procedure necessitated by the system for securing to the responsible Executive the powers necessary to the discharge of its responsibilities is complex to the degree that there is risk of a breakdown. Such criticism is directed mainly at the machinery proposed to be set up in paragraph 252 of the Joint Report. That there is some complexity is admitted—the whole problem is, of course, complex. But we have to start from the fundamental position that the Provincial Government must have the affirmative power to pass what it considers essential legislation. The alternative methods of securing this are discussed in the paragraphs of the Report preceding paragraph 252. They are: (a) The Government of India might pass the necessary laws which a Local Legislature refuse to pass. (b) The Governor-General or the Governor-General in Council might promulgate Ordinances; and (c) the Governor of a Province or the Governor in Council might be given the power to promulgate Ordinances. These were discussed fully before the Joint Report was written, and the reasons given for emphatically rejecting them are recorded in paragraphs 248 to 251. These reasons seem to me to be fairly conclusive, and when the alternative method proposed in paragraph 252 of the Joint Report is considered it will probably be conceded that it is more consonant with the whole spirit of the proposals, especially in reference to the principle of provincial autonomy, and the gradual grant of full responsibility. (7) It is to be remembered that it is not obligatory upon a Governor to "certify" a measure for the Grand Committee. In respect of many measures which it would be within a Governor's competence to certify it will be open to him (and he will frequently exercise the option) to permit the measure to be introduced and dealt with in the Legislative Council in the ordinary course.

Chairman—continued.

It will only be in cases falling within the defined category either of extreme importance or in cases in which, perhaps, racial feeling or political passion tend to thwart judgment that resort will have to be made to the certification procedure; and such cases will tend to become more and more rare as Legislative Councils, freed from the bondage of an official or nominated block, develop a sense of responsibility. It may be argued that, if this be so, there is the less objection to resort to one or other of the alternatives set forth in the preceding paragraphs. I venture to suggest that this is not so. Not only is it, in the view of Indians, likely to be preferred that, even if certificated, a measure should be discussed and debated by members having local knowledge and a first-hand interest in the issue, but such procedure has, I suggest, a positive value in relation to any measure. It cannot be too strongly insisted upon that the bureaucracy and Executive, with the best intentions, are liable to make mistakes and to misjudge the effects of measures. Discussion, locally, is of value, for even if such discussion is truncated by the Grand Committee procedure, it is taken part in by persons with local knowledge and representative of local interests, and cannot fail to be informative. Instances have occurred in the past in which ameliorative (as it was thought) legislation has been forced through the Legislative Councils against the unanimous opposition of the elected members. In some instances, no doubt, this has been justified by the results; but I could at all events cite one such instance in which the view taken by the non-official elected members proved to be justified. Thus the Grand Committee procedure, which will enable the responsible Government to secure the legislation which it holds to be necessary will thus ensure two results of some value: (a) The Government will not resort to it except in cases of real necessity, (b) even when resort has to be had to certification, the procedure in Grand Committee secures full discussion, within the province concerned, of the measure; and it is to that extent both more valuable and more consistent with a scheme tending to extend the principle of responsibility and the development of representative institutions than any alternative of which I am cognizant. It is these considerations, among others, which have induced the Government of India, in paragraph 79 of their first dispatch (the most important one, and, incidentally, the only general one I was able to sign before leaving India) of March 5, 1919, to adhere, definitely and strongly, to the Grand Committee proposals. (8) I would ask, Is the system so unduly complex in its working? It is this alleged complexity which has elicited the alternative plans of Sir R. Craddock and of the Government of Bombay, under which essential legislation should be "effectively passed by something short of a positive majority." But the complexity is more clearly inherent in those cases of mixed legislation (dealt with in paragraph 254 of the joint report and paragraph 83 of the Government of India dispatch of 5th March) than in the case of ordinary legislation which would be reserved under the formula for certification, and I suggest that the difficulties would be intensified, rather than being lessened or removed, by the adoption of the alternative suggested by Bombay. The atmosphere that would be generated in an Assembly dealing with a subject part of which would be determinable by absolute majority and part by something short of absolute majority would tend to become intolerable. That there is complexity, and that difficulties will be experienced in administering the procedure, may be admitted; but I have not seen a simpler solution which does not conflict with one or other of the objects inherent in the policy pronounced in August 1917. (9) The considerations which have aroused criticism of the Grand Committee procedure apply also in connection with the proposed changes in the Government of India legislature (paragraph 277 of the Joint Report) to the Council of State, and the feeling that the certification procedure, in relation to the Council of State, in needlessly complex has perhaps been partly generated by the observations and reservations contained in paragraph 117 of the Government of India's first dispatch and paragraphs 31 to 35 of the second dispatch (dated 16th April, 1919), as well

Chairman—continued.

well as by the Minute of Dissent recorded by Sir William Vincent. Doubts have also been expressed as to whether the certification procedure will not excite a feeling of antagonism on the part of the Legislative Assembly. It is not very profitable to attempt to forecast the psychological effect of a procedure resort to which will only be had on rare occasions; but since the only alternatives are still either the existence of a bare veto, legislation by ordinance, or (as has been suggested in the case of the Government of India legislature) legislation in joint session of the Assembly and Council of State, it is possible to contrast the relative merits of the alternatives. (10) Ordinance, and any other similar arbitrary devices, have been discussed in the report. They seem to me to be put out of court in the case of the Government of India Assembly for the same reasons (as mentioned in paragraph 6 of this note) as apply in the case of a provincial legislature. The device of legislation by joint session may at first sight seem attractive, as camouflaging, to some extent, the exercise of the underlying principle that the Government of India must be in a position to pass any legislation they consider essential; but I shall be rather surprised if Indian opinion prefers this to the certification procedure, which seems to me more straightforward and quite as likely to safeguard the position. If the joint session scheme has special merit on the ground that it affords a more ample safeguard, then, if the anticipation of a retaliatory attitude on the part of the Legislative Assembly in relation to the certification scheme is based on sound reasoning, it seems to me fairly certain that one result of joint sessions would be a degree of feeling between the two Chambers (as well as between the Assembly and the Government) which might quite easily result in a boycott of the joint session. I do not, however, feel that it is of much service to explore these speculative results. Moreover, any scheme for the composition of the two Chambers to secure support for the passing of measures in joint sessions, involving as it would a considerable increase in the official element, seemed to me to be undesirable in itself, if not unworkable. The adverse results apprehended from the Council of State procedure are mainly based on the assumption, which I do not endorse, that the scheme of reforms in the Indian administrative machine is going to be deliberately jeopardised by the politicians who are to profit by it. It is perhaps of greater moment to observe that if the views of the Government of India, as expressed in paragraphs 41 and 42 of the second despatch (dated the 16th of April, 1919), on the constitution of the Council of State are approved and carried into effect we shall have a second Chamber, largely constituted by direct election, which will have a special character of its own, and which will more nearly conform to the body contemplated in paragraph 278 of the Joint Report than would be the case if the Franchise Committee's Report be accepted. On this score there seem to me to be inherent advantages in the certification procedure as advocated in the Joint Report over the device of joint sessions.

618. Have you got a copy of the Bill there, Sir Claude?—I have, but I do not know whether it is the latest.

619. Will you turn to Clause 23?—I have only got a copy which shows the clauses in the form as amended by the Government of India. (*A copy of the Bill is laid before the Witness.*)

620. There is a question Lord Crewe asked me to ask Sir James Meston when he had, unfortunately, to leave the Committee for a short time. I am sorry I forgot to ask it of Sir James, so I will ask it of you, because either of you can speak for the Government of India equally well?—I should like, if I may, to qualify that: I do not speak for the Government of India in such an authoritative capacity as Sir James Meston.

621. I am sure you will be able to answer the question. On Clause 23 Lord Crewe wanted to know whether the objection of the Government of India to the excessive rule-making power contemplated in the Bill would be met by adopting the positive procedure of the pool by resolution in both Houses in place of silent acquiescence as proposed. Let me explain what the question means. Under the very common form of Parliamentary procedure, which is adopted in this

Chairman—continued.

Bill to a large extent, a set of rules or an Order in Council, or some legislative provision of that kind, is laid on the table of the two Houses of Parliament for a certain number of days, 30 or 40, and at the end of that period it automatically assumes the force of law, unless either House has, in the interval, passed an address to His Majesty, asking him not to give his assent to it, or to amend it in a certain way. That is what Lord Crewe means by "silent acquiescence." An alternative plan has lately been coming into use by which a proposal or rule lies on the table of both Houses of Parliament, and both Houses have to pass a resolution asking His Majesty to give his assent to it. Lord Crewe wanted to know whether the objection of the Government of India to the excessive rule-making power now contained in the Bill would be met by adopting the positive procedure of the pool; that is to say, that each House would have to pass a resolution expressing its approval of the rule?—Speaking for myself, I should certainly say that would alter the case very materially, and I believe, although I would rather that this was endorsed by Sir James Meston on behalf of the Government of India, that that would very materially modify their views in respect of this clause. I think I might go so far as to say that it would largely remove them, judging by the terms of the comments they have made upon that subject.

622. May I ask, Sir James, whether you confirm that?—(Sir *James Meston*) Entirely.

Mr. *Montagu.*

623. (To *Sir Claude Hill.*) I should like to confine myself entirely to one point of history and to one point in your Memorandum which you have read. You were a member of the Government of India when this reform scheme was drawn up. Is it not true to say that, except for a formal record of assent on every detail and part of the scheme itself, every effort was made to obtain the approval of the members of the Government of India?—Absolutely true.

624. And in most cases is it not true to say that where there was difference of opinion Committees were appointed, on several of which you served, with a view to arriving at an agreed form of amendment?—That is quite correct.

625. Meanwhile, in your experience of India, have you ever known an undertaking upon which the Local Governments had so many opportunities of expressing their opinion?—I do not know that I can give a categorical answer to that, Mr. Montagu, but I take it that what you mean is that they had every possible opportunity of expressing their opinion at different stages.

626. The heads of Local Governments, I understand, had never collectively been to Delhi or Simla before?—Never.

627. They had all communicated several letters, which were discussed with them?—Yes.

628. And they met the Government of India in joint consultation?—Yes.

629. Were you present this morning?—Yes, I was.

630. You heard Lord Sydenham's question to Sir James Meston on the subject of the share of the Local Governments in the scheme?—Yes.

631. It was with a view to this question I am asking: What do you think would be the relative acceptability in India of these three schemes—the scheme of the Joint Report or the scheme of the majority of the Local Governments or the scheme of the Joint Report as amended by the Government of India?—I should say that the acceptance would be greatest in the case of the scheme of the Joint Report; next in the case of the scheme as amended by the Government of India; and lastly by a great deal the scheme advocated by the heads of the Local Governments. I am speaking now of Indian opinion in the aggregate.

632. You have discussed in the Memorandum you have just read to us the practical difficulties and drawbacks inherent in dualism, and stated that you were of opinion that they were much exaggerated. May I take you for a moment to a consideration of what I think has been called here a composite Government, such as the Local Governments proposed, a Government in which there were two non-officials and two

Mr. *Montagu*—continued.

officials sitting as a united Government and responsible for all decisions, very much like a joint Executive Government. Under that scheme what would happen in your opinion if the officials differed from the non-officials; who would decide?—Who would have to decide?

633. Yes?—Clearly in the last resort it would devolve on the Governor to decide in the case of a sharp division of opinion of that kind.

634. Therefore it would be the duty of the Governor to compose the frictions and difficulties between the two parts of his Government?—Yes.

635. Precisely as is alleged to occur under a dual Government?—I cannot see any very great difference in degree in the difficulties in the two cases.

636. Supposing in the composite Government the Governor decided against the non-official members of his Government on a vital issue, what would happen?—That is the difficulty I was up against myself in endeavouring to formulate a scheme which should comply with the requirements of the case. Several things might happen—either the non-official members forming the two members of the Government might have to resign if they felt sufficiently strongly on the subject, or if they did not resign they might not be in a position to carry the Legislative Council with them. In that event there would be a very difficult position set up as between the Executive and the Legislative Council, and it is precisely the difficulties arising from a case of that kind, and the uncertainty of what the consequential results might be, that make that particular form of Government, to my mind, peculiarly difficult to contemplate.

637. Now, when the heads of the Local Governments attended at Delhi the last time in January of this year, were you there?—Yes; I was present.

638. They all came with different schemes; I mean there was a scheme, was there not, which had been propounded in a published letter by the head of the Punjaub Government?—There were various schemes under general purview, but I do not know that they each of them brought a scheme. I do not know whether that was precisely what they did.

639. Did you discuss with them, or any of them, the scheme which had been contained in their letters?—No; what happened was, I think, speaking from memory, that his Excellency the Viceroy interviewed the heads of the Local Governments, and asked if they would consider the possibility of drafting a scheme upon which there could be agreement, and our part in the discussion, that is to say, the members of the Council, arose after that scheme had been circulated to us for our cognisance and opinion.

640. I want to put to you a question about that, but I do not want to press it if you cannot tell me the answer. I notice in the Blue Book a Memorandum by a Committee of the Government of the United Provinces (pp. 216 and 217) which was generally commended by the Lieutenant-Governor of the United Provinces. It is a scheme for a United Government of four Executive Councillors, with a division into transferred and reserved subjects, and with the statement that the Governor would normally defer to the advice of the non-official members in respect of the transferred subjects. Was that scheme discussed att all at Delhi?—It was not discussed with the Government of India when I was present. I should like, if I may, with the Chairman's permission, to ask Sir James Meston whether he corroborates me on this point?

Chairman.] Certainly.

Sir *James Meston.*] Yes.

Mr. *Montagu.*

641. (To Sir *Claude Hill.*) I come back to your Memorandum, and I want to confine myself to one point upon it. Take first the Government of India: The composition of the Council of State is, according to the recommendations of your Government, and I think according to the Joint Report, to be such that the Government can be sure of getting through it any legislation it requires: That is so, is it not?—Yes.

642. Therefore the only difference in the last resort between legislation through that Council of State and an Ordinance is the discussion which will have preceded the actual vote. Is that so?—The discussion is the essential difference. I think there is a virtue inherent in the procedure itself, quite apart from discussion, inasmuch as there is publication, and there is the possibility of criticism, which is of immense value. It is not merely that discussion in the Council of State which differentiates the——

643. All I want to ask is this: Is there any real difference. You have dealt admirably, if I may say so, with the alternative proposals, but is there any real difference—I do not want to guide you—but do you suggest that there is any difference between discussion in the Council of State, followed by a vote in the Council of State, and discussion in the Legislative Assembly, followed by an Ordinance?—Speaking for myself personally, I see a very material difference, and the essential difference to my mind lies in the ultimate possibilities of development based upon the institution of the Council of State. I see a positive virtue, if I may say so, in the proposed constitution of the Council of State.

644. Supposing the Council of State were not to be an instrument for the recording of Ordinances, but a Revising Chamber, would it have the same complexion as is proposed in the Joint Report?—I should say its complexion would probably be similar, but might be very different in points of detail, and it would still, as a Revising Chamber at the present date, having regard to the pronouncement, have to possess the quality of being the instrument ultimately in the last resort of getting legislation through in some form.

Sir *Henry Craik.*

645. There are just two or three questions I would like to ask. You described, Sir Claude, the difficulty which you think would occur in the event of disallowance of the acts of the Ministers just now, in answer to Mr. Montagu. You think a very serious situation would arise?—Yes.

646. Why do you think it would be less if the procedure by certification were to be called in? Would not equal difficulties arise?—I am not sure that I follow you, Sir Henry. At what stage do you refer to difficulty arising?

647. The disallowance, in certain cases, under another scheme—not under this scheme. If certain acts of the Ministers were disallowed you said that very serious difficulties would occur?—I understood Mr. Montagu's question to have relation to administrative matters, and not to be in connection with the Legislative Council solely, and mainly to relate to differences of opinion between the Indian members of the Executive Council and the official members of the Executive Council.

648. Even in administrative matters would not the same difficulties arise if interference were to be exercised?—I suggest there would be very considerable difficulty directly you have Ministers responsible for certain transferred subjects. There is a great difference between that and a unified Government, in which there would be four members all jointly responsible for the whole Acts of the Government.

649. You mean that the disallowing of their joint responsibility would lead to much more serious consequences?—What I felt was that in the hypothetical joint responsibility case there would be a greater difficulty with the Government non-official members, and that the situation which would result would be extremely difficult of assuagement by the Governor.

650. On page 3 of your Statement you indicated a scheme which you prepared yourself; would it be possible for you to indicate anything of the nature of that scheme, and what made it, as you think, fail? You say that it was found to fail?—Yes; I think I can quite shortly do so, Sir Henry. My scheme was not at all dissimilar from that proposed by the heads of the Local Governments in essentials. I was endeavouring to see whether a development of the present system under the Morley-Minto reforms was not possible.

651. That is the increase of the Indian element?—That is so, and a large increase in the elected element, and a unified Government at the top. I came to this position at last; I contemplated that an elected member of the Legislative Council should be selected by the

Sir *Henry Craik*—continued.

the Governor as the Governor selects a Minister, namely, on the principle of securing the man most likely to be able to command a following in the Assembly; further, that he should be given a Portfolio and paid a salary in precisely the same manner as his other colleagues on the Council. He would be definitely in charge of certain Departments, probably some of those that would have been given over to the hypothetical Ministry in the Round Table Scheme (I was referring to matters that were then under discussion). His position would be one of great influence, but it would be a difficult one. He would be bound so long as he consented to retain office to support the Government's programme as a whole, and to do his best to get support to his policy in all Departments. If he was unable to do this he would be able to resign, in which case the Governor could send for another member and offer the Ministry to him. In an extreme case it is possible the Governor might find himself unable to find an elected member of the Assembly with influence sufficient to secure the support necessary to carry through Government measures. In that event there would have to be a power of dissolution, and at that stage I went on to say that that might possibly get over the difficulty, and I was anxious that some risk might possibly be taken to get over the difficulty in that way, but I recognised that it might lead to an impasse.

652. That, you think, was where it failed?—Yes.

653. Only one other question. On the next page you refer to the embarrassment which will occur if a district councillor receives conflicting orders from two different parts of the Government, and you go on to say: "In any event such a contingency does sometimes arise under present conditions." Is that the case?—Oh, yes. I have myself as a district officer received orders certainly not entirely in unison from two different Departments of the Executive Government.

654. Of course, it is very easy to imagine that these two Departments had misunderstood or were working at cross-purposes, but you do not suggest that they were animated by any different motives—they were not essentially opposed one to the other, were they?—I would not go so far as to say that, Sir Henry, but what I do maintain is that from the point of view of the district officer the motives at work in bringing about the issue of contrary orders do not matter; the difficulty to him is the same whether it comes from two Departments which have conflicting views or two sections of the Government.

655. But these two Departments in this case would be under the same master, and could very soon be brought into their ranks again?—The procedure would have to be identical in both cases, I think. In such a case if there was conflict between two members of the Council it would have to go to the Governor.

Chairman.

656. I want to be quite sure that I understood your answer to Sir Henry. Is this your point, that under a unitary system, given the division of subjects into transferred and reserved, the position of the Indian members of the Executive, chosen largely because of their influence with the Legislative Council, would be much more difficult than under the principle of dualism, because the Council might hold them responsible for some of the decisions which affected the reserved subjects to which they had as a matter of fact objected, but for which they are held responsible as part of the unitary Government; is that your point?—Partly that and partly I wanted inferentially to show that they failed to confer responsibility at all—in other words, the unified Government camouflaged the responsibility of the Minister altogether, but despite that the difficulties of the member selected from the Council would be such that he must, unless he could get a following, resign, although he would not have the satisfaction of feeling that he was really solely responsible.

The Duke of *Northumberland.*

657. With reference to paragraph 8, on page 8 of your memorandum, where you are talking of these alternative schemes you say: "The atmosphere that would be generated in an Assembly dealing with a

Duke of *Northumberland*—continued.

subject, part of which would be determinable by absolute majority, and part by something short of absolute majority, would tend to become intolerable." I am afraid I do not quite understand that; would the measures be so complicated that they would result in that?—I think the hypothesis is this: The Bombay Government accepted the instruction for passing certain measures, and their scheme, if I understand it aright, contemplates that either the whole measure or a part of the measure would be such as to fall within that category, and that in that event it might be necessary to treat either the complete measure or parts of that measure by the method of short-of-a-positive-majority vote.

658. There is one other question on page 9 at the bottom of paragraph 10, in speaking of joint sessions: "It seems to me fairly certain that one result of joint sessions would be a degree of feeling between the two chambers as well as between the Assembly and the Government, which might quite easily result in a boycott of the joint sessions": would not that consideration apply equally to the procedure of Grand Committees?—Of course, there is that consideration, but I do not think it is likely to arise in the case of the Grand Committee system. My object was to try to express my opinion that the exacerbation caused by different views being held, and the application of the procedure of joint sessions would be to bring into closer contact the difficulties and to aggravate them.

Major *Ormsby Gore.*

659. You said, in answer to a question, that you thought that there was positive virtue in the Council of State. Does that mean that you think that the normal working of the Council of State as a bi-cameral system is an important thing to make plain in India?—I personally hold that view.

660. You do not extend that view to the Provinces; you do not think there would be a positive virtue in establishing the bi-cameral system in the Provinces? Personally, I am rather inclined to hold that view.

661. On that point, if you had a bi-cameral system in the Provinces would it help you to get rid of the Grand Committee system? Would it constitute a fifth alternative? There are the three rejected in the Report, and one adopted, so that the bi-cameral system would be a fifth alternative, would it not, imposing a check on the Legislative Council of the Provinces?—I understood your first question about the bi-cameral system for the Provinces to be an abstract one?

662. Yes?—And now you want my opinion as to whether its application in a concrete form would possibly form an alternative to this?

663. Yes?—I am afraid my answer to that must be very unsatisfactory. It would require a very great deal of consideration in detail to devise a bi-cameral system which would be such as to render unnecessary something in the nature of the certification procedure.

664. Do you contemplate that this certification procedure will be required fairly often, or only in very rare instances?—My own view is that it will not be very frequently necessary to apply it.

665. And really whether the procedure is by certification and Grand Committee, or whether it is by Ordinance, in both cases public opinion in India will hold the Governor responsible; it will be really the act and personal responsibility of the Governor which takes the matter out of the hands of the elected majority of the Legislative Council, and they will hold him personally resposible, will they not?—He is responsible for the decision.

666. You think that the procedure by certification and Grand Committee will be less of a political burden on his shoulders than if he were to proceed by Ordinance?—Yes; I think so.

667. It would not expose him to the same amount of political criticism?—That is so.

668. The reason given in the Report against the procedure by Ordinance is largely that no Provincial Governor has had the power since 1833; that is the argument?—That is so; that is part, at all events, of the argument.

669. As to the bi-cameral system in the Provinces, has it been suggested by many people in India?—No it has received very very little support.

Major *Ormsby Gore*—continued.

670. Has it received any support from Indian opinion as opposed to British opinion?—I can only say that I know one or two individual Indians with whom I have discussed it, who are not unfavourable, but it has not received any public expression of approval, so far as I am aware.

671. Do you share the view which I gather is now held by the Government of India, that the Council of State—that is to say, the Second Chamber of the All-India Government—should be given a more senatorial character—that is to say, elected on a special senatorial franchise?—I hold that myself very definitely.

672. Should we consider a bi-cameral scheme for the Provinces you would favour a somewhat simpler franchise?—Probably.

673. Then you say on page 7 of your memorandum that you know of instances where the views of the elected members have been justified by results. I do not want to press you for an instance you do not want to give us, but can you give me some idea of the sort of subjects in which that has been the experience?—The instance I had in mind was an instance in which the Executive Government of Bombay introduced a Bill designed to prevent the transfer of land to non-agriculturists in a certain area. The elected representatives, who were then very few in number, but included Mr. Gokhale and Sir Pherozeschah Mehta, after doing their best to oppose the measure, retired from the Chamber, feeling it was hopeless to influence matters, and the Bill was passed. That was in the year 1900. I made inquiries some years ago as to how far that Act had proved effective, and I was told that it was seldom applied, and had proved very ineffective indeed. That is the instance I had in mind.

674. You speak on page 9 of your memorandum of the procedure by Ordinance "and other similar arbitrary devices." Has there been a growing opinion in India against the procedure by what you may describe as arbitrary devices, because in the old days in India practically the whole of the Government was very largely by arbitrary devices, was it not?—I had in mind the old system of regulation. That was what I had in mind in using that term "other devices," and, of course, until the establishment of deliberative Assemblies to assist in making laws and regulations that was practically the only method of legislation in India.

675. That is to say, the Indian people really have rapidly become accustomed and agreeable to the modern and Western methods of procedure by deliberation, rather than by arbitrary devices and things of that kind?—That is so.

676. Already political education has taken place in India during recent years on these lines?—Yes.

Mr. *Bennett.*

677. From the facts, Sir Claude, that on the one side you have five Local Governments and on the other side you have the Government of India taking quite an opposite view, you would not infer that provincial experience goes in the one direction and central experience—the experience of Central Government—in another, would you?—That is a very difficult question to answer, and I should say that you would be mistaken in drawing the inference that provincial experience ran in the opposite direction. It is conceivable, for example, that the Provincial Government, constituted later or earlier, would have taken a different view.

678. You yourself have had a wide provincial experience, and a very varied experience in all Departments of Government in India, have you not, and a wide experience as between provincial and central administration?—I have been associated with both.

679. Captain Ormsby Gore put to you a question as to your estimate of the Council of State, and you referred to the inherent value of the discussion of a measure in the Council of State. Were you, in saying that, committing yourself to the principle of a bi-cameral constitution, or was it in a relative way that you so spoke—as to the inherent value of discussion?—That was relative, and merely in continuation of what I said about the discussion in Grand Committee in the Provinces.

680. We are not to infer from what you said that you are in favour of the principle of a bi-cameral constitution for India?—I do not know whether I am in order, Sir, or whether it is very relevant to give my personal opinion, but I have a feeling myself that there are factors in the organisation of Indian Society which might have been met more effectively by some system based on a bi-cameral constitution. I do not think myself, if I may say so with respect, that at the present time that has very much relevance to the matter under consideration.

Mr. *Bennett*—continued.

Chairman.

681. You say that for yourself, not for the Government?—Merely for myself.

Mr. *Bennett.*

682. We all admit that it would be a great advantage to reduce the areas of friction, would it not, in the working of the new scheme? Will not the Grand Committee add very largely to the area of possible friction?—As contrasted with what, may I ask?

683. Absolutely; you get a conflict between the Government and the popular party in the Legislative Chamber, and then the contest will be carried on in the Grand Committee, and finally there may be the action of the Governor. That means at least three areas of conflict. If we could reduce those three to two would not that be an advantage?—My own personal view is expressed in the statement I have made. I think there is positive value in the discussion of subjects which a Local Government may feel it essential should be carried through, and there should be public discussion of them, rather than that there should be the mere executive acts of the executive Government, and for that reason, even if there is heat generated, I think on the whole it is an advantage to have that heat generated in public rather than in private.

684. You have spoken of the working of the composite Government. What would you say as to the educative value of a composite Government, as compared with a dualistic Government. I mean educative as regards the Indian authorities who are associated with it?—My view is that there can be very little comparison in an educative aspect between the work transacted by a Minister who is personally responsible, has to come to personal decisions, and has to defend them himself, as contrasted with a member of a unified Executive who is only ostensibly responsible, and may not even be called upon to defend personally a decision to which he personally has come.

685. From the point of view of efficiency, how would you compare the two Governments? Would an Indian politician made a Minister be as efficient—would he be likely to be as efficient if he had full responsibility, or only that imperfect responsibility which it is proposed to give him under the scheme of government?—Do you mean his personal efficiency?

686. Yes?—I should think his personal efficiency, if I may say so, would probably be a constant factor; but the tendency would be to teach him efficiency in the exercise of responsibility, I think.

Lord *Islington.*

687. You lay stress on this question of personal responsibility, and I would like to ask you one or two questions about it. I suppose you would admit, would you not, that a Minister of the Crown in this country has, personally, responsibility, although he is a Member of the Cabinet?—I imagine so.

688. Would not your answers to Mr. Bennett rather lead to the position that it is only by giving isolated authority and responsibility that experience will come to a Minister?—I think the question which Mr. Bennett asked me was whether, in my opinion, experience would be gained more rapidly and more efficiently by responsibility or no responsibility, and my opinion was that if responsibility was added to duty it would be so.

689. Do you not consider that the responsibility of an individual Minister is compatible with Cabinet rule?—I do not feel very competent to answer that particular question, as I have no experience, Lord Islington. I do not think I have said anything to justify the assumption that I hold a contrary view.

690. I want to ask you another question, based upon a question that Mr. Bennett put; because it is on this extremely

Lord *Islington*—continued.

extremely difficult subject that we are all groping in the dark about—and have done for years—and we want to find the solution of it. Mr. Bennett put to you a question with regard to the antagonistic opinions expressed as between the Central Government and the Provincial Governments: Should not I be accurate in saying that they are not actually antagonistic proposals, but the Provincial Governments are trying to seek a solution in accordance with the practical difficulties that they see they would have the experience, but at the same time are seeking to attain the same object as that of the Government of India?—I find it a little difficult to answer that direct question, and perhaps I might explain my position a little.

691. Certainly?—I feel that in this matter the head of a Provincial Government is necessarily at closer grips with the details of the administration for which he has responsibility, and his tendency naturally is, I think, to take, perhaps—I do not use the word in an offensive sense—a somewhat narrower view of the conditions under which he is able effectively to meet his responsibilities, and I think for that reason perhaps the opinion of the head of the Local Government might be expected to be more in accordance with past traditions; in other words, that what he knows ought possibly even to lead him to be less willing to incur an innovation than the people further aloof from the immediate details of the administration. I am sorry I am a little cumbrous, but I have tried to get at what you mean.

692. You would say this, would you not, that, apart from all that if there are two lines of approach to this subject, one taken up by five Local Governments in India and one taken up by the Government of India, if you want to get a solution every effort should be made to try to bring those two closer together, provided they can be brought together compatibly with certain principles?—I do not think that would necessarily follow. I do not think you can avoid looking to the personal factor to a certain extent in estimating the value of opinions received, and it is the case that the Government of India, for example, had three men who had been members of Provincial Governments on its composition at the time. They happened to hold somewhat different views. It might quite easily have happened that by transposing the positions they occupied you might have had the Provincial Governments taking the view which was taken by the Government of India, and vice versa. I do not say it would have been so, but you cannot get away from the personal factor, I think.

693. I will not press that point further; your proposal is one of a dualised Government somewhat in isolation. If you could get all the main advantages of this dualised system in company and still in isolation, with all the advantages derived from company composite discussion, and so on, would you say that would be an advantage?—Emphatically; and I may mention that both in the Joint Report and in the Government of India's first dispatch we laid very great stress on the desirability of joint consultation and joint deliberation whenever it is possible.

694. The Government of India's proposal is joint consultation and consideration rather as an exception. Now, if that principle of regarding it as an exception were converted into its being the normal arrangement, would you agree to that?—I should agree to that; but may I ask, Lord Islington, what sentence you are referring to in the Government of India's dispatch?

695. I cannot give you the reference at the moment; but the whole principle of the proposal is the Minister and the Governor and the Governor and his Executive Council and, on occasions, consideration jointly?—I should have put it the other way, from my recollection of the Government of India's views, although Sir James Meston could give a later impression. My feeling throughout has been that we all of us felt that the more joint deliberation there was the better.

696. You would favour the Bill laying down that all those matters should be matters for a collective consideration—that it should be precisely laid down as such?—Would it not, consistently with the whole scheme of the Bill, have to be qualified by the differentiation of responsibility in the Bill itself?

697. Yes, I am assuming that—the differentiation of responsibility, but collective consideration: would you generally agree to that?—I should prefer to see a draft of it before expressing an opinion.

698. That is a good answer, but it does not answer my question, I am afraid. There is just one other question I would like to ask, if I may. As regards the control of the Government of India over the provincial Governments in connection with reserved subjects, am I right in saying that the scheme as at present does not suggest any material modification of the control of the Government of India over the Provincial Governments in regard to reserved subjects?—I think the scheme contemplates as much relaxation as is compatible with the principle applying to reserved subjects, and in so far as the Legislative Council's control is not operative, we are still merely the agents of Parliament; but there should be as much devolution within that principle as is possible.

699. From your experience (I do not desire to press this question as you are now a member of the Government of India) as a member of the Bombay Government, did you find during that time you might have had more matters left to your discretion and a less number of questions to be submitted to the Government of India for decision, and that that would have enhanced the efficiency of Government in Bombay?—I think that every Provincial Government or member of it would say yes.

700. You say yes to that?—I naturally would; I think it is human nature.

701. Did you find on occasions that administration of an urgent and important character which required to be carried out expeditiously was unduly delayed on account of sanction being held up by the Government of India?—I think delays are inherent in all control by reference, but I cannot say that I personally had any complaint to make on that score in connection with my Departments. I cannot recall any at the moment.

702. I will ask you another question which I would like your opinion on if you are prepared to give it: With a view to securing this more expeditious method of getting over a great area like India, would you think that in some matters the Secretary of State might control them instead of the Governor-General, and that that might make for a more rapid decision?—I cannot conceive that it should; the Secretary of Setate is at a greater distance and is more inaccessible, and I cannot conceive that, assuming things are properly organised, it would not be more expeditious, more satisfactory, and more susceptible of settlement by discussion to have the authority in India.

703. You may assume, of course, that the telegraph is brought into play?—Personal discussion is always possible in the other case.

704. However, you are not prepared to say you can see any opportunity of arriving at a more expeditious treatment of a matter in that way?—No, I think not.

705. I have had a suggestion more than once made to me which I would like to have your opinion upon, by way of securing this more expeditious treatment of matters in Provincial Governments. It is suggested that a Provincial Government might be given discretion to deal with all matters within its Budget Estimate for the year, and then report to the Government of India, the Government of India then scrutinising that report and discovering what it might deem to require correction, and would give the correction found. I have had that suggestion made to me and I would like to know whether you have ever considered it, and whether you think there would be any practical benefit in that?—The Finance Department happens to be the only Department of Government with which I have never been associated, but I cannot *primâ facie* see precisely what is to be gained by the scheme you suggest.

706. I am assuming that by being given discretion within the Budget Estimate would mean that there are many matters which now have to receive the sanction of the Government of India before they can be actually executed which could be executed within the year by the Provincial Government?—Who is sanctioning the Budget Estimate? Who settles the Budget? Is the Local Government to have complete discretion to settle its Budget?

707. That would be the same as the present practice; I am assuming the present practice?—Then I am

Lord *Islington*—continued.

am not quite clear what the proposition involves as a change.

708. Perhaps it is too involved a subject to enter into now. Assuming the Government of India sanctions the Budget for the Provincial Government for the year, then all matters which come within the purview of that Budget could be carried on by the Provincial Government without, as I understand often is the case, having first to obtain the sanction of the Government of India?—Yes, normally, I think in 99 cases out of 100 they do, and are in a position to carry on on that basis, because it usually happens that a project or scheme comes up for sanction before it is ever entered as a Budget Estimate. What happens as a rule is that the project is sanctioned subject to Budget provision, and as soon as the Local Government can insert the project in the Budget it automatically comes within their competence to carry out. I would ask that Sir James Meston might be asked to elucidate any budget point which I have missed.

Lord *Sinha.*

709. I just want to ask this, Sir Claude: Is it the fact or not that if there is one reform which all shades of Indian political opinion have asked for long before the Report as well as after the Joint Report it is this: That the Executive Councils both under the Imperial Government, that is the Central Government, and the Provincial Governments should consist in equal numbers of officials and non-officials?—I am not aware that that is so.

710. Do you know that there has been an actual demand of that nature?—No; I think that demand so expressed is a very recent development.

711. Do you remember what is called the Nineteen Members' Memorandum?—I understood you to say, "for a long time past"?

712. I said both before the Report and after the Report?—I understood that "for a long time past" meant years ago.

713. No; from before the Report as well as after the Report, that there has been one claim made by Indian political opinion that there should be a division half and half of the Executive Councils?—If you ask me whether I am aware that it is an effective demand apart from what has been published, say, by the demands of the Nineteen or otherwise, I should say no.

714. I do not know if we are at one with regard to the meaning which I attach to the word "demand." I meant a claim put forward?—Put in that way I have not been conscious of it; I have not heard it often expressed in these terms.

715. As regards the bi-cameral system, so far as the Government of India is concerned the suggested Council of State is to be primarily a body for passing legislation which the Government cannot otherwise get passed through the other Chamber, that is the Legislative Assembly. That is the primary purpose of the Council of State, is it not?—That is one of its chief purposes.

716. In other words, to register the decree of the Executive Government?—It is a substitute for the system of Grand Committees proposed for the provinces.

717. Its function would be to register what the Executive Government desires by way of legislation?—I should not express it myself in that way.

718. Would there be anything incorrect if I put it in that way?—I should say there is a great deal more in the functions of the Council of State than would be implied by the expression you have used, Lord Sinha.

719. I will take that. Is it consistent with that function, which I think you agree is the primary function, to have to impart to it also a senatorial character?—You are assuming that I have assented to its description as being merely a machine for registering the——

720. No; I said the primary function; that is the primary object with which the body is to be established now.

Chairman.

721. I do not know what Sir Claude's opinion is, but he did not say so?—No, I did not assent to that. and that is not my opinion.

Chairman—continued.

722. Not even to the point I have put, that its primary function as now designed is to pass legislation that the Government cannot get passed otherwise?—I said, I think, that it was a substitute for a Grand Committee, and that it was one of its chief functions.

723. Perhaps if you will pardon my pressing you—is it its primary function? What distinction are you making between primary and chief?—My view is that the Chamber contemplated in the Council of State is a Chamber which will perform very useful functions of varying characters. It has partly the attributes of a Second Chamber, inasmuch as legislation will have to pass both Chambers, and it is only incidentally and on occasion that resort will have to be had for the passing of measures through the Council of State alone which would ordinarily have to pass through the Legislative Assembly also.

724. But the character must be such as to ensure the latter, must it not?—That is the reason for the constitution proposed.

725. Quite. I put it to you: Would it not be inconsistent with the senatorial character—a senate free to pass or to reject?—I think the words used were that it should partake of the character of a council of elder statesmen in the Report.

726. I was suggesting to you that it could not be senatorial, inasmuch as the constitution must be such as to carry out the object of getting affirmative legislation required by the Government?—I am afraid I am not very skilful in a matter of interpretation of that kind.

727. I put the point just to see whether you agreed with me or not. With regard to the Provincial Governments, I understood you to say that joint deliberations would be the normal rule between the two sections of the Government—the two parts of the Government, the official and the popular—and I take it that that would extend to all important matters, including finance?—That, I think, is certainly the view.

Lord *Brodrick* (Viscount *Midleton*).

728. In reply to Lord Islington, you spoke of the delays as between the Central Government and the Provincial Governments. In your experience would you say that the delays were mainly caused by the Government of India or by the Provincial Governments, or do you consider that the reference here is to the Secretary of State?—I think they are both contributory causes; it is very difficult to say offhand which occasions the greater delay, but the delay varies from time to time. I really could not give a useful opinion upon that point. There are delays involved in both procedures, and it is impossible, I think, to say which causes the greatest delay.

729. Do you call to mind a number of delays on small questions which have been banded about between India and Whitehall, or were you thinking of the larger questions?—I was thinking rather of the larger questions, for example, land reform policy and public works schemes, with which I am more familiar, and in respect of that they require very considerable examination. Under existing Regulations they require the sanction of the Secretary of State, who has to consult his advisers, and it is inevitable that so long as those restrictions involving reference are in force there must be delay in replying on big questions of that sort requiring examination.

730. Leaving out the war, which was an abnormal time, would you say that these delays, the references to Simla, have varied very much under different Viceroys? I do not ask for names, but have different Governments had different effects, or have they always been the same?—I think such things must vary from time to time, and I find it very difficult to answer that question. I would rather not express an opinion.

731. One other question. With regard to the educational value of responsibility, to which do you attach most importance in relation to this scheme, the giving complete autonomy or as complete as possible to the Legislative Council on a smaller number of subjects, or a less complete autonomy over a larger number of subjects?—Are you referring to the educative value to the Legislative Council or to the Minister?

732. Supposing it were a question that there are twenty subjects to deal with, would you rather that ten of those were transferred for the educational value

and

Lord *Brodrick* (Viscount *Midleton*)—continued.

and ten reserved, but with very considerable powers reserved, of transferring again by the Legislative Council, or would you rather have five given entirely and fifteen reserved? I am only taking any figures?—I think, as Sir James Meston in one of his answers said, one of the objects in view is to secure the possibility of examining how far responsibility has been discharged satisfactorily with a view to a further grant of responsibility. From that point of view nothing can, to my mind, be so valuable as the delegation of complete responsibility even in a smaller number of cases, because directly responsibility is shared it ceases to be a valid test.

733. For that purpose you would be prepared with regard to a limited number of subjects to risk failures of administration in some instances for the educational purpose?—Well, I think we necessarily, all of us, are agreed that you must be prepared, up to a certain point, to sacrifice efficiency for the purpose of the educative value of the experiment.

734. I do not ask you, with regard to specific provinces, but do you think the results would be very different in different provinces?—The results of the application of the scheme now in the Bill?

735. The results of giving a responsibility which might not always be wisely exercised?—I think it might be quite different in different provinces; I think there is a difference in the degree of political sagacity in different parts of India.

736. On the whole, do you agree with the classification adopted by the Indian Government?—The classification with regard to the composition of Legislative Councils?

737. Subjects transferred and reserved?—Generally speaking, yes; but not entirely. I agree with some reservations.

738. Would you have been disposed, if it were possible, to transfer subjects in some provinces which would not be transferred in others?—I think that might be possible; it might be very difficult, but, speaking generally, the Subjects Committee's recommendations have been followed by the Government of India. There are only a few modifications suggested, and there are differences. For example, Bombay has been given forests and other provinces have not. In that way there have been differences reflecting the view of the Functions Committee, endorsed by the Government of India, and there are different grades of advancement.

739. I do not want to go into details, but in one single question, are you of opinion that the Governor would be fitted to bear the whole of the responsibilities which have been placed upon him, or do you think it would be desirable, if possible, to relieve him of some of them?—Speaking generally, I do not see why he should not be fitted to discharge all the responsibility that it is proposed to put upon him, because, if I may venture to say so, I think it is not quite realised the extent of the assistance which is available for him, and on which he will, as in the past, very largely lean; and as I think was mentioned in the answer to one question, it is considerations of that character, for example, which induced the Government of India to suggest that there should be two executive members of Council in certain Provinces.

740. Do you apply that equally to the Government of Bombay and where an Englishman would obviously not have the same experience as a Lieutenant-Governor who had been trained in India?—Yes.

Sir *Henry Craik.*

741. I would like your opinion on the question of the division—what is called in the Despatch of the Government of India the horizontal division rather than the vertical—do you think any of the desirable objects you wish to attain would be carried out to a certain extent by this horizontal division?—We went into all that very carefully, and I endorse the conclusion that on the whole the answer is in the negative.

742. You do not think to any extent at all——?—I do not say that.

743. You do think it might to some extent?—I say that the other method is the only method which complies with the requirements of the case fully.

(The Witness is directed to withdraw.)

Die Mercurii, 23° *Julii* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY GORE.
Sir J. D. REES.

THE RT. HON. LORD BRODRICK (VISCOUNT MIDLETON) IN THE CHAIR.

Lord *Brodrick* (Viscount *Midleton*).] Before the public come in, Lord Southborough, we understand that Sir Frank Sly, a member of your Committee, is in attendance. Would you like him to sit beside you and answer any questions which you feel inclined to delegate to him?

Lord *Southborough.*] I should be very glad to have him here, but I do not want to take any course which would prevent his being called as an independent witness.

Lord *Brodrick* (Viscount *Midleton*).] There is sometimes a great convenience when taking the evidence of a witness who appears on behalf of a Committee, if another leading member of it is going to be heard, to have him present also so that if necessary a question may be referred to him. It would not prevent Sir Frank Sly being examined himself. Does the Committee agree?

(*Agreed.*)

Lord *Brodrick* (Viscount *Midleton*).] Then we call Sir Frank Sly also.

The Rt. Hon. Lord SOUTHBOROUGH, G.C.B., G.C.M.G., G.C.V.O. (a Member of the House of Lords), and Sir FRANK SLY are called in; and Examined, as follows:—

Lord *Brodrick* (Viscount *Midleton*).

744. You visited India by the wish of the Government to hold a double inquiry, did you not?—(Lord *Southborough.*) I did.

745. Your Report has since been commented upon by the Government of India. Would you like to make any statement with regard to either the means by which you arrived at your own conclusions, or any commentary on what the Government of India said with regard to them?—I should like to do both. I should like, with the permission of the Committee, to make a statement

Lord *Brodrick* (Viscount *Midleton*)—continued.

ment with regard to the more important points in the Franchise Report itself, and also to give the Committee information upon the criticisms made on the Franchise Report by the Government of India. The first I will attempt very imperfectly by making a statement; the second I would desire to meet with the assent of the Committee by putting in a Memorandum which has been very carefully prepared in answer to the criticisms of the Government of India, and which bears Sir Frank Sly's signature and my own. If I may say so, the convenience of dealing with the criticisms of the Government of India on the Report in that fashion, namely, by a written Memorandum, is that witnesses like myself who have had to deal with this matter from day to day will escape making any comment upon the criticisms of the Government of India except in careful and measured language. Shall I put in the Memorandum now?

746. We shall be very glad to have it. Is it too long for you to read?—No, I do not think it is, as a matter of fact, but in that case it would come after the statement on the Report.

747. Thank you. We will have the statement first?—I think, on reflection, that it would weary the Committee to read the Memorandum. I think perhaps between now and when I have finished my statement, or a little later, copies could be obtained perhaps from the India Office. It is in print, but I only have one copy.

748. The Secretary of State thinks there are copies in the India Office. In that case I am sure the clerk will get them for us. We will adjourn the Memorandum for the moment?—With regard to the Report itself, the Committee on Franchise opened its inquiry at Simla on the 8th November, 1918, and that Report was signed on the 22nd February, 1919. During the intervening period the Committee, hand in hand with the Functions Committee, as it is called, of which more will be said later by others, visited the various Provinces and Presidencies in India. Burma, as the Committee is aware, is not within our reference. We visited all the Provinces and Presidencies referred to in our reference except Assam, and the Assam case was taken by arrangement with the Assam Government at Calcutta. I only mention these facts just to bring out, if I may, to the Committee the line of conduct governing the inquiry. The Government of India, in the meantime, made arrangements with the Governments of the Presidencies and of the Provinces to secure that those in the Presidencies and Provinces who desired should have an opportunity of giving evidence before the Tribunal, and I think it is quite reasonable to say that we took care to hear all the evidence tendered, unless in individual cases here and there we found that a particular person desired to press a point which had already been fully considered by the Committee. At an early period, in fact on arrival in India, we ascertained that it was to be part of the programme of inquiry that in each of the Provinces the Committee should have put at its disposal local expert assistants, and in pursuance of that plan, wherever we went, we received excellent assistance from two added members, one an official and the other an Indian gentleman specially versed in the requirements of the particular Province. That, the Committee will observe, was a very important point, because by having communications with those local skilled assistants we were in many cases, before we entered the Province itself, put in special touch with the demands and requirements of the Province; that is, we did not go there strangers to the points which were likely to be thought of the greatest importance.

Then, again, as a means of really ascertaining and testing the mind of the local authorities, whenever our inquiry was finished by the taking of evidence, and so on, we sought and obtained, through the courtesy of the Governor or Lieutenant-Governor, an interview with him, and, where he had an Executive Council, with his Executive Government. The object of that move on our part was to be able to feel that before leaving the Province we had again, and finally, put ourselves in touch with the Administration, for the purpose of ascertaining whether, after we had heard the evidence, we could or could not make some arrangement with the Local Administration which would enable us to feel that in making our report on the evidence we were really taking the Local Administration in our train. In the large majority of cases we did succeed in working hand in hand with the Presidencial or Provincial Government, as the case may be.

Lord *Brodrick* (Viscount *Midleton*)—continued.

Now, having said so much in regard to the method of laying out the inquiry, I would desire to direct the attention of the Joint Committee to the composition of the Franchise Committee itself, because its composition had, naturally, a very considerable part to play in endeavouring to solve the questions submitted to the Committee by the terms of reference. If you will be good enough to look at the composition of the Committee, you will see that it contained the names of two very important and experienced Indian Civil Servants, namely, Sir Frank Sly and Mr. Hailey: both men very well known indeed, men who had had knowledge of the higher administration of affairs in India. There was also Sahibzada Aftab Ahmed Khan, who is the Mohammedan member of the Secretary of State's Council; there was Babu Surendranath Banerjea, who is no doubt well known to members of the Committee; he is a very prominent and experienced Indian gentleman, versed in Indian politics in all their forms, and, beyond that, he is a member of the Legislative Assembly. The same observation applies to Mr. Sastri, who is a distinguished Brahmin. The other member of the Committee, Mr. Malcolm Hogg, is a merchant, and was at one time President of the Bombay Chamber of Commerce. With regard to Mr. Hogg, whose assistance to the Committee was most important, it would not be fair that I should suggest that he made the questions affecting the commercial communities of India, European and Indian, in any sense his own, but naturally his position in India, and his kowledge of the requiremets of that description made him most important to the Committee when it became our duty to consider the questions of commercial and European representation. Speaking generally, and over all, and treating myself as Chairman, if I may say so, rather as a judicial than a political officer, we had a Committee which represented every school of thought, a very dangerous thing in itself when you set to work to try to bring into agreement problems which are perhaps traditionally insoluble as regards this or that member of the Committee. We had two Hindoos, a Mohammedan, a European merchant and two distinguished Indian Civil Servants, and it was upon them the Chairman had to rely for worrying out the answers to the problems set by the Indian Government in the terms of reference. The duty of the Chairman was to try and discover as far as he could, having regard to the evidence and the general tenor of the inquiry, the via media which was likely to lead to the best solution during the experimental years of this great reform. I only desire to say in addition—I do not want to weary you—that the Committee took—I am speaking of my colleagues—a very high line from the beginning of their deliberations; they put aside querulous and carping criticism altogether, and they sat down with a determination to find a solution of those problems which were put to them. It could only have been done by great sacrifices on the part of one and of the other; in consequence of old associations with other things, and so on, they had to make great sacrifices, but they made them in order to obtain unanimity, and they got it.

749. Your final Report was unanimous?—The Report was signed by all the members of the Committee. There was no Minority Report, and there were no notes of dissent. The Constitutions which are scheduled to the Report are unanimous; but in the Report itself, here and there, a member of the Committee, myself included, while agreeing to the Constitutions because it was essential, in our view, that we should be unanimous, expressed the view that he would have preferred some different course had it been possible. That was the only measure of dissent which we found among ourselves through the whole time. Those points of qualification, I would rather call them, are disclosed in the text of the Report.

Now, turning to the Report itself, which I assume you have before you, I should like to point out that it was based upon the Montagu-Chelmsford Report, that

Lord *Brodrick* (Viscount *Midleton*)—continued.

that in answering the terms of reference we had to pay the closest attention to that Report, and were glad to do so, and that the terms of reference imposed on the Committee the obligation of finding the most liberal terms of franchise consistent with the condition of things in India at the present time. The difficulty of handling that problem confronted us at the very start. I think my colleagues would agree with me when I say that at the early conversations we had at Simla we were in great doubt as to how we should set to work to find a suitable number of electors for each of the Presidencies and Provinces in India. It was the most thorny problem we had to tackle, because we had no data. What was the widest franchise that we could properly recommend? What was the true number of electors we could properly recommend for any given Presidency or Provinces? When we were anxious on this score relief came to us from the action taken by the Local Governments respectively. Using the added members to whom I have referred at an earlier period, we, through the added members, put ourselves in communication, in some cases at any rate, with the Local Governments, and the Local Governments then put in their proposals for local government in their respective Provinces.

750. Local government or local franchise?—They put in a scheme which covered not only the franchise but the number of electors, and, in fact, anything else they desired, such as the numbers of the Council and who should be represented on it. A complete scheme was put in to use as a block to chip at. The Committee will find in the schedules to the report at page 103 the statements which were so put in by the Presidencies and the Provinces. I cannot express too strongly the relief the Committee experienced from the assistance given them by the proposals put forward on their own account by the Local Governments in India. They were not all satisfactory to us. It was inevitable that in one or two cases they could not be satisfactory, but taking them as a whole they gave us the necessary data upon which to found our inquiries. Taking some of them, they really gave us the material upon which we could make our report. I do not know whether I am wearying the Joint Committee with this, but I anticipated that the contents of clause 11 on page 5 of the report would offer matters of primary importance for the consideration of the Committee, namely, the total population and the total electors. That clause 11 also illustrates the point very well of the reservation which was made by one or other members of the Committee upon some very important subjects.

Now what I want to show the Joint Committee is this: that the Franchise Committee did not roam round India and set to work to invent electorates, to fix numbers of electors, and so on, according to their own sweet will; or perhaps one might put it in another way and say, rashly. Take Assam, which was at the bottom of the list; the total population is 6,000,000, and the number of electors is 300,000.

751. That is the largest proportion of any, is it not?—Curiously enough that is the largest proportion of any. I thank your Lordship for making the observation, because I would like to bring out a point upon that. When we got to close quarters with the Local Governments, and they made their proposals as to the number of electors, we felt it to be our duty, as far as we could, not to quarrel with their proposals, subject to this very important point, that we said to them: "If you propose such a number of electors as that, do we understand that you, the Government, pledge yourselves to be able to poll the electors and to honestly and *bona fide* carry out the election?" When the answer was in the affirmative we endeavoured to accept the proposals made by the Local Government, because we thought that upon the evidence we got they were the people who really ought to know their business best. Take Assam, which is, as I say, the smallest in population of the lot; there, at page 276 of the report, the Joint Committee will see that at one of the meetings to which I have referred at an earlier period of my statement, namely, the meetings that we always had with the Local Governments before we parted with them, the Chief Commissioner, as a condition, apparently, of entering into a discussion with us, and prior to making an agreement with us upon the franchise and upon the scheme of local government, said to me, "I wish to know, in the first place, whether my proposal for 300,000 electors is accepted," and I said it was. I only mention that because it shows that we did not go to Assam and say, "Oh, 300,000 is a nice round number; let us put it down on paper and propose it." Then you go to the Central Provinces with a population of over 12½ millions and 159,500 electors—about 160,000. There we acted in practical accord with the Administrator of that Province. Then Bihar and Orissa has a population of 32,446,000 odd and 576,000 electors. Those figures, I think I am right in saying, were, in fact, put forward by the Governor of Bihar and Orissa and accepted by us for that reason. In the case of Bihar and Orissa you will observe on page 5 that Mr. Hailey entered one of those minutes of reservation to which reference has been made. He asked that the franchise should be raised. You will see it in the middle of page 5. If you look at page 238, again at the proceedings which took place between myself and my colleagues and the Government of Bihar and Orissa, at the top of the page, Mr. Hailey made a proposal to raise the franchise in order to reduce the size of the Electorate. "His Honour"—that is the Lieutenant Governor—"said that the Local Government were satisfied that the necessary electoral machinery was available. If power was to be transferred to the people all classes should be represented. If the franchise was pitched higher only the landlords and tenure-holders would be included. He thought that in the constituencies proposed by the Local Government the great majority of the voters would be literate. They would all be men in comfortable circumstances, and probably every one of them would send his sons to school. The proposed Electorates only represented 1.7 of the total population. Mr. Banerjea pointed out that the percentages proposed in the United Provinces was 3.5. His Honour pointed out that there was a widely spread revenue agency in the United Provinces which did not exist in Bihar and Orissa, and that uniformity between the Provinces could not be expected." Again, I say that I only desire to make the point to show that these figures were not our own; they were based upon the schemes put in by the Local Governments and supported by the local Governors at our meetings with them.

I do not want to weary the Committee with all of them. The Punjab presented some different aspects, and if Sahibzada Aftab Ahmed Khan gives evidence before this Committee he will no doubt refer to what he said, or we said for him, on page 3 of the Report, namely, in his case he wanted to lower the franchse in the Punjab That was resisted by Sir Michael O'Dwyer at the same sort of meeting to which I have referred several times, and the Committee accepted the Lieutenant Governor's recommendation.

With regard to Bengal, I am afraid to say it is the most important part of India because one would get into trouble, but it is a very important part of India, with a population of 45 million, and the proposed electorate is 1,228,000.

752. That is relatively the smallest proportion?—Yes, pretty well. Now, the Bengal scheme was put forward by the able Government presided over by Lord Ronaldshay, who gave us great assistance all through our heavy labours in Bengal. The able Government I referred to put in a scheme for Bengal which, speaking almost by the card, was virtually accepted *en bloc* by the Committee. I will read you the criticism by Lord Ronaldshay on page 168. It is a very good scheme and a very satisfactory scheme to the members of my Committee, who are familiar with these things, and we really, I think I may say without fear of contradiction, took it as it stood, subject, of course, to all those variations of figures and estimates, and so on, which did not involve principle. At page 168 "His Excellency," that is Lord Ronaldshay, "said that the Local Government were unanimous in thinking that in the circumstances of Bengal the franchise should be as wide as possible, provided that arrangements could be made to poll the votes." That, again, was in answer, as you see, to a suggestion by Mr. Hailey that the number of electors should be reduced. Of course, the Bengal Government, in putting forward the scheme, did undertake to poll the votes, and if they had not made up their minds that they could poll the votes, I do

Lord *Brodrick* (Viscount *Midleton*)—continued.

not suppose the Government would have unanimously put forward the scheme. I have tried to make my point, which is simply that for our operations in that direction we relied on local support and adopted it where we could.

But now unfortunately we have to come to the case of Madras, where for various reasons, of which, I think, the Committee are aware, we did not make an agreement with the Madras Government. The difficulty we had with the Madras Government as to franchise and the number of electors was not a self-contained difficulty, that is, I am not sure that we could not have made an arrangement with the Madras Government as to the number of electors and the franchise if there had not been overlying difficulties surrounding us, the principal of which, as the Joint Committee know, was the quarrel as to communal representation for the purpose of putting a check to the preponderance of power alleged to be in the Brahmin community. But all the same, so far as this particular point is concerned, and apart from the communal question in Madras, we had no grave disagreement upon numbers with the Madras Government. We met them, as we met every other Government, in a friendly way, and we proposed certain alterations to them in numbers which, I think I may say, they accepted, but accepted unwillingly. As a matter of fact, if you bear in mind what I have tried to say to you about the other Provinces and the numbers of electors, and the agreements at which we arrived, and the percentages presented by the number of electors to the population, the Madras Government proposed to enfranchise about 0.8 of the population, as against 1 per cent. or 2 per cent., or a little more, in the other Provinces. That was the position we had to tackle with them, quite apart from the communal difficulty. And we did succeed, at least I hope we succeeded. I could not point to any assent on the part of the Government of Madras, but I think the dissent of the Government of Madras, when we concluded our labours with them, remained on the communal question, and not with regard to the electorate.

Lord *Islington.*] May I ask Lord Southborough to elaborate that point?

Lord *Brodrick* (Viscount *Midleton*).] By all means.

Lord *Islington.*

753. (To *the Witness.*) Can you give us the grounds upon which the Government of Madras put forward such a very disproportionate electorate as compared with the other Provinces?—I think that the Government of Madras was really unwilling to embark on a reform scheme on these lines, the lines of the Franchise Report, at all, until they were satisfied that their objections as regards certain parts of the Montagu-Chelmsford Report were removed. But, as I say, the communal question in Madras played the important hand, as far as we were concerned.

754. In producing this very small percentage?—In the general position of reluctance. I do not propose to trouble you any further with regard to the figures. I am afraid I have laboured it a good deal, but I have seen so many criticisms, and I heard criticisms in the House of Lords upon the concoction of these electorates, and I only wanted to show that nothing wild and foolish had been done by the Committee, but they had really set to work to endeavour to get light and leading from the people who will be affected in future by these things, namely, the Local Governments. They got the light and leading, and they adopted it with a reservation with regard to smaller things.

Lord *Brodrick* (Viscount *Midleton*).] You have made it quite clear to the Committee how you have arrived at a very difficult conclusion. No doubt some members will wish to cross-examine you presently upon it.

Sir *Henry Craik.*

755. Is the estimate of the Government of Madras that contained on page 120?—That was their estimate.

756. A half of what you have on page 5?—Yes; I should think that is a very fair way of stating it. As I am reminded, we raised the number of voters there from 0.8 to 1.3.

Lord *Brodrick* (Viscount *Midleton*).

757. You raised it?—Yes. This was a case in which we said to ourselves, "Coming down from Bengal, and with the Bengal scheme before us, we find in this Presidency nothing approaching the figure which other people—Bengal, for instance—have thought quite a reasonable one." And so we discussed it with the Governor. I should say the evidence that we got from the outside people was all in favour of increasing the figures; but what we wanted to know was how far we could carry the Government with us, and how far the Government could say they could poll the electors if they got them. That was our difficulty. I tell you quite frankly and quite honestly that I could not point to anything to show in writing or in print that the Madras Government ever said that it was enamoured of the larger figure; but the impression which was left on my mind—and you will have an opportunity of asking some of my colleagues—was this, that the quarrel—as far as there was a quarrel with them—was not upon the question of figures at all, it was a question of principles, and the principles were the principles of communal representation, and so forth.

758. Do you wish to say anything more on the question of communal representation?—Yes; I am afraid I must. That is, I want to say something more on the subject of Madras Communal Representation. I did not propose to say anything about communal representation of other sorts in other places, so far as I am concerned; but the Madras question is one of those things where the onus is still left upon us.

The question of the non-Brahmins of Madras is referred to in paragraph 20 of page 8 of the Report. As a detailed question, as distinct from an all-overriding difficulty, it was the most awkward thing we had to deal with. It was really a question peculiar to Madras. We did not hear much of it—I think I may say more closely that we did not hear anything of it—I am speaking of the Brahmin question—anywhere else in India except lightly in Bombay, during the inquiry in Bombay; but so far as Madras is concerned it was a very awkward and very difficult and a very pressing question, because without tackling it vigorously and trying to make the various sections of the community come into some agreement, we could not do what I hope we did in the other Presidencies and Provinces, arrange a constitution for the coming years, the experimental years, practically satisfactory to the community, as witnessed by their Governments. If the Committee will look at paragraph 20, which cost the Committee a great deal of labour and thought, you will see the position in which we were placed and how we endeavoured to meet it. There was a distinguished leader of Madras thought, Dr. Nair, whose death I much regretted to read of in the papers a few days ago, who felt so strongly upon a part of this subject that we did not succeed in inducing him and his friends to come and give evidence before the Committee. I should have said from what I heard of him that he was a remarkable politician and a good organiser, but he was not prepared to throw the weight of his influence into the form of evidence, and come before us. The reason expressed for his refusal was an objection to the composition of the Committee. You will observe that that is a question which it was impossible for the Committee itself to try. The Committee had been appointed by the Government of India and was going its round of the Provinces under the directions of the Government of India, and it was quite impossible for us at that late hour to give attention to a plea that Dr. Nair and his friends would have been prepared to come before us if the Committee had been in part composed of other people. Now what was the effect of their staying away? The effect of their staying away was that we had not the advantage of hearing from them, or even from the subsidiary people connected with them, their objections, or rather their petitions, in favour of an extraordinary course, the extraordinary course being that a very very large population should receive protection from the tyranny of a small population. We are all quite familiar with communal representation and its objects, and I apprehend that the majority of the members of the Joint Committee are not enamoured of communal representation at all; but this proposition was quite a different one from those we have come across in other parts of the world. Here you have got a very large population of

Lord *Brodrick* (Viscount *Midleton*)—continued.

of a mixed character, different castes, asking that in a new constitution they should have their own constituencies, that they should have protection from any interference by the Brahmins, that, in fact—because it came to this, as we understood it—the Brahmins were to be excluded from any opportunity of bringing pressure to bear upon this great majority of the population by introducing candidates who were not Brahmins, because it was feared that a non-Brahmin candidate, if there was a Brahmin about, would be influenced by the Brahmin. I cannot put it to you as well as those who are more conversant with the grievance can, but as you will see from our Clause in the Report it really amounted to this: that the people who were asking for the protection, and who would appear on the voters' list—not population, but voters' list—would outnumber the others by four to one. I may be right, or it may be wrong, it may be good or bad, but the Committee will observe that in consequence of the action of the great exponents of the policy of communal representation—in this case by the refusal of Dr. Nair and his friends to come before us—we were really robbed of the best—in fact the only—evidence which we could get in support of a very extraordinary claim. Now what was our duty in that case? Was it our duty to depart from ordinaty constitutional principles in preparing a scheme for Madras, or was it our duty, recollecting, for instance, how we had fared in Bengal, where we had made an agreement with the Bengal Government, was it our duty to say, "We must, under these circumstances, put forward a free, just and full scheme for Madras on the lines of Bengal, or any other Province or Presidency of the same kind, and let that stand until it is proved beyond dispute that those who are in favour of this extraordinary course, or are in favour of something short of the whole plea for communal representation, come forward, justify it, and say that they will take it and accept it as a final settlement of the grievance?" We had no such evidence; we had no such evidence at all. No one came to us and said with authority: "If we have this large and peculiar system of protecton of four votes versus one we will be content, and we will let the whole thing rest and go to sleep, and do the best we can under the new constitution." We had no one who came along and made the proposition—a proposition which had not been made to us in other parts of India, speaking generally—that "If in constituences of, say, seven or nine members the non-Brahmins would have secured to them the great majority of seats"—seven out of nine, if you like, and the Brahmins with two, or something of that sort—"we will accept that as a fair and just settlement, and try to work the constitution;" there was nothing at all of the kind. So I took upon myself to say, and my colleagues agreed with me, that our course was plain—that is, to draw for Madras a constitution in the ordinary form and leave the onus to lie heavily upon those who want to vary it in this very peculiar manner. If the Committee will look at the last paragraph of paragraph 20 on page 10, they will see the final line of thought taken by the Committee on this subject. I say the onus lies very heavily upon our friends the non-Brahmins to justify this exceptional treatment. It also lies upon them, if they are to have this very extraordinary form of constitution, to come forward and say they take it, and they will stand by it, and they will work it. We thought, as you will see in the last paragraph of paragraph 20, that the proper course was to recommend His Majesty's Government, through the Indian Government, to accept the form of constitution which we prepared in consultation with the Madras Government, they being unwilling, and scheduled to this report with the unanimous assent of my Committee, giving the exponents of this particular form of communal representation an opportunty of coming forward at a later date, but before the elections are held, preferably to the Government of India and not here, justifying their claim to some treatment which will meet their wishes—preferably again, I should have said, a reservation of seats to them in constituencies of 7 to 9 members. But the point I desire to make to the Joint Committee is this, that we were

Lord *Brodrick* (Viscount *Midleton*)—continued.

unanimous in feeling that we were not justified in embarking on a peculiar and extravagant form of constitution upon the evidence which was produced before us. We thought, and I still think, that the onus lies heavily upon the non-Brahmins to make out their case, and as far as I am concerned if I had anything to do with it, which I am glad to say I have not, I should not even then accept the proposition put forward by the non-Brahmins unless they made it a condition of settlement. Putting it in another way it is only justified as a condition of settling this question in such a way that during the 10 years or what-not of the new constitution they do their best to make it work.

759. There is no other case in your recommendations in which a community which is in a majority has been given a separate representation, is there?—No.

760. Or a special representation?—No. I want to be quite sure that there is no misunderstanding about it. You mean the majority of voters?

761. Yes?—Then my answer is, No.

762. Your point is that this community, the non-Brahmins, are in a large majority?—Yes, in a very large majority.

763. 4 to 1?—Yes.

764. 22 to 1 of population and 4 to 1 of representation?—Yes, that is right. It is a very novel proposition.

Lord *Islington.*

765. I suppose, though you had not the advantage of hearing the non-Brahmin community, you were able to elicit during your time in Madras, in conversation, the factors, other than that of majorities, which guided the decisions of non-Brahmins in their claim?—You mean by meeting prominent men and so on?

766. Yes?—Oh, yes.

767. You were able fully to familiarise yourself with the whole controversy and what lay beneath the controversy?—Well, I would be very sorry to say that. I was extraordinarily puzzled by the whole business, and I always felt that a great deal lay below the surface which you could not listen to in an after-dinner conversation except for the purpose of informing your mind.

Sir *J. D. Rees.*

768. Were not your two local members and more than half your witnesses non-Brahmins?—I have counted them up now?—True, certainly; but you must not assume that they all took what we believe was the Dr. Nair line.

Major *Ormsby-Gore.*

769. Are we to draw from what you said just now that the Government of Madras were inclined to take the Dr. Nair line when you arrived? When you arrived they were unwilling to submit figures in any way parallel to the Bengal figures, because they appeared, at any rate on the surface, to share Dr. Nair's opinion on communal representation. Did I understand you aright on that point?—I would like to say in answer that as far as I could gather from the conversations, I mean official conversations, with the Government of Madras, their inclination was in favour of a system of communal representation.

Lord *Brodrick* (Viscount *Midleton*).

770. I think we will not go on examining now, but we will let Lord Southborough finish his statement?—I am reminded that there is the question of women suffrage. I was a Steward of a Women's Suffrage Ball as far back as 1880, but I found great difficulty in applying those early proclivities of mind to this problem. The fact of the matter is this: We had to consider in Committee at a very early date what line we should take with regard to women's suffrage, because if the Committee had evidences of opinion in favour of women's suffrage, if the majority had shown a disposition to sign a report recommending women's suffrage, we should have had from the very beginning, you will observe, to consider our electoral rolls and our franchise and everything else of that sort from a different standpoint. I pointed out to my colleagues

Lord *Brodrick* (Viscount *Midleton*)—continued.

quite early that we must have a discussion upon the subject, and, without making up our minds, arrive at such a prima facie exchange of views as would make us understand whether, as we went from place to place, we must be prepared to give the women a vote, or whether e should go on on the basis of excluding the women. I am bound to say that there was no chance whatever of our seeing our way to recommend women's suffrage for the women of India during this early stage. You have the Committee, with its curious divergencies of thought and religion and so on, unanimous on that score with the exception of the dictum of my friend Mr. Hogg, who said that "While there may be no very general demand for female suffrage at present, no strong opposition to it was revealed by the evidence, and therefore it is advisable to remove the sex disqualification at the outset of the development of responsible Government in India. He would not, however, be in favour of making any special or separate arrangements for the recording of women's votes."

Now that, if I may say so, appealed to me as a very fair diagnosis of a great deal of the evidence we received in India. The people who came before us, many of them, were individually in favour of applying women's suffrage. I am bound to say that as a man not conversant with such things or any other important question of the kind in India, I was very much astonished at the evidence that we did receive. But I could not help feeling all the time I listened to the evidence, which was given by really prominent and good men, that their object was to do something to improve the political position of the women, that is, by marking the fact in the Act which may pass as a result of these proceedings that women were being advanced in India by being given the vote, and that they were not thinking at all of whether the women would be able to use the vote, whether they would desire to use the vote, and whether it would not to some extent outrage the old conservative feeling in India if they were given the vote. I do not know whether I make the point plain. To my mind the idea was that it would be a graceful thing and a helpful thing to give women the vote, because it would be pointed to here, and in other parts of the world, as evidence of a direct desire to give them assistance towards larger measures of emancipation. That seemed to be the point of the evidence. But when you came to discuss with the witnesses the practical use of the vote, how they were going to start out and use it, whether they were going to break their purdah, and all that kind of thing, they said: "Oh, a great many of them will not vote, you know, but still, it will be such a good educational thing for them to have the vote." My colleagues, including my Indian friends—certainly including two of my Indian friends on the Committee—I think sympathised in the abstract with the desire to help the women by giving them the vote, but, as you will obsesrve from the report and the signatures, they did not come up to the scratch, they did not go beyond the point of sympathy, and express themselves in favour of giving the vote, with the exception of Mr. Hogg, who said: "It would be a very good thing if the ladies had the vote, but I am not prepared to make any special or separate arrangements for the recording of the vote." That reservation. as everybody on the Joint Committee knows who is at all acquainted with the subject, robs the gift of all its merit, because unless Parliament is going to say that the women are to be sought out by, we will say, women voting officers in their own homes, and so on, except in the case of those who are prepared in the advance as time goes on to break their purdah, they would be excluded from the privilege which it was intended to give. So, for that reason, neither my Indian friends nor my Civil Service colleagues saw their way to make the recommendation at the present time. But if the Committee will kindly read our report they will see that we were not frivolous at all upon the subject. As far as I am concerned I was much more impressed with the question as a practical question than I ever deemed imaginable, and I can quite conceive that, as the next few years go by, assuming that Parliament gives effect to these proposals, or anything like them, this question will be brought up again for a certainty at the end of the decade, and

Lord *Brodrick* (Viscount *Midleton*)—continued.

will be judged by the social condition of the Indian lady at that time.

Lord *Islington*.

771. Have you examined the questioon so far as to find out an estimate as to the increase of the electorate if women were admitted?—Speaking from recollection, the evidence we had was to the effect that the increase would be small, and that even when small would be made smaller still by the difficulties which would arise as to the giving of the votes, which you will observe only brings us back again to the old point, namely, that the vote was a good and gracious thing to be given, but would not, in these days and in these conditions, be of much practical effect.

Sir *J. D. Rees*.

772. Did you examine any women?—We had the evidence of two or three ladies, yes.

773. Do you think an Indian lady should be examined here by this Committee?—That is not for me to say at all.

Mr. *Bennett*.

774. You say that the question of the women's vote had to be settled early. That does not imply that anything like inadequate consideration was given to the question. You heard an adequate number of witnesses on the subject before settling it?—Yes, we debated the question at every inquiry, and I am sure we heard evidence at every inquiry in every Presidency.

775. May I take it that the desire to which you referred to give women the vote aimed at improvement in their status rather than anything else?—That is what I felt.

Lord *Brodrick* (Viscount *Middleton*).

776. What point would you like to take next?—I do not desire to trouble the Committee with any further statement. I have said a great deal too much, I am afraid, and I would now put in the Memorandum to which I referred, containing our observations upon the criticisms of the Government of India. (*The Statement is handed in.*)

777. I think the best plan would be that we should all read your Memorandum and then address questions to you on it; but at present, if you do not wish to give us any further evidence, we will proceed to cross-examine you on what you have been good enough to tell us?—If I may make a suggestion, the Memorandum you have before you was prepared by Sir Frank Sly and myself, and as he is coming as a substantive witness before you you might see fit to ask him the questions on that part.

Mr. *Montagu*.] I would suggest that the Memorandum ought to be read together with the summary which has already been circulated to the Committee of the points of difference between the Franchise Committee and the Government of India. If the members of the Committee would read those two documents together they would be in a better position at some subsequent sitting to cross-examine Sir Frank Sly on them.

Lord *Islington*.] I think we should leave the Memorandum to a subsequent examination of Sir Frank Sly.

Lord *Brodrick* (Viscount *Midleton*).] That is the course I suggested. We have a great deal of material before us, and if we could get through a good deal of our examination on this point to-day, we might ask Lord Southborough to come back again on Monday, when we have had an opportunity of reading the Memorandum.

Lord *Sinha*.

778. Am I right in saying that the general picture of the rural voter under your scheme is that of a substantial well-to-do peasant?—That was the picture painted for us in evidence, including the evidence of several of the Lieutenant-Governors.

779. All the Local Governments insisted that the qualification for a vote should be that of a stake in the country, a substantial person, whether literate or illiterate?—That was so.

780. And I think in your notes it appears practically in all the Provinces that that is the picture which the Local Government presents?—Yes.

781. I

Lord *Sinha*—continued.

781. I am saying that because I think in the Government of India's Despatch they say they are unable to form a picture of the voter, but the picture is there?—Yes. I am afraid I formed a very inadequate picture of the voter as an individual; but what I say in answer to your Lordship is this, that the Committee over which I presided was quite capable of forming a very accurate notion of the voter, seeing they had all of them lived among such people all their lives.

782. And so were the Local Governments, I suppose?—So were the Local Governments.

783. There is one question which I think is not dealt with in your Memorandum, that is, the dispatch of the Government of India—I do not know whether you have seen it—on the question of Grand Committee?—I read something of it in the newspaper.

784. I should like to ask you a question with regard to that arising out of your Report. In paragraph 25 of your Report, on page 11, you say: "In our recommendations regarding official seats we have been guided entirely by the necessity of providing the number of officials required for constituting the Grand Committee in accordance with paragraph 232 of the Joint Report. We have assumed that the standard strength of the Grand Committee will be forty per cent. of the Council," and then you add that probably it would be more convenient if it were reduced to thirty?—Yes.

785. That relates to the recommendation as to the number of officials in the Legislative Council itself?—Yes.

786. Was there any proposal put before you by the Government of India as to the basis upon which they now want to proceed for the Grand Committee?—Not before the Franchise Committee; I cannot answer for the Functions Committee.

787. It is important, is it not, that the Grand Committee should be fairly representative of the different interests represented in the Legislative Council?—I should have thought very much so.

788. And that it would be hardly a correct basis to take the number of officials you have available and to proceed to form your Grand Committee on that—to regulate the number according to the number of officials you have. Would that be a correct basis if you want to make it representative?—I think it would be an unfortunate basis. I do not profess to be very deep in the thing, but it seems to me to be a perfectly sound view that a Governor would not be doing his duty diplomatically, to say the least of it, if he embarked on legislation and tried to press it without being sure or without reasonable certainty of being able to poll a small minority of the elected representatives.

789. There is another question which you have not touched upon to-day in your statement about Mohammedan representation. I think you have proceeded upon what is called the Lucknow Pact, the Congress League agreement, with regard to Mohammedan representation in all the bodies?—Yes.

790. Am I correct in saying that that agreement must be taken as a whole, and refers to Mohammedan representation in all Provinces, that is, one Province giving up something in order that another Province might have a little more?—Yes. As your Lordship knows far better than I do, the question of how to arrange for such a purpose as ours, I mean my colleagues and my own, the future of the Mohammedan and the Hindoo, presented an almost terrifying prospect. If it had not been that some concordat had been arrived at between these great sections of the community themselves, I am not quite sure that our Committee could have lived to the end. It was perfectly plain at an early date that we had to make up our minds not to slavishly follow any such arrangement, but to use the arrangements as a guide, and, using it as a guide, test it by evidence as we went along, and that we did.

791. I think you have said in the printed document put in to-day that to disturb it with regard to one Province would have the effect of disturbing it as a whole?—With all respect to the Government of India, it seemed to be a most extraordinary proposition that in Bengal, of all places in the world, where we had arrived at a settlement of all these component parts

Lord *Sinha*—continued.

of this jig-saw puzzle by arrangement, they should want to pick out something or other which would bring the whole thing to pieces on the table.

792. Was there much evidence in Bengal against the agreement? Well, we certainly had one or two important witnesses, but Mr. Aftub would discuss that much better with you than I can.

793. I want to ask you one question with regard to the Council of State. Is it possible, in your view, to have a senatorial franchise so as to make it a purely senatorial body over the whole of India?—I can only answer that by saying that after five months' deliberation we could not get near it, and if it had not been for the self-denial of my Indian colleagues we should have come to grief on those sort of questions, because they involved all sorts of the most dangerous considerations. We had to make up our minds that the proper thing to do was to set this machine going, and let it run on conservative lines during the early years. Of course, they would have liked direct representation if they could have got a real downright democratic representation to both these assemblies at the top. They could not have that. I mean I could not have put my signature to such a thing as that in India to-day; they have got to make a beginning. It is quite enough beginning for them to arrange their electoral rolls and have their Legislative Councils, and to make them run and work properly. The rest will be added to them some day.

794. May I take it shortly that the recommendations of your Report are the results of a series of mutual give-and-takes, without which it would have been impossible to come to any conclusion?—Most decidedly. I am sorry that the Government of India are not pleased that we were able to find a *via media* through these difficulties by consent.

Lord *Islington*.

795. You told us that you practically, in matters of detail in regard to these different electorates in the Provinces, left that detail to the Local Governments, and accepted, in large measure, the detail which went towards forming their recommendations?—No. Forgive me if I am wrong, but what I intended to say was this, that at these consulations with the Governments we settled the principles, but the details remained unsettled in some cases. I was guarding myself against being told that I put it too high when I said that we arranged, for instance, with Bengal a scheme. There were bound to be at the end of the inquiry a lot of figures, for instance, which must be re-adjusted with local knowledge, questions of cutting up the administrative districts in one form or another. It is suggested to me that the question has another bearing. The original proposals in detail of the Local Governments were often altered by us after our communications with them. I do not know whether that was the point you wanted to get at.

796. Yes; that generally. For instance, I understand that each Province has varying qualifications?—Oh, yes.

797. And having examined and cross-examined the Local Governments, you were satisfied with those respective qualifications in each Province?—Yes; I thought we could not do better than listen to them on the subject, and the Committee was not dismayed by differentiations between one Province and another; they thought that, at the beginning of a movement of this importance, it was just as well that the Local Governments should try dissimilar schemes. As time goes on, and the matter comes under review, alterations can be made, if there is anything wrong.

798. For instance, take the case of Assam, which is not so advanced a Province as others, you have a higher proportion there to the population?—Yes.

799. That has been brought about, I take it, by a considerably lower qualification?—Well, it was brought about, really, by the Chief Commissioner desiring that his people should have a voting list of 300,000. We accepted it. I referred you to the page.

800. And in order to get his 300,000—though it is rather a backward Province—he had to dip down rather lower in qualification than was the case in other Provinces?—I think the conditions are very different: but,

Lord *Islington*—continued.

but, as I said before, we were guided by him. There are a good many people engaged in industry there. There is some mining, and so on.

Lord *Sinha.*

801. You have wage-earners there earning more than the peasant?—That was what I was trying to put. I was trying to put that into a form of words. The industry there, I wanted to say, was different, and might be more remunerative in wages than elsewhere.

Lord *Islington.*

802. Did you go, in the course of your examination with Local Governments, in any detail into the physical methods by which elections will be carried out?—Yes; it really was the all-important point to some of us: Given those electorates, can you manage them; and we never neglected, as I have endeavoured to show in my statement, pressing upon the Presidential and Provincial Governments the necessity of telling us that they were quite sure that they could manage the thing they proposed. And the answer (except in the case of Madras, where it was negative, and not positive—or, rather, where we got no answer at all; but I hope they did not mean they could not manage it) was in the affirmative, and strongly in the affirmative. Take a specimen case. They proposed to stick to the usual administrative district, and then to carve it up into constituencies of what they conceived to be a manageable size, and then to employ both their own Civil Service List and additional aid, which they assured us could be obtained, for the purpose of managing the elections and polling the voters. I cannot say that I can put it any higher than that. The Government said they could do it and we accepted it.

803. Did you get any further information from them as to how they were going to carry out an election such as that which is described by the Government of India? I suppose it is rather an extreme case, the case of Bakargunj?—Yes.

804. The letter from the Government of India of April 23rd, 1919, says at the end of paragraph 9: "We cannot seriously conceive it as a physical possibility, to take two of the Committee's examples, that 122,000 voters could be polled in the district of Bakargunj, almost entirely devoid of roads and traversed in all directions by vast rivers"?—If you look at the Memorandum which we have just put in under the second head of my evidence, paragraph 8, you will see we tackle that question. "The Government of India under-estimate the amount of non-official asistance that will be available. In every Province the Committee took special care to ascertain that the Local Government would be able to conduct an election with the proposed electorate. Our proposals contemplate that the election should be completed in each constituency in a single day, but not in all constituencies in the Province on the same day, so that it may be possible to employ some peripatetic staff. Thus, the total electorate of 122,000 voters in Bakargunj district (Bengal) will be divided into five single member constituencies, which may be polled separately on different days." The Government of India had not looked closely at that you see. "And the Local Government informed us that in this district the number of voters had been largely over-estimated. As regards Almora (United Provinces), with its 96,000 voters, this includes Mohammedans, who will be polled separately, and in this particular instance the Committee decreased the size of the constituency first recommended by the Local Government. This proposed constituency was specially discussed with the Local Government, who informed us that it could not be conveniently divided, and that the necessary electoral machinery could be provided. There are advantages as well as disadvantages in variations of standard between Province and Province, for they will provide most useful experience when the scheme next comes under review." So you will observe we had to consider there whether we should stand to our recommendation in the Report under the criticism of the Government of India, or stand by the recommendations that had been made to us by the Local Government, and we chose the latter.

805. Then, of course, as regards the sufficiency of

Lord *Islington*—continued.

staff for conducting elections, I suppose in each case you went into that?—We made that a subject of evidence in each case.

806. Will the Local Government be responsible for the conduct of an election?—I apprehend certainly. They will have to make rules under the supreme authority, whatever it is, and become responsible in that way both for the election and for enforcing what we should call here the Corrupt Practices Act.

807. Did you go into the question of under which Minister the conduct of elections would be, or as to whether it would come under the head of a reserved service or a transferred?—No, we did not; but, of course, we dealt with the Government as a whole. We have to deal with the Government as we find it to-day. I do not think that we should have got any expression of opinion from them as to how the business would be parcelled out under the new form of Government.

808. Do you happen to know whether there are any set of recommendations either from the Government of India or through the Government of India from the Local Governments in regard to the administration of elections, and how they are to be conducted, to which we could have access?—I do not know myself.

809. Or as to whether it has had serious consideration by any of the administrations?—You mean for the elections under the new scheme?

810. When the election is set going, assuming the Bill is passed and becomes an Act, and the whole machinery of election has to be set in motion?—I can say this, that certainly some of the Local Governments have paid great attention to the question of getting rules and regulations and all the rest of it ready to see how the thing looks, and how it is going to pan out; but I do not know what the Government of India has done on the subject.

811. I think you said just now that on the Mohammedan question, in Bengal, you came to a satisfactory settlement by general consent?—With the Bengal Government, yes, certainly.

812. And you gathered from the Bengal Government that on the whole you would meet with satisfaction in the Presidency?—Oh, yes. I referred to Lord Ronaldshay's observations on the subject earlier in the morning. They not only would have answered your question in the affirmative, as I think, but they resist, as you observe, any alteration of their scheme.

813. Now one word as regards the Madras situation. I think you said that you lay great stress on whatever arrangement is come to being accepted by the non-Brahmin representatives of the community. It would take the form of a settlement?—Yes, I think the onus lies on the non-Brahmin community to formulate their proposals at the proper time and in the proper place, to make themselves responsible for them, and to say, "These being our proposals, we shall do our best to make them work, and live happily ever afterwards."

814. Assuming you could obtain that, would you say on the whole that the counter-proposal of the Government of India would satisfactorily meet the situation of 30 and 61—I think that is what they proposed?—Speaking generally, if you take it from me generally, that is the kind of thing.

815. One word as regards the Central Government. You said that the only form of electorates for the two Assemblies of the Central Parliament that you can arrive at by agreement was that which you recommend, owing to the great difficulties and differences of opinion?—I am afraid I must say we should have had serious disagreement if we had endeavoured to elaborate any form of our own. So far as the evidence was concerned, we got very little help. We had to rely to a great extent on the flat proposals of the Local Governments in favour of what we recommended, with the exception, I think, of Bihar and Orissa, who at first were disposed to toy with another system, unstated, but which would have meant direct election, and then withdrew it.

816. In view of the comparatively brief time that you had at your disposal, and also in view of the extremely onerous work that you had to discharge, do you feel yourself that you had an adequacy of time to give full consideration to this erection of a Central Government electorate?—Yes. We were not driven.

Lord *Islington*—continued.

As I said earlier in my statement, I do not think we ever rejected a witness who could show that he was coming forward with new and important matter.

817. I suppose you feel that it is not an ideal constitution which is composed of identical electorates for both Houses?—I entirely agree. But then, fortunately for His Majesty's Government, they are not embarking on a Washington constitution or a South African constitution; they are embarking on the policy of doing the best they can to arrive at a conclusion which will represent the Washington or South African constitution in years to come.

Sir *J. D. Rees.*

818. Looking at the table of electors, Madras with nearly 40 millions of population has slightly over half a million electors, while Bombay, with half the population, has 100,000 more electors, and Bengal and the United Provinces, with rather more population than Madras, have three times the number of electors. Is that disparity entirely due to the Madras Government? Does that reflect their attitude?—I went through the figures to some extent, rather anticipating questions on this head. I endeavoured to show that in the cases to which I referred, and I will include Bombay in that for this purpose, we paid great attention to the proposals of the Presidencies and the Local Governments. I think in the case of Bombay we did put some pressure upon His Excellency the Governor in Council to increase the number of electors. But it was done anyhow with assent. With regard to Madras, Madras was the only case in which the figures presented the peculiar disparity I have described, and that, as I think, was not really because the Madras Government felt great difficulty in handling the electorate, but because of the other and important side-questions which governed the situation.

819. Would you say that that, comparatively, very small figure of electors for Madras would argue to anybody that there was a backwardness on the part of the Province or on the part of its Government? Is it not the case as regards the others which have a comparatively small electorate that they are comparatively backward Provinces?—As you ask me the question I will tell you quite frankly I was sorry at the attitude which was taken up by Madras with regard to the whole of this question, not merely the voting business and the number of electors, but generally. No one could say that Madras was a backward country.

820. No, indeed?—It is an enormous and an attractive and a very beautiful country. What really affected me as a novice and as a traveller, to a great extent, was to find that the people of Madras, either in themselves or as governed by those in authority, or both, did not appear to me to be doing all that they should to put Madras in the position she ought to occupy vis-à-vis Bombay, Bengal and the other Provinces.

821. Are you aware that this result is a matter of regret to those who are interested in Madras, to a Madras Civil Servant for instance, like myself, who has had the bureaucratic instinct, more or less, brayed out of him in the House of Commons? You agree with me in thinking it is unfortunate and prejudices the position of Madras under the new dispensation?—That is what I say.

822. You do not accept the statement that it solely depends upon their inability to organise an election, because that is what it amounts to?—It is incredible. You have got Bengal and Madras lying side by side, each with an enormous population; the Government of Bengal comes along and says to us of their own motion, without pressure, "We can manage 1,228,000 electors," and Madras comes along and says—if she does say—I do not say she says it because I tried to put it very clearly to you all along, she did not say she could not, but she implies that she cannot, manage 542,000.

823. You referred to objections made by the Madras Government to parts of the Montagu-Chelmsford Report. Is not the chief objection around which the others centre their objections, the transfer of subjects

Sir *J. D. Rees*—continued.

to Ministers, and, in point of fact, to the appointment of Ministers, too? Does not it centre around that?—Oh, yes.

824. That is the chief ground?—It was the chief ground. Of course, they did put in schemes, but at one time they did not want to have any scheme at all.

825. Does not that bring one to the caste question? That question again is governed by the caste question to which you have referred in Madras. I want to ask you as to the objections made in Madras, the cause of that indisposition to accept these reforms, to which you have made several references. Do not they hold that it would be a transfer of these subjects of administration, not to the new Ministers, but to a Brahmin oligarchy, not to the people of India, but to a high-class oligarchy?—You mean the non-Brahmins?

826. Yes. Is not that how the case occurs to you that was put to you in Madras?—I think so, yes. The Brahmin in Madras is like King Charles' head to a certain well-known person; he cropped up everywhere in every question.

827. Do you, as an impartial traveller, investigating this matter in India, find any justification in any quarter for the suggestion, or, indeed, the classification made at this Board of the Brahmins as plutocrats, as the rich portion of the population?—Oh, no.

828. Did you come across any ruling princes who were Brahmins?—Yes.

829. Who?—I was trying to think. We had one down in Madras, Kollengode.

830. He is not a ruling prince?—No, he is a Zemindar.

831. Is there one?—No, I do not remember one.

832. Did you come across any great merchants who were Brahmins, to your knowledge?—Not to my knowledge.

833. Did you come across any great Zemindars who were Brahmins? Kollengode, whom you mentioned, is not a Brahmin?—My difficulty was that I could not put them through their catechism.

834. So far as your experience goes, there is no foundation for the suggestion that Brahmins are a plutocracy. Would you say you found them an aristocracy of birth and intellect rather than a plutocracy of wealth?—I did not find them a plutocracy.

835. May I ask you if, as an impartial traveller, you carried away from India the impression that the Brahmins, even in this 20th century, are chiefly priests?—I would say in answer to that that I do not think of them as priests, but I thought of them as men of high intellectual attainments, men with good heads and good brains.

Lord *Brodrick* (Viscount *Midleton*).] Ought not we rather to direct ourselves to Lord Southborough's experience as a member of the Committee?

Sir *J. D. Rees.*] With great respect I submit this is very material.

Lord *Brodrick* (Viscount *Midleton*).] I hope you will not carry it too far.

Sir *J. D. Rees.*

836. You have been concerned as Chairman of the Committee which sent in these Reports, and this question being, as you say, the most important in Madras, where you had the greatest of all your difficulties, I submit that it may be material to ask you whether you think there is any shadow of justification for the suggestion that the Brahmins exercise a priestly tyranny in India to this day?—It is very hard for me to answer that question.

837. Very well, I will leave it?—You have my colleagues. I am very loth to talk about things I do not understand.

838. Did you hear when you were in Madras—you have spoken of the movement—did you or not carry away the impression that the anti-Brahmin movement was financed and supported by the rich and important persons in the Presidency, who are chiefly non-Brahmins?—If I may answer that question in another form, I would say that I carried away the impression that the great majority of these people—these 4 to 1—if they would apply their united vigour and political capacity to winning the elections, and to making their way

Sir *J. D. Rees*—continued.

way in the political world, would do much better in that way than by asking that the Brahmins should be suppressed.

839. And, in point of fact, would not the same ability which enables them to organise representation here in England be sufficient to enable them to obtain seats by election?—Yes; I should have thought so. I should certainly have thought that they could have obtained seats if they really laid themselves out to work an organisation of such numerical strength. It seems to me there is something extraordinary—which is unexplained—if they cannot, being in a majority of four to one, obtain seats; but I am bound to say that they said they cannot do it.

840. Did you carry away the impression that what was unexplained was that this caste feeling is organised into an opposition to this reform scheme, and exploited for that purpose? Do you think that is the explanation?—Oh, no. I heard a great deal about people in power and position in Madras being responsible for the agitation; but, putting aside the highest political aspect of the whole thing, it really seemed to me that Dr. Nair and his people were legitimately afraid that, under the great change of circumstances coming in Madras, they could not win seats and obtain place and power.

841. Have you any knowledge of the conditions on the Malabar Coast which have created and maintained the opposition and hostility between the Brahmins and the Nairs which exists to this day?—No.

842. Turning to the representation of British commerce, would you say that the Europeans in Bombay, or in other large towns, are hostile to these reforms, provided that their interests are duly safeguarded?—That, again, is a very difficult question to answer. I would say that, after conversations with many of them, as distinct from evidence given, you will find three classes of men of the type: one class who recognise that something of this sort is inevitable, and must be done, and done promptly——

843. Mr. Hogg would be one of them, obviously?—Mr. Hogg, obviously. He signed the Report. You have another class, who would rather that things remained as they were. That is purely conservative, purely passive; and a third class, which I am bound to say is a small class, as I made out, who would do nothing at all.

844. Is there a feeling growing even in those quarters that the march of Democracy in the rest of the world has not left India out, and that something must be done?—That is quite certain.

845. You referred to the representation of the Mohammedans in Bengal; are not the Mohammedans of Bengal chiefly converts to Mohammedanism? You do not know that?—I would rather not answer that.

Sir *J. D. Rees*—continued.

846. In proportion, as they are converts to Mohammedanism, and continue to speak Hindoo languages, and to practise their Hindoo customs to a great extent, would not the need for more extended communal representation be proportionately reduced? Do you see any ground for giving them further representation than was recommended by the Bengal Government itself?—No, not at all—the Bengal Government's recommendation and the Lucknow compact. Going back to what I said before, we used the Lucknow compact, not slavishly, but as a guide, and endeavoured to test it by evidence—to get evidence in support. When we get to the Bengal Government, and the Bengal Government say: "We have made provision in our scheme," or: "We agree to provision in the scheme being made equal to that of the Lucknow compact," then I do not see why there should be any Mohammedan addition to it at all.

847. I am only asking you whether the fact that these Mohammedans have not the feelings, or do not speak the language, of the real Mohammedans by race and descent accentuated your argument?—I quite appreciate the point of the question, but I am not sufficiently familiar with the history of the Mohammedans in Bengal to answer it.

848. As regards female suffrage, may I ask you whether it does not amount to this: that the intelligentia who gave evidence were mostly in favour of it? Even the old-world Hindoos did not come forward much, or were not brought to you, were they?—We got evidence of both kinds. I think that from wherever the evidence came the impression raised in the mind of the witness, after what had so recently taken place in this country, was that the Committee or the Chairman, or some of us, would think it a very unreasonable thing if he were to say he was against women's suffrage, and so he tried to meet us on the principle by saying, "Yes, well, women's suffrage is quite a good thing to have; I do not see why you should not have it." Then, like my friend Mr. Hogg, he said he would not make any arrangements for it.

849. Do you know as a fact that in Vedic times the women of India were perfectly free, and that at present the purdah is a Mohammedan institution?—I made some very long journeys in India, and read a great many books, but I am not going into that.

Lord *Brodrick* (Viscount *Midleton*).

850. May we ask you to come back on Monday?—Oh, yes, any time you say.

Lord *Brodrick* (Viscount *Midleton*).] Then Mr. Bennett will begin his cross-examination, and we shall have had an opportunity of reading your Memorandum

(*The Witnesses are directed to withdraw.*)

Die Lunæ, 28° *Julii* 1919.

MEMBERS PRESENT:

Earl of SELBORNE.	Mr. BENNETT.
Lord BRODRICK (Viscount Midleton).	Sir HENRY CRAIK.
Lord ISLINGTON.	Mr. MONTAGU.
Lord SYDENHAM.	Major ORMSBY-GORE.
Lord SINHA.	Sir J. D. REES.
	Mr. SPOOR.

The RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

The Right Hon. Lord SOUTHBOROUGH, G.C.B., G.C.M.G., G.C.V.O. (a member of the House of Lords), and Sir FRANK SLY are re-called; and further Examined, as follows:—

Mr. *Bennett.*

851. I think you took a great deal of evidence with regard to the admission of women to the Franchise?—(Lord *Southborough.*) We had a great deal of evidence.

Mr. *Bennett*—continued.

852. Did you find in going through India that there were variations in the progress which women had made socially and educationally?—My opinion is not

Mr. *Bennett*—continued.

so good on such a subject, probably, as that which you would get from those who have lived in India for a period of time like my friend Sir Frank Sly, but it certainly was presented to me that that was so.

853. There were differences as between Province and Province?—Yes.

854. Did the intellectual conditions of women in the Bombay Presidency, for instance, impress you as in any way different from other Provinces?—I do not think I came in contact with women in the Bombay Presidency—I am speaking of Indian ladies—either in evidence or in society, that is, so much as in other places; but, of course, from the point of view that we are discussing, namely, the Franchise, and so on, Bombay is probably ahead of the others because of its Women's Franchise. It has more experience.

855. Did you hear how the Municipal Franchise for women had worked in Bombay? Had they availed themselves largely of it?—I am bound to say that the evidence was not very satisfactory. You will understand that in the present condition of affairs in India relating to the social position of women it cannot be very satisfactory. You have the ladies who probably would like the vote, and would like to take a part, but who for reasons of purdah, and so on, are unable to do so. You have ladies who have emancipated themselves to a great extent from the restrictions imposed upon them, and then you have ladies who have emancipated themselves from every restriction. The result, I am bound to say, was not altogether satisfactory from a European point of view—from our point of view.

856. You did see a difference in the progress that has been made by women, I think, in Bombay, as compared with other parts of India?—I must answer you indirectly, and merely say that that was what I was told.

857. There is to be no uniformity—the principle has been determined upon that there will be no uniformity in the Franchise as throughout India, but that it will be determined according to the conditions of the various Provinces, and therefore will be by rule and regulation. Did the Committee ever consider the application of that principle to the questions of the women's vote? I mean instead of being a universal disqualification of women, did they consider the possibility of variation, so that if there was a Province in which women were sufficiently advanced, by rule a vote might be conferred upon them?—I do not think they did.

858. You did not consider it? Now, as to the non-Brahmin vote, is there not some danger of people being misled by the expression "non-Brahmin" so far as it appears to indicate a homogeneous community?—Yes, indeed.

859. And it is far from that, it is absolutely heterogeneous, is it not. It is split up?—Yes; that was the evidence we received. You are speaking of Madras, of course?

860. Yes?—There are many variations of caste down in Madras, all going to make up this vast population of non-Brahmins.

861. Are there no men of influence among the non-Brahmins? Dr. Nair has gone, but did you find a perceptible number of men associated with him who could influence the non-Brahmin community?—I should have said, bearing in mind the system of political exposition in the country, that there was certainly evidence of power somewhere to force and press a propoganda upon the people of Madras; but by whom that was done other than Dr. Nair, I do not know. I imagine that he must have had Lieutenants.

862. You would say from what you saw and heard that they are a community able to take care of themselves?—Yes, but as you are aware, we were deprived of the primary evidence, the best evidence we might have had if we had had an opportunity of cross-examining Dr. Nair and his immediate friends.

863. Has not some of the agitation, some of the movement for communal representation, been somewhat unreal. For instance, as illustrated by this fact—I should like to know whether it came to your notice—that Dr. Nair, while leading the non-Brahmin community, himself supported for election to the Legislative Council a Brahmin against a non-Brahmin. Has that incident come to your notice?—I have some recol-

Mr. *Bennett*—continued.

lection now, that you mention it, that we did hear of such a case. I tried to make a general point in my evidence in chief that it was a remarkable fact that the non-Brahmins pressed for the exclusion of the Brahmins altogether from having anything to do with the elections on the ground that they could not even trust a non-Brahmin candidate if there was a Brahmin in the wind.

864. Did that appear to you as an extreme proposition?—Well, it did, indeed; it struck at the whole basis of an electoral system.

865. Did you find that in Madras elections were determined entirely by caste considerations, that personal merit had nothing to do with the selection of a candidate as apart from his caste qualifications?—I think the evidence was divided on that point, as far as we had it. I am bound to say that I think the view of the Government of Madras itself was that the Brahmin held the field, or that the Brahmin certainly would attempt to hold the field under the new condition of affairs, and that he would succeed in doing so. Some of us, after listening to the evidence put before us—I would say that it was my opinion for what it is worth—rather came to the conclusion that there was springing up in Madras a considerable volume of intelligent political thought, but that it was in its infancy, and that one reason for all this trouble is that these men, who are now, for the first time in the history of Madras, coming to the front and beginning to understand the meaning of politics, of place and of power, have found themselves bumping up against the Brahmin on the threshold of their campaign.

Sir *J. D. Rees.*

866. Does Madras mean Madras City or the Presidency?—I was thinking of the Presidency.

Mr. *Bennett.*

867. You were speaking of one instance of a Mohammedan, having been elected by a constituency mainly Hindoo?—Yes.

868. So that it is not a political fact that Brahmin votes for Brahmin and non-Brahmin for non-Brahmin?—No, I agree. That is why I referred to the fears of the opposition; that is why I referred to the feared influence of the Brahmin over non-Brahmin candidates. If the Brahmin is really all that he is described to be according to the evidence, and according to the information we got in Madras, he would be able to turn the non-Brahmin into a Brahmin for the purposes of the election.

869. After all he is not superhuman I take it? We must take him as human. Now there is a question connected with the depressed classes. I see the Committee and the Government of India differ on that question, and the Government in their letter say that officials may be expected to bear in mind the interests of the depressed. Is not that expecting very little indeed? I will put the question in another way: Did you hear that official representatives in the Legislative Councils had been expected to look specially after the interests of the depressed classes?—No, I do not think I heard that. I daresay that will be a familiar point to those who have been accustomed to live in India. Certainly my Committee gave a great deal of attention to the question of what was to be done for the depressed classes.

870. Were you impressed by the objection of the Government of India that you have allowed only seven representatives of the depressed classes out of about 800? Do you still think that is adequate?—I am bound to say that I think the Committee gave great consideration to the position of the depressed classes. We were accustomed to ask wherever we went whether there were depressed classes, what the numbers were, whether representation was possible, whether it was desired, and, if so, what sort of a representation it was to be. We never neglected to take evidence of that sort, and the result of our investigation, apart from that expressed in the Report of the Committee, is given in the Memorandum which was circulated on the last occasion, in paragraph 10. The Committee's proposals are based on considerations very different from those urged by the Government of India; that is the line we took. Where we recommend some representation by

Mr. *Bennett*—continued.

nomination we did not take into account the population of the class concerned, nor did we attempt to give any voting strength, but to provide only one, or, at most, two, nominated members for the purpose of securing that the particular class or interest should be in a position to represent its views in the Council. Again, it will be quite impossible for the depressed classes to provide the number of suitable representatives recommended by the Government of India; indeed, with a much smaller number proposed by the Committee it was clear that there would be great difficulty in some Provinces in obtaining suitable men from that class for nomination, and that it might be necessary to nominate members of the Depressed Classes Mission or European missionaries to represent their views. Further, there was the strongest desire amongst all clases of witnesses to reduce the number of nominated members to the lowest possible limit. The acceptance of the Government of India proposals would involve a reconsideration of the amount of nomination recommended not only for that class, but for the aboriginals, etc. That was our view, and we thought, rightly or wrongly —and I think the Presidential and Provincial Governments agreed—that the best thing to do with those unfortunate people was to find really good men *acquainted with their case*, nominate them, and put them in to speak for them, to watch and urge. That is, a man would be there who was an expert in their interests, and if he came, as I apprehend, before the Council and pointed out certain disabilities, certain glaring and bad cases, he would attract a fair number of the elected representatives of the Council and would receive very hearty support from the officials. That was the line we took. I am bound to say that on the evidence, which is worth something in these cases, it was made perfectly plain to us that when you got into a particular province and said, "Now then, we want five or six people to represent the depressed classes in the true sense of representation," we would not get them.

871. In that case would not it be an advantage if something like a statutory or quasi-statutory obligation were placed upon official representatives to look after the interests of the depressed classes? Do you think it is sufficient for the Government to indicate the duty of the officials in that regard by saying, as they say here, that the officials may be expected to bear in mind the interests of the depressed classes. Should not there be a more direct instruction?—I think the phrase runs between the two extremes.

Lord *Sydenham.*

872. When you went to India did you find yourself new to problems which were intensely complex and unique on the social conditions of India?—Certainly, I had never been in India before.

873. And is it not the fact that your Committee was forced to accept all the great questions of principle as choses jugées before they had been accepted by the Cabinet or Parliament?—I am afraid I do not quite follow the question, but if I do the answer to it is this, that we had our terms of reference given to us both by the Home Government and the Indian Government. We had before us the pronouncement, as it is called, which was made in Parliament, and we had before us the Montagu-Chelmsford Report, which I admit it was assumed would be treated as a basis of operations.

874. So that I may say that you were precluded from examining into the merits or the demerits of any principle?—Do you mean inside the terms of our reference, or outside?

875. Any principle embodied in the Joint Report or in the known views of the Government of India?—Well, I cannot quite go so far as that, because in listening to all these witnesses who are scheduled to our report we naturally had to listen a great deal to questions of general policy and specific points which came close to our reference when deciding upon the franchise and electorates and so on.

876. Then you would not say that you were absolutely convinced yourself that your proposals were the best possible in the interests of the masses of India?—The franchise proposals?

Lord *Sydenham*—continued.

877. Yes?—Given the acceptance of the policy under the pronouncement made in Parliament and the line of direction pointed by the Montagu-Chelmsford Report, I would defend the Committee and say that I believe it did the best possible.

878. I suppose you regard communal representation just as I did for a long time, as a shocking violation of western electoral principles?—Yes. If I were drafting a constitution with a free hand I should scout it.

879. But if you had studied the conditions of India on the spot for five and a-half years, might you not have come to the conclusion that communal representation was practically the only way of protecting the masses of India from the undue influence of the upper classes?—I was quite content to embody in the Report these communal electorates which you find there, because I really believe that they are necessary to give effect to the system which we have mapped out.

880. I think you said Dr. Nair did not give evidence because of the composition of your Committee, which contained two Brahmins, but are you aware that his main objection, as he stated it to me, was that the only two Hindoos on your Committee had both committed themselves in advance against communal representation. That, I understood, was the basis of his objection?—That is the basis of the objection stated in Dr. Nair's letters and letters from one or two other people scheduled to our Report. It was stated that two of the Indian gentlemen on the Committee had already made up their minds on this question before the Committee was appointed.

881. As you quite see, that was the cause of the very strong protests which I have received. Do you think those protests are altogether unreasonable?—It was quite impossible for the Committee to try that issue.

882. Quite?—We were there on the spot, a Committee appointed by the Indian Government and the Home Government, and we found ourselves there with two highly respected colleagues who were singled out for particular attack. I never turned to the right or left in the consideration of the question. I said "Dr. Nair ought to come before the Committee and ought to help the Committee and help us in every way, and so ought his friends, but I really cannot consider what course he should take" (which I was invited to do) "if he objects to the composition of the Committee.

883. But a plaintiff in the Law Court who knew a judge was committed in advance against him might object to going into that Court?—Certainly; and sometimes he goes into the Court and tells the judge that he has an objection to him.

884. I think you said the question, which is really a question of lower castes, mainly affected Madras, but, of course, you remember that in Bombay there are 5,200,000 Mahrattas?—Yes.

885. In 1910, when the Morley-Minto scheme was set up, no Mahratta had any chance of election beyond a nominated one. Do you think under your scheme a Mahratta would ever get a chance of being elected?—We gave very careful consideration to the Mahrattas. We fully recognised that they had some case, although from my recollection, they did not come forward and all speak with the same voice. Some of them wanted to take their chance in the open electorate; some of them came and said they would be severely damaged unless they had communal representation. You will have noticed that in our Report two of our members were inclined to support the Mahrattas and give them some special protection. They did not insist upon it to the point of disagreeing as to the constitution for Bombay, which was unanimous, but they said they would have preferred that some such special protection should have been conferred. The majority of the Committee thought otherwise, and they thought otherwise because we went very closely into the thing and came to the conclusion that they would be able in the parts of the country where they are most populous, and in double-membered constituencies, to obtain a certain number of seats, and we felt it was better that they should obtain those seats in open fight and struggle than by some semi-artificial system.

886. In

Lord *Sydenham*—continued.

886. In Madras the number of Brahmins and the number of Indian Christians is almost exactly the same, but I think your Committee realised that Christians had no chance of election?—Yes.

887. And therefore you gave the whole community three seats with an electorate of 6,000 out of 1,137,000 native Christians because you felt they had not a chance?—We thought a great deal about the Indian Christians as we travelled round India and held these various inquiries. Some of us were impressed with their position and their future. It appeared to me that, taking Madras as an instance, there was a great deal to be said for the Indian Christian. He was a man, as it seemed to me, who was more likely in the future to help to break down the caste traditions than any other type of Indian, for reasons which the Joint Committee will understand. And so we went very carefully into the case in Madras, and I think I am right in saying that the clergymen and others whom we saw favoured the system that we adopted. One of them was in favour of accepting no representation at all; one well-known ecclesiastic would have desired to stand out altogether, because he was afraid that the work undertaken by the Indian Christians would follow different lines if they became immersed in politics. But, on the whole, we thought that the proper way to deal with the Christians was to give them a representation so that they could make their particular wishes known. It was not so much the quantity but the quality.

888. I am sure you realise that the native Christians have the highest percentage of literacy in India after the Brahmins, and nearly twice the literacy of Mohammedans?—Yes.

889. Do not you think, therefore, that your electorate of 6,000 is rather small?—Is it your point that they should have more representation?

890. A bigger electorate?—I see. I think that the Committee would have listened sympathetically to evidence directed to that end. I do not withdraw what I said, but I am reminded that in considering the evidence in Madras and throughout India, too, we had always present to our minds the desirability of making the vote somewhat of the same value in each constituency, that is the Mohammedan and the Hindoo and Christian, and that was why the Christian constituency was so framed.

891. I notice the Government of India in their criticisms of your Report propose to increase the representation of the depressed classes by nomination, and your chief objection in your rejoinder was that these classes cannot provide a sufficient number of representatives to meet the proposal of the Government of India. I am afraid I disagree with you on that point; but are you quite sure of your ground?—I can only say that we started out with every desire to help the depressed classes, and we certainly had in mind—at least I had—I daresay my Indian friends and Civil Service friends knew better—the idea that we could give them representation—that there must be people in such a mass who were fit for nomination. But the evidence was against it, and as far as I was concerned my mind gradually went round to the point of feeling that the only thing to do was to give these people the most expert nomination that we could find, hoping that in the course of the decade, or whatever it is, for the review of these things, they would have so improved their political standing that they could look after themselves.

892. Did your Committee consider the very important note by Sir Alexander Cardew which is published by the Government of Madras?—Yes.

893. You know, of course, that Sir Alexander Cardew has made a special study of the depressed and the lower classes. These are his words:

Is it wise to entrust the happiness and progress of the down-trodden and illiterate Pariah and Panchama community, or even of the ill-educated and politically backward non-Brahmin Hindoo castes, to an assembly in which the majority will probably be largely composed of and controlled by Brahmins, and will in any case be drawn from the literate community representing only about 7.5 per cent. of the population? Is there here a sound basis for democratic institutions, and is it likely that such a scheme will guarantee 'ordered progress for India as a whole?'" Do you

Lord *Sydenham*—continued.

regard that statement as exaggerated?—I forget what he proposed to do.

894. I do not know what he proposed to do. I am only dealing with his note?—I think that was the difficulty we felt with regard to it. It was no doubt a very able minute, and an ably prepared statement, but it left us in the air.

895. You were pressed last week by Sir John Rees to state that there were no Brahmin chiefs in India. Are you aware that there are eleven Brahmin chiefs in the Bombay Deccan alone, and, though their States are small, some of them are very good and progressive rulers?—I am not very good at Brahmin chiefs. I could not examine them and put them through their catechism.

896. You were very wise, and did not give a direct answer to Sir John Rees. You were also questioned by Sir John Rees last week, and to-day by Mr. Bennett, as regards the influence of Brahmins. May I quote one sentence from an experienced Indian civil servant? It begins, "At the present moment an agitation is proceeding in India which is caused entirely by and restricted to Brahmins and other high castes in sympathy with them," and he goes on to say that the continuance of European representation in India was absolutely necessary for the purpose of safeguarding the lower castes from possible want of consideration on the part of the upper castes. Those are the words of Sir John Rees. Do you think they are exaggerated?—I do not know what happens to a witness if he tries to get himself in between a member of your Lordship's House and a member of the House of Commons.

897. The Government of India, on page 11, say this in criticising your franchise proposals: "We shall find it hard to meet the charge that we are acquiescing in the establishment of an oligarchy in Madras, unless something is done to secure to the non-Brahmins a fair share in the Legislature. It would, in our opinion, be a mistake to wait for any move by the non-Brahmins." Do not you think that is rather a serious statement?—The last part?

898. The sentence I have just quoted on page 11?—Yes. The handling by the Government of India of the proposals in the Franchise Report in this respect are not plain to my mind at all. They appear at first to take the line that they must fully support the non-Brahmins' claim, and then, as the clause was amended, presumably in Council, it comes down to merely a half-hearted proposal in favour of reserving seats, which is quite another matter. And, as I said before in my evidence in chief, having regard to all our difficulties, we thought that the best thing we could do was to take and make a draft constitution on sound and well-known principles, the kind of thing that was accepted in Bengal, and leave it at that until the non-Brahmins came forward and said, "We will be content with some exceptional variations of an ordinary constitution; if you will give us that we will endeavour to make it work well, and we will play our part in the development of Madras." That was our line.

899. Then you think, on this non-Brahmin question, the Government of India has changed its mind?—I think a great deal of this essay discloses change of mind, paragraph by paragraph. If the Joint Committee have read the despatch with great care, it bears upon it, to my mind, the impression of commencing in red and ending in black or beginning in black and ending in blue. It is quite extraordinary in the various paragraphs to see the variations of opinion which appear, but that, I assume, it was impossible to avoid because of the amendments which were proposed in Council, and which brought different results, attempts to compromise, and failure to compromise. That is peculiarly so, as you will see, with such a thing as the question of the Mohammedan representation in Bengal.

900. May I take it that you do not agree to the proposal of the Government of India to reserve thirty out of sixty-one non-Mohammedan seats for non-Brahmin Hindoos?—I think that the non-Brahmin Hindoos should not have thirty out of sixty seats, or any other number unless they come forward and state, as suggested in our paragraph in the Franchise Report, that some such settlement as that would make the constitution satisfactory to them.

901. In reply to Lord Islington last week you very candidly said this, that you were extremely puzzled by

Lord *Sydenham*—continued.

by this whole business, and that you always felt that there was a great deal below the surface. Now, will you take it from me that there is a great deal?—The Brahmin business? Yes.

902. You will take it from me?—I felt it before.

905. When you were in Bengal did you come across representations from the Namasudras or the Mahishayas, who are actually organising themselves to try and get representation?—Yes, we did. We set out in the Report the various classes who came before us in Bombay.

904. There are rather large bodies in Bengal?—Somewhere in the Report we referred to them. It is paragraph 18. "Claims for separate electorates were placed before us by numerous other communities, such as the Mahishayas of Bengal and Assam, the Maarwaris of Calcutta, the Bengali domiciled community of Bihar and Orissa, the Ahoms of Assam," and so on.

905. You did consider representation from those bodies?—Yes, we did.

906. Do you see any difference in principle between communal representation seats for Mohammedans, Europeans, and Anglo-Indians, and communal representation for the lower castes of Hindoos?—Do you mean the depressed classes we have been speaking of?

907. The lower classes we have been speaking of, the non-Brahmin lower castes—any difference in principle?—I would much rather you put that question to Sir Frank Sly or to one of my colleagues, because I see objections to communal representation in every form except where one has to yield in order to do justice to a particular case, and I am not sufficiently conversant with the claims of the people to whom you refer to be able to say whether I feel that it would be a good case or not.

908. I think the Committee may assume that you would have been prepared favourably to consider a scheme for giving representation to the lower castes if the lower castes had presented such a scheme to you. What do you say to that?—To the depressed classes in Madras?

909. Yes, I think you said you would have been prepared?——

Chairman.] Let us get that quite clear. Are you talking of non-Brahmins or depressed classes?

Lord *Sydenham.*] I am talking of both.

Chairman.] Will you put them separately?

Lord *Sydenham.*

910. Yes. (To the Witness.) You would have been prepared to receive and consider favourably any proposal for the representation of Dr. Nair and his followers if it had been presented to you?—I cannot say consider favourably. I understand the question now. We looked anxiously for proposals for communal representation or any other form of representation that Dr. Nair and his friends would like to put before us, but I cannot say that we should have considered them favourably. What I said in my evidence-in-chief was that we felt that the onus lay very heavily indeed upon Dr. Nair and his friends to show why, with a vast majority, something like 22 to 1, I think, in the population, and 4 to 1 in the electors, they could not hold their own against a small community. On the other hand, with great respect, I say that we would have tried to do justice if the scheme had been put before us.

911. You would have tried to do justice if you had had a concrete scheme put before you?—Yes.

912. And therefore their not putting forward that scheme has to some extent prejudiced what you might have done for them?—Most undoubtedly.

913. Now, a few words about the Mohammedans. Did you feel absolutely bound by the Lucknow Compact?—No, we did not. When we commenced our labours our attention was at once directed to the Lucknow Compact; that is, the part of it which dealt with the representation of Mohammedans. As you know, we had on the Committee Sahibzada Aftab Ahmed, who represents the Mohammedans on the Secretary of State's Council. He played a very conspicuous part all the time, and, if I may say so, a very able part, in endeavouring to adjust the Mohammedan

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representation in collaboration with Mr. Sastri and Mr. Banerjea. It was perfectly certain that unless we managed to preserve in some way or other the concordat between these two vast communities we could not expect to get through with our labours and bring them to a satisfactory conclusion. Answering your question further, what I say is this, that given this concordat (unexpected and valuable as it was), we said we will use it as a guide, and as we take evidence from place to place we will test and see how far it can properly be made use of for the purposes of allocating representation.

914. I suppose you know that the Moslem League represents really a small number of Mohammedans, and it has been repudiated by most of the Mohammedans of Northern India who are forming organisations of a separate kind of their own?—You mean now?

915. For some time past; for some two or three years past?—All I can say in answer to that is that a vast amount of the evidence which we had in India was in favour of maintaining the compact. The greater amount of evidence we had from Mohammedans was in favour of maintaining the compact. The evidence against maintaining the compact which we received was from very distinguished people, no doubt, but people who were described to me as belonging to the old orthodoxy.

916. You realise that it would be possible to obtain any amount of Mohammedan evidence against the compact?—Well, you understand that I desire to discuss this from a judicial point of view, having been Chairman of this Committee. All I can say in answer to that is that we did hear the evidence tendered.

917. The Government of India pointed out in their criticism that in Bengal the Mohammedans get only three-quarters and in the Punjab nine-tenths of what they ought to have on a population basis, while in other Provinces they seem to get too favourable terms. Do not you think that is certain to create some discontent among the Mohammedans when they begin to realise it?—Well, I suppose it is true in every department of life. When you have made a treaty which has involved a great deal of give and take, you are certain to have a strong representation later on that you might have got a little more or might have given away a little less.

918. I am sure you realise that the mass of Mohammedans repudiate this treaty and never had anything to do with it?—I cannot say that. The evidence we had and the collaboration of the Mohammedan representative on the Committee led one to the opposite conclusion.

919. I could give you plenty of evidence, but I will not proceed further. In the United Provinces they have an electorate under your scheme of 1,483,000 people, and they have got a literate population of 1,186,000, but the Punjab has a literate population of 614,000, and you have given only an electorate of 237,000. Do you think that is equable?—That question goes to the root of the composition of the electorates for the various Provinces and Presidencies. In the case of the United Provinces we took the figures put forward by the Lieutenant-Governor, and they were, I admit, very liberal. In the case of the Punjab we took the figures put forward by Sir Michael O'Dwyer, and they were, I feel, very conservative. It was our aim and object, as far as we could in launching this scheme, and bearing in mind that it was open to review, that it was not making a constitution for all time, but was open to review at the end of ten years—we felt that it was wise of us as far as possible to accept the proposals of the Local Governments even where there was considerable inequality exposed.

920. I am sure you realised in the course of your visit to India that the urban population of India is very small compared with the rural population, and that practically nearly 80 per cent. of the people live on the land and pay by far the greater part of the taxation of India. Are you satisfied that under your scheme of franchise the land-owners and the tens of millions of people who work on the land will have adequate representation commensurate with the taxes which they pay?—I am quite sure that the representation

Lord *Sydenham*—continued.

tion accorded the urban and rural population under this Report is quite sufficient to make the beginning to which I have referred.

921. Do you think it desirable, even at the beginning, that it should be on an equitable basis as regards the tax-paying population of India?—I do not mean to ask a question, but forgive me for putting it in this way. Does the question mean that we ought to have increased the numbers of electors very much, on the ground that there are people of a similar kind to those we propose to enfranchise who pay taxes?

922 No. My point was merely this. Are you providing sufficient membership in Provincial Councils for these people who pay all the taxes and do most of the real work of India?—In the Provincial Councils? I misunderstood. That is a very difficult question to answer, but the best I can say without consideration is this, that there again we found the heads of the Presidencies and Provinces very adverse, at this early stage of the proceedings, to large bodies. Some of our Indian friends were anxious to have much larger Councils for the very purpose that the noble Lord has in mind; but we came to the conclusion that, at any rate at the commencement, we ought to pay respect to the opinions of the Governors and Lieutenant-Governors and Chief Commissioners, and we kept the Councils down as low as we could consistently with what we felt at the moment would be a sufficient representation.

923. In the Government of India's criticisms they suggest there should be a larger proportion of rural representatives, and your reply to them was that this would be most unpopular with the educated classes and the town residents. Is not that exactly what one would expect?—I think so, yes.

924. May it not follow from that that the educated classes and the town residents are right and, therefore, that the rural population, which is a vast majority, might go to the wall?—I am bound to admit—I want to be quite frank about it—that we were under continual pressure to give large representation to urban districts, and I have no interest or desire to say anything to the contrary. No doubt that was to a great extent because the people who represented the urban districts believed themselves to be better educated and better fitted for this form of government than those who live in the rural districts. I do not think anybody would deny that there is something to be said for that. We had to strike the mean in such a way that, while we endeavoured to give reasonable representation to the urban people, we did not so cramp the rural people as to atrophy them.

925. Under your scheme a general election would entail the registration, in the first instance, and the polling, or attempting to poll, of about 5,200,000 people, largely illiterate. Now, was every Local Government convinced that it would be able to poll out its quota in these out-of-the-way districts?—Every Local Government, with the exception of Madras, took upon itself to say in evidence that it would accept the responsibility.

926. Did you inquire of each Government whether it was satisfied that it could prevent fraudulent voting over these huge areas, or the suppression of votes?—We asked them all whether they felt that they could make adequate provision for the honest carrying out of the election, and the answer was in the affirmative.

927. I think you proposed the residential qualification of candidates in some Provinces and not in others. Was there any reason for drawing that distinction between one Province and another?—The question of the residential qualification in a constituency was a very difficult one. Some of the Provinces were strongly opposed to anything of that kind, but the only real, full opposition to it, speaking from recollection, came from the Punjab—the only real, strenuous opposition. They, including their Lieutenant-Governor, objected to it very much on the ground that they could get very good local candidates from among the peasant-proprietary of the Punjab. In other parts of India there was very strong pressure indeed not to exact the qualification on the ground that the proper way to find a candidate for a constituency is to look for the best man with the best brains, wherever he may come from. Of course he would have to be

Lord *Sydenham*—continued.

within the Presidency or the Province, but not necessarily within the constituency. That was the issue. Two or three of us, of whom I was one, placed no confidence at all in the residential qualification for a constituency, and as far as I was concerned I would have struck it out altogether on the ground that it is so easily evaded. How are you to be sure that a man has a qualification in a constituency unless you keep him continually under your observation? More than that, in this case there would probably be a year and a half or so before there is a General Election in India. Directly the Bill has passed through Parliament everybody will proceed to make his arrangements as to where he is going to stand for, and I could not see that there was anything to prevent a man from making his arrangements to nurse, as we say in this country, any constituency within the Province or the Presidency. So that my own view was against anything of the kind. My Civil Service colleagues—I ought to have referred to them first perhaps—were of the opposite opinion, and they would not have shrunk from going so far as to define in some special form the character and quality of residence which the candidate should have. I think Sir Frank Sly, when he is called, had better speak for himself on that account. The difficulty is this: suppose you say there must be two years' residence in the constituency, how are you going to enforce that qualification? What does it mean? Suppose he goes away for six, eight, nine or twelve months in the middle of the two years? Suppose he sub-lets his house for a time? I can imagine that a lawyer would be able to drive a coach-and-four through pretty well any definition as to what real residence was.

928. If it were not for the dangers of evasion to which you have drawn very forcible attention, would not residential qualification be a protection for the rural population against the management of their elections by caucuses in the big towns?—Oh, I think so. Yes, if you could do it. I quite sympathise with the Punjab. I would not like to commit myself to the full proposition over all India, because in other places the circumstances may be different, but as regards the Punjab, where they have a good peasant proprietary, I can quite understand that they may say "We would like to have a choice of candidates in our constituencies," so that they may elect a peasant proprietor and keep out a barrister or a pleader. I quite understand that, if it could be done.

929. You know we have always had residential qualification in Bombay, and we considered that it worked well. I do not know whether the present Government thought so?—I forget at the moment what they said about it. I think they did.

Mr. *Spoor.*

930. You said a few moments ago, in answer to Mr. Bennett, that the evidence you had, as far as Bombay is concerned, with regard to the question of women franchise was not satisfactory; can you give me any idea how many women exercise franchise rights so far as municipal elections are concerned?—I am told we could not get any statistics.

931. I think you are aware that quite a considerable proportion of women have exercised the municipal franchise for a good many years?—I am quite aware that women have exercised the franchise for a long time, but you must not pledge me to its being a large proportion of them.

932. Probably we shall be able to get the information in the course of the sittings of the Committee. Sir James Meston told us the other day, and I am sure you will agree with him, that during the last thirty years there has been an enormous change of feeling in India, an awakening of political interest, and more particularly during the last ten years, and, I am informed, also even more during the last five years?—Yes.

933. I take it that women have shared in that advance?—I think so. I hope you will not assume that we were hostile to doing anything that we could for the women. I do not think you were here when I gave my evidence-in-chief on that point.

934. I have read the whole of your evidence. What I want to get at really is the general trend of feeling in

Mr. *Spoor*—continued.

in India regarding this question of women's franchise. I gather from your evidence that there is a fairly decided opinion in one direction, that is, in favour of giving women the vote?—We received a great deal more evidence in favour of giving votes to women than I should have thought possible, with one's preconceived idea on the subject, but as I ventured to say in my evidence-in-chief, when the subject was sifted with the male witnesses in cross-examination it came down to this: They said, "Why do you not help the women on their course of progress by giving them this badge of progress?" When you said to them, "How can they avail themselves of it?" the nearest answer to practicability we could get was, "Oh, well, you see, you can have women polling officers, and special places where women can poll, or women election agents, polling agents, who can go to the women's houses and collect their votes, and all that sort of thing." That we did not think at all desirable or politic.

936. Would you agree that if it is demonstrated that, so far as municipal elections are concerned, women vote satisfactorily, they are entitled to the wider franchise, and if these practical difficulties can be overcome?—I have to fall back there upon expressing considerable doubt as to whether the exercise of the franchise in the municipalities, with the probable exception of Bombay, has been of such a character as to make it expedient now to extend the franchise to the whole of India for the larger purposes which we have in view. I think you will find when you have before you one or two of my Indian colleagues that they will tell you that it is indiscreet and inadvisable to hurry this business. There is a very large conservative body of feeling in India still, and it would be dangerous to outrage it.

936. In your evidence you stated this the other day, with regard to the composition of your Committee—you used the words that it represented every school of thought. I would like to ask you, as I am particularly interested in this side of the question, whether the interests of labour were represented on that Committee in any adequate degree?—No. But I would like to say a word on that, if I may. At some period of our inquiry we thought about labour, not only from association with labour at this end, but because a great deal of attention was being attracted to labour difficulties by the strikes in Madras and Bombay. I raised the question myself in Committee as to whether it would not be expedient to give the Executive of the future power to nominate some representative of labour interests. I was assuming, when I did that, that there was already sufficient labour organisation in the great trades in India to produce a man here or produce a man there who would be cognisant of the desires of labour, but the information we got on that point was negative. We may have been wrong, but we did not find that it would be the prudent course to say that there should be a labour representative, because at the present time the labour organisations were not sufficiently formed to produce the kind of man who can be so easily got in this country. And so we left it in two or three cases, as you have no doubt observed, that there should be nomination of a person conversant with the desires of labour or the aspirations of labour, feeling quite sure that the Governor of the future would find that sort of man in the labour organisation when the labour organisation was complete. In the meantime, we would have to look for him among those who merely take a general interest in labour problems.

937. You agree that it is desirable that the industrial classes of India are privileged to use the political weapon. We know to-day that they have two weapons. We hear a great deal about that in our own country. We hear about political action and direct action. It is not desirable that the latter should be the means the Indian worker should use to improve his condition. It is much more desirable that he should come along on constitutional lines and adopt political methods?—I do not know. There is extreme dissimilarity at present between the two problems, the problem in the West and the problem in the East. You would probably hear unmeasured surprise expressed at the appearance of any Indian labour on strike, let alone all the variations of method by which a strike may be produced.

938. But I think you will agree that generally it is desirable that the Indian worker should have an opportunity to improve his condition by political means. The reason I ask that question is quite obvious. The vast majority of the industrial workers in India are apparently to be excluded from the operations of this Bill if the recommendations here are adopted?—That would depend upon whether they were qualified or not, you know. If they come within the franchise anywhere, which goodness knows seems low to us, they would be voters. But I would again say to you, and with sympathy, that I think we did all that we could at the moment by bearing labour in mind and introducing into those particular Councils the thought of labour by a representative. I do not see what more you could have got unless you had made a special franchise of labour. As time goes one, and there is a revision—there is no finality to this, as there was in South Africa or Washington, as I said before—the change will become very marked, and the pressure for a different form of representation, I should think, might be successful.

939. The basis of your suggested scheme is a property qualification, but do not you think it would have been possible to have extended that somewhat, and to have included as a qualification for the franchise a certain earning capacity? I believe that that obtains with regard to Municipal and Local Board purposes?—I cannot honestly say that we faced that problem, because, as I put it to you, labour did not present itself to us as we saw it on any basis except that of seeing that it got some representation. But we had all sorts of pressure brought to bear upon us to increase the electorates by introducing forms of franchise. For instance, in the early stages of the inquiry it was seriously discussed whether we should not allow a man to have a vote who had had a certain measure of education—that kind of thing. But whether we did well or whether we did ill, both our Indian friends and our other friends agreed unanimously that we must stick to the property qualification for the time at any rate.

940. You did not really face the question as to whether the franchise could be widened by making earning capacity a basis? You are aware of the great amount of criticism and dissatisfaction existing in India at the extreme narrowness of this franchise, and it is with a view of seeing if it will not be possible to widen it along quite reasonable lines that I am asking this question? Moreover, one wants to safeguard the industrial worker. The Indian worker is not very highly paid, and does not come under your present scheme?—I was reminded just now by Sir Frank Sly that we did consider the question of a franchise for the labour in Assam—that is, the labour in the tea gardens, and so on. There you had evidence of desire, at any rate, to help. But we found on inquiry, and on consultation with the Government of Assam, that we could make nothing of it at the present time. The people were wage earners, and they were earning, for India, good wages; but they were entirely under the supervision of the employer of labour. They shift about from plantation to plantation, and so on, and I do not think that giving them the franchise would have any other effect than putting a certain number of votes at the disposal of the employer. You understand that the situation is not yet ripe?

Chairman.

941. Did you have any figures given to you as to the proportion of the population in India that are wage earners in the European sense?—No.

Lord *Islington.*

942. Did you take any evidence from missionaries of labour?—No, not on the point that the honourable Member is putting to me. We took evidence of missionaries upon subjects generally.

943. I mean on the point Mr. Spoor was putting?—No, not on the point whether labour should be represented.

Mr. *Spoor.*

944. I take it that you definitely abandon as impracticable the idea of a literacy test, although that would, of course, increase the electorate somewhat?

Mr. *Spoor*—continued.

—I think that at this first experimental stage, having regard to the views of the Local Governments and the polling capacity of the Local Governments, we were running pretty high when we found our figures had got up to 5,000,000.

945. I notice that in Universities, for some reason or other, only Fellows are to be allowed to vote. Why should Graduates be excluded?—The position is this: as you see the Government of India does favour the abolition of the University vote altogether. We did not know that, but we went through this course of instruction with regard to that matter; first of all we had to consider the question of the literacy vote; then we had to consider whether the University vote should be on a similar basis to that exercised here by some of the older Universities. Then came a third proposition, namely, whether the Universities should have each two members, one of them to represent merely University purposes, that is, to be elected by the Senate, and so on, and the other a man of affairs representing the University as a man of affairs and distinction is chosen to represent Oxford or Cambridge. All those proposals were explored, and, naturally, I paid considerable deference to the views of my Indian colleagues upon such a subject as that. I do not mind saying that I had a fancy myself for dual representation, that is for the man who would sit for a University as representing public affairs, probably a distinguished man, and also a member representing University affairs. But as the inquiry proceeded the literacy franchise disappeared; we were not pressed, and I am glad to say we were not pressed, to recommend that. Then came the question as to the University seats and what should be done for them, and in the end the Committee was unanimous in finding that the balance of opinion was in favour of reducing the representation to election by the Senate. In answer to the Honourable Member, one reason why the graduate was not in the end included in University representation was, as I recollect it, that there was really in our opinion no special universal standard of University education which would justify us in saying that we had found a good standard class of voter.

946. I believe it is correct that about 80 per cent. of the Fellows are nominated by the Government. Is that so?—I do not know how that is. We did not, as I say, express any particular desire that this form of University representation should be adopted. It was the University representation finally proposed by those who are responsible for the Universities, not the Government, but the Dons. We had not got in our minds at all that by providing these seats we were going to give the Government any particular pull in the electorate. The Government of India, very radical as it is in regard to these special representations, suggests that they should be struck out altogether. I was rather surprised, if I may say so incidentally, at the radicalism of the Government of India with regard to these things, because we put into our Report, thinking it the conservative line to take, certain voting forces which we believed to be of a conservative character, such as the landlords, soldiers—officers, that is—who have given long service in war, title holders and others. We were liberal to the Europeans, and there were one or two more cases of the same sort. The Government of India are not attracted by that conservative and stabilising line at all. If you read their despatch carefully you will find they wish to eliminate this class of voters, or, at any rate, to reduce them.

947. Other questions which I have down have been anticipated by Lord Sydenham and Mr. Bennett. I will only ask you one finally. I take it you will agree as the result of your experience in India, that there is an overwhelming volume of feeling in the country that there should be a share for the people so far as the Central Government is concerned, in responsibility and in control—that they feel that this is not a real measure of even the beginnings of responsible Government unless they have the same in the Central Government as in the Provincial Governments. Did you find that overwhelming volume of opinion?—No, I cannot agree with that at all. The opinion we had was this, that given anything like the proposals put forward by the Local Governments, the franchise and numbers of electors, and so forth, it would make a very good start with the machine tending towards responsible government.

Mr. *Spoor*—continued.

948. Have you found this opinion amongst Indians and Europeans?—Yes, certainly, without any hesitation.

Sir *Henry Craik.*

949. I want to ask you about this Congress League compact. Are you in agreement with the Government of India that if you had a clean slate to write on you would not feel yourselves bound by that Congress League compact?—If we had had a clean slate to write upon the proper course to have taken would have been to examine the population in each Province and to deal with it by apportionment of seats as between Mussulmen and Hindoos, almost, as one might say, by a rule-of-three sum.

950. Your reason for supporting this arrangement of the Congress League compact is that that compact was made and has obtained a considerable amount of support, not because you think it will always operate very justly?—No. The objection to adopting the compact is the same as the objection to adopting the communal system. We should hope that as time goes on and the political situation changes, a good slice of political ambition will be found common to the Mussulmen and Hindoos. Directly you find that you begin to get agencies at work upon the compact which will probably solve it.

951. In time we would hope that it would be, but meanwhile, as applied actually to any particular Province, it might be found very unfair in its operation in the early stages, and it might give rise to a great deal of friction?—I do not know that, but I should have said that the disparity, the serious part of the thing, is to be found in the Provinces where the Mussulman population is very small.

952. Agreeing with you as to the desirability, if it were possible, to apply this compact, the Government of India proposes to depart from it in certain particulars?—That proposal with regard to adding ten seats in Bengal is one of the most astounding propositions I ever heard of in all my life.

953. I only want to bring out that, agreeing with the Committee as to the desirability of accepting a compact so much supported, they yet find themselves bound to make proposals that would depart from it very considerably in important points?—You mean the Government of India does?

954. Yes. The Government of India must not do this. The thing is quite out of the question. The Bengal scheme was practically an agreed scheme; the Bengal Government asked for the Lucknow Compact terms and they got them, this proposal in Clause 24 of the Government of India's Despatch is a most amazing proposal.

955. There is no alternative between either accepting the compact or proceeding to decide upon exactly a proportional basis in each Province. Those are the two alternatives?—Yes.

956. You cannot mix them together?—No. The compact must fall if you depart from it in any particular place—it seems to me to be common sense.

957. I want to ask you a question upon a subject which is referred to in your Report, but has not been touched upon in the evidence at all. You do restrict plural voting to a certain extent, but you leave it in a considerable number of cases. It is on page 41 of your Report. You allow plural votes in a certain number of cases—land-holders, Universities, and in commerce or industry seats, which are pretty numerous, but you do not allow the ordinary voter to vote in more than one constituency?—The evidence we received was to this effect. The witnesses, and the Indian members of my Committee, were against plural voting for the ordinary voter, that is, a man living in a constituency was not to vote in respect of his estate A and also his estate B, but they thought it fair and reasonable that a man who had an estate in a constituency and also a University vote should be allowed to exercise both.

958. Suppose a man has a stake in two constituencies, you do not allow him to vote in both?—No.

959. He

Sir *Henry Craik*—continued.

959. He must choose one?—Yes, that is so. He cannot vote twice on his property qualification in the Province.

960. But you give him votes in special representation?—Yes. You find, as I put it to you, the case of the University vote would be one.

961. I was coming to that, but Mr. Spoor has somewhat anticipated it. At paragraph 11 of your reply to the Government you say, "The abolition of this existing privilege, which is supported by the British precedent, would be greatly resented," but you understand that the University representation in India has no remote resemblance to University representation in this country as we understand it?—You mean this representation as we propose it?

962. Yes, or as it exists?—That is so.

963. It has not the remotest resemblance to University representation in this country?—No.

964. You do not propose to enlarge the electorate by the inclusion of all registered Graduates?—No.

965. Which alone would be the expedient for putting it upon a footing of University representation in this country?—Yes.

966. That does include all registered Graduates and expressly excludes Honorary Graduates?—Yes.

967. And in which the governing bodies of the Universities are really a matter of no importance at all?—I am aware of the system.

968. Why not give that?—It is a subject rather difficult to discuss, I think. I agree with my own memorandum, with what we say on page 3 in answer to the Government of India. There was extreme pressure put upon us to maintain the University representation, and I still think and still state that if that representation is withdrawn there will be serious dissatisfaction from the class of people interested in it.

969. Could you tell me from what classes that extreme pressure came?—It came from the educational classes.

970. Do you mean the educated classes or people connected with educational administration?—The latter.

971. That is not a representative class; that is a very small class. Did it come from the large body of educated people or professional people?—No, it came from the educational classes. We began with the widest question, namely, as to whether there should not be votes for all persons who could pass a literacy test. We rejected that. Then we got to the next question, namely, whether in University representation the Graduates should find a place, that is, whether the representation for the Universities should be wide or whether it should be narrow. In the end we found that the requirements would be met by this particluar form of representation. But the demand for this particular form of representation in default of getting more, was pressed upon us by the educated classes throughout India.

972. This time you use the word "educated" classes, not "educational"?—Yes, the educated.

973. Do you compare the literacy test with a degree of the University? The literacy test, I presume, merely means that he can read and write, but the University degree would mean really something a good deal higher?—Yes.

974. It is hardly upon the same footing, the literacy test for ordinary electors' representation and that for a highly-educated body like the Graduate of Universities?—The comparison is very difficult as between our conditions and theirs. We did not find that we could make a good comparison which in our judgment would make it expedient to say that a Graduate of an Indian University should necessarily have a vote.

975. You do not think that it would be an important thing to have a large class of professional—I do not want to call them educated—but professional men and women represented, such as we claim is represented in the University constituencies here?—It was the opinion of my Committee that it was inexpedient to go further than we did.

976. If you exclude that idea then your University representation merely means that the governing bodies of the Universities have nominees?—You see, we tried to view the whole situation. We have the Ryots and the small people coming in for the first time. We did honestly look round to see where we could find steady-

Sir *Henry Craik*—continued.

ing influences. We thought—my Indian friends quite agree with me—that where we could find good men and introduce them into these new Legislative Councils—men of knowledge of government and experience of history, and so on—it was quite the right thing to do at the beginning, and for that reason we did it.

977. The representation being to a large extent a nominated one they would be more or less of the character of nominated members?—I would not mind that.

978. Then you do not defend this proposal in the least as a large representative matter?—No.

979. But merely as an expedient from certain administrative points of view?—Yes; it ought to find you men who in their range of life would be of the character of fellows and masters of colleges.

980. You really abandoned the hope of making all the Universities a really representative constituency of professional educated men in India?—We did not abandon the hope that it might be done, but we felt that conditions at present made it inexpedient.

981. You prefer not to enter upon the reasons?—I think, when I say that my Committee as a whole, after examining all those educational proposals, large and small, became unanimous on this particular one which is now before you, that I can add little more.

Lord *Brodrick* (Viscount *Midleton*).

982. Speaking generally, you carried the Local Governments with you in all these recommendations, did you not?—Yes.

Chairman.

983. Except Madras?—Viscount Midleton said: "Speaking generally." You have the difficulty about Madras in mind, of course.

Lord *Brodrick* (Viscount *Midleton*).

984. Yes; therefore you deprecate a further reference to Local Governments which would only cause discussions practically between them and the Government of India?—Certainly; I see no reason at all why the Government of India should set to work to write letters to the Provincial Governments on these subjects. I see every danger in it.

985. You looked upon your Committee rather in the light of umpires to bring about a compromise as far as they could, and if that compromise was upset it would cause a re-opening of many questions?—I do not know whether I quite assent to the word "umpires." We were not an arbitrator as between two opposing factions. I think I would rather say that we went out there to answer the questions on the Terms of Reference to the best of our ability.

986. At all events, you endeavoured to find some via media among conflicting views, and in the main you adopted those of the Local Governments?—Yes; always holding on as tightly as we could, having regard to the extraordinary circumstances, to sound constitutional principles.

987. I wanted to ask you about the question of disqualification of candidates for the Council, on which the Government of India differed from you. Are the principles involved very large?—I should think not. There was a great deal of feeling about it expressed in one form or another. I do not know whether your Lordship has the point in mind. The regulations are not to hand, and so I have not got them to put in. But the point is really this: The Executive in old days, and up to now, very naturally claimed the right, by Order, to send away a civil servant and to say that he should not be eligible to stand for such Councils or positions as there are. We were pressed very hard to abolish the disqualification of the civil servant who had been sent away, and between us, or some of us, we hit on the device of saying that it should not be a disqualification unless he had been sent away for something which involved moral turpitude. That was intended to be a compromise. The compromise was not acceptable to all of us. Giving my own view for what it is worth, I know perfectly well from one's experience of this end of the world, that if you want to make a constituency love a candidate, let the Executive say that he is not a proper person to represent them, and they will go on electing him until kingdom come.

Lord *Brodrick* (Viscount *Midleton*)—continued.

come. That is the fact, and that is why, as far as I am concerned, under this new régime, with elected bodies, I was not prepared to make anything a disqualification or to disqualify anybody, not because I am anxious to see a bad man or a man who has been guilty of turpitude, moral or otherwise, sitting in the Legislature, but because I know that the way to get up a row is to say that the Executive can keep him out. Remembering what the Government of India say upon the subject let me draw your attention to the conclusion of the paragraph in their despatch: "The Committee, though they make no mention of the fact, further propose to omit altogether the important rule which empowers the Governor in Council to disallow the candidature of any person whose character and antecedents are such that his election would be contrary to the public interests." The reason why we made no reference to it was because it was bound to be abrogated: "This rule was introduced in 1909, after much discussion between Lord Morley and Lord Minto's Government. Its loss may be inconvenient, but we are not disposed to press for its maintenance; we incline to regard a provision of this nature as inconsistent with the new conception of representation." So that with regard to people whose character and antecedents are so bad that their election would be contrary to the public interests, there is no difficulty. The difficulty arises in the case of an unfortunate civil servant who has signed the attendance book on three or four consecutive days at the wrong hour and is dismissed for it. I think if the Government of India could see their way to give up the last regulation they might just as well give up the lot.

988. With regard to the direct election of the Council of State, the Government of India made a proposal which you point out would involve an electorate of 1,500 only amongst a population of 40 millions in Madras. Have the other cases of direct election which they have proposed been as striking, or would the electorates in other cases be larger compared with the population?—Proposed by the Government of India?

989. Yes; the Government of India proposed a direct electorate of only 1,500 out of 40 millions in Madras. In other provinces would the numbers have been more in accordance with the population?—I cannot tell you. I do not know in the least what they would have been.

990. You object to direct election because you could not get a satisfactory electorate?—We could not get support for direct election now. There was always the hope that it might come, but there was no support for it on the present occasion, because of the duplication of elections and the difficulty about the duplication of the franchise. It was always hoped that it would come some day; everybody expressed that hope—all the Local Governments—but we neither got evidence in favour of it this time nor any scheme by which it could be carried into effect.

Mr. *Montagu*.

991. Speaking for yourself alone, did you find that it would have been likely that your franchise proposals would have been different if it had not been for the limitations in your terms of reference?—I do not think that we were crippled in any way by the terms of reference, except on one point, which I will refer to presently, if I may.

992. As regards the franchise, the first question Lord Sydenham asked you seemed to suggest that your franchise proposals were limited by the fact of your terms of reference so far as communal representation is concerned. Do you feel that yourself?—I do not think of any lines that we might have struck out for ourselves which we did not strike out under the terms of reference.

993. There is no limitation of communal representation in your terms of reference, is there?—Oh, no. And the position was supported by the speech made by the Viceroy at a later date.

994. A few more questions on this vexed point of non-Brahmins and their position. I think you have already stated in evidence that the two added members of your Committee when you were investigating Madras were both non-Brahmins?—Yes.

995. And that the non-Brahmin question was acute only in Madras?—Yes, certainly.

996. Would you have apprehended that your Indian colleagues would have been unfair to non-Brahmin

Mr. *Montagu*—continued.

claims if the non-Brahmins had come before them?—No.

997. I think both Mr. Banarjea and Mr. Sastri are known to you as members of the Moderate party?—Yes.

998. You have seen that the Moderate party at their Congress have suggested the reservation of seats for non-Brahmins and for Mahrattas?—I had not seen that.

999. If you were to give communal representation as the non-Brahmins asked for, as you yourself have said, that would give communal representation by exclusion to the Brahmins?—Yes.

1000. Did any Brahmins in Madras ask for that?—No.

1001. What would be your view of their reception of communal representation for Brahmins if it were proposed?—I am afraid they would object. Mr. Sastri will give his opinion upon that. With regard to the other question, namely, the recommendation as to the seats, I am sure you will qute understand that the Committee have never expressed any opposition to the aceptance of that principle as long as it is the price of peace. But it is not what they ask for. They ask for communal representation. The proposal for seats falls far short of the large demand they made upon us. If they would take it as a happy settlement I should certainly be glad.

1002. You have said that the non-Brahmin controversy with the Brahmins is not acute except in Madras; I suppose there is the material to produce it in many other parts of India, is there not?—That is a hard question to put to me, and you can get a much better answer from someone who is more familiar with Indian life. I can only say that we did not find ourselves open to the attack when we were sitting as a Committee.

1003. Have you heard that the Madras Government is to hold elections this year, whereas all the other provinces have postponed theirs? Has that come to your knowledge?—I did hear it.

1004. Can you give any suggestion as to the reason of that? Is it in any way to give a test of the possibilities under the existing system? What do you think is the reason? Would you rather I reserved that for somebody else?—I think you had better reserve it for someone with local knowledge.

1005. One further question, with regard to women's franchise. I think you said that it was advocated, not so much because the women would use it, as for the educational assistance the vote would give to women in India?—Yes.

1006. I will quote your exact words?—I accept the words.

1007. It was something of that kind?—Yes.

1008. Is not that a reason why the vote is advocated for many other people besides women in many countries?—I want to say "could use it" rather than "would use it," which probably makes all the difference to your question.

1009. How do you mean?—Because the difficulty in India is that ladies are not in a position, for reasons you well understand—Mohammedan ladies and other ladies are not in a position to use a vote, whereas, I take it, in other countries, say in Italy or New Zealand, they are in a position to use the vote fully the very minute the franchise is given them.

1010. These were the words you used: "A great many of them will not vote, you know; but still it will be such a good educational thing for them to have the vote"?—That is what was urged upon us. I thought you were treating it as though I had said it all myself.

1011. Are not there similar reasons for giving the vote to a large number of other people besides women?—Certainly, it is clear that other people might come and say: "We should be greatly benefited by having the vote."

1012. Is it not the case in a large number of places, such, for instance, as Bombay, that the so-called Labour interest, the people who work in the mills, are in reality countrymen who at certain seasons of the year leave the mills and go back to the land?—I understand that is so. Of course, that is very much what happens in South Africa.

1013. With regard to literacy, do you yourself hold that the capacity to read or write is any evidence at all as to the intelligence with which a man will know

Mr. *Montagu*—continued.

which of two candidates best represents his views?—Not at all. I have known eminent scholars who obviously voted for the wrong man.

1014. Was there any evidence brought to your Committee against the Lucknow compact in Bengal?—Yes, by two or three witnesses—two or three eminent Mohamedan witnesses.

1015. You are aware that the Government of India are very anxious that this Committee should not settle this question of franchise at present, but there should be further time for consideration by Local Governments and others of the proposals of your Committee, and I shall be charged with putting that view to my colleagues when we come to deliberate on the evidence. The argument will be something like this—I am putting it to you because I want you to answer it for me—that when the other parts of the scheme on which this Bill is founded were put forward, when the Montagu-Chelmsford Report had been prepared and published, a long time elapsed for people to formulate or even to revise their views, even though they had been consulted in its preparation, and they desire a similar process for your report, and chiefly they wish to consult Local Governments upon their criticisms and suggested amendments. I know you have said in your memorandum in answer to their despatch that you see no reason to refer the matter again to the Local Governments. Would you mind just saying generally, is it your opinion from what you have heard, that this Committee should decide this question, or do you think there is reason for any further equitable revision of the subject?—I have no doubt whatever that if the Government of India embarks on a correspondence with the Local Governments, the Presidential and Provincial Governments, the principal effect will be to set them by the ears. The evidence, which is very scantily referred to, if referred to at all, in the Government of India Despatch, was heard by the Committee and was considered by the Provincial Governments The whole case is before the Provincial Governments already, and taking perhaps the only really extraordinary important thing in the Government of India's proposals, namely, that ten Mahomedans should be added to the Bengal Council, what is the good of opening up a correspondence with Lord Ronaldshay's Government upon that point when it is in evidence. superabundantly in evidence, that his Government asked for the representation of Mahomedans which the Committee gave them, and asked for the details of the scheme which the Committee gave them? To open up this correspondence, as is proposed by the Government of India, in so far as the Government of India is dissatisfied with the report, amounts to an endeavour to use the Local Governments as an appeal from the Committee.

1016. One last question: The whole of your examination and the whole of your two statements have been confined to the report of the Committee over which you presided. May I just ask whether you would care to make any other remark to the Committee about the Bill, or whether you would prefer to confine your testimony to your Committee?—I think, following a well-known principle of law, the Committee will be well advised to take the good primary evidence which is awaiting them without relying on my evidence on those subjects which must after all be in my mouth secondary evidence. So far as the Functions Committee was concerned, although I only watched its proceedings and was in touch with my friend, its Chairman, throughout the whole of the deliberations, and did some negotiation as to settling points before the report was published, yet the fact remains that I should always be talking to you upon lines of secondary evidence when you can get primary evidence from him and his colleagues. So my answer is in the negative.

Chairman.

1017. I have one or two questions to ask you. You are opposed to communal representation?—I do not think communal representation is a wise thing to put into a constitution if you can possibly avoid it.

1018. Why?—Well, in the first place, taking the Madras case, you perpetuate eternally those divisions of thought between one class of the community and another. They do not matter so much if they are political, but when they become religious they are

Chairman—continued.

really serious. That is one reason, and an all-governing reason. I should have liked, I should have preferred very much, to say to the Mahomedans and to the Sikhs, "Go in and do your best. Do not shut yourselves up in these boxes."

1019. Are you not arguing really from Western experience?—You asked me a question as to what I thought about communal representation. My own opinion upon it is not evidenced in my own report, because I have given communal representation to the Mahomedans and the Sihks and to others.

1020. But the whole trend of your report and your evidence is that it is a necessary evil. I want to ask you why you think it is an evil. Is it not because it is so contrary to our English experiences and customs?—I would not have said that. Our report discusses communal representation on those lines. We had, as a committee, an onus thrown upon us to justify—peculiarly justify—communal representation in consequence of the terms of the Montagu-Chelmsford report. That is, we started out with the Montagu-Chelmsford Report, telling the world through the Cabinet here that communal representation was a thing to be shy of. That pronouncement, although it was relaxed to a great extent by the Viceroy's Speech, was bound to tincture our method of dealing with the subject, because we had really to show, as your Lordship says, that in India the subject could only be dealt with otherwise.

1021. I will sum up the points I want to make on this subject by asking you this question, and I agree that it is a point more against the Montagu-Chelmsford Report than against your report: Has not the evolution of human society in all its aspects through many centuries been totally dissimilar in India and in England?—That extends over a long time: I do not know whether the lines have been running parallel all through the centuries, and have kept at equal distance, or whether in very early days here we approximated towards Indian life, or Indian life in early days to ours. I think Sir John Rees asked me whether I did not know that in earlier times the women in India were quite free to go where they liked and do what they liked.

1022. I did not ask you that. I asked you whether the evolution had not been totally dissimilar?—Well, I am not prepared to say that it has.

1023. You are not prepared to say it has?—No.

1024. Are you prepared to say that it has been similar?—I am prepared to say that in later years the evolving political side has moved much more quickly towards our position.

1025. Social evolution, I am talking of, not political?—Oh! social evolution?

1026. Social was the word I used—the evolution of society?—I am not putting it in the form of a question, but I will merely say, can you separate the social from the political? I should have thought that in Indian society the one was involved in the other.

1027. That is your opinion?—I suggest it as an answer.

1028. You are not prepared to say that the evolution has been similar, and you are not prepared to say it has been dissimilar?—You mean on the social side?

1029?—Yes?—To give an answer, I will say that, in my opinion, the evolution on both the social and the political side has moved very quickly, or much more quickly than in old days, towards our position.

1030. Now I want to turn to the proposed electorate for the Council of State. You have proposed that the elected members of the Legislative Assembly and of the Council of State should both be elected by the same persons?—Yes, unwillingly.

1031. Your reason for this recommendation, as I understand it, is that the members of your Committee would not have unanimously agreed to any other proposal?—The members of the Committee would have agreed to a resolution in favour of direct election both to one and to the other, but they never would have agreed upon the form of the direct election either to the one or the other. There was not a chance of it.

1032. They would have agreed to the general principle, but never to its application in any particular form?—That is so. Your Lordship will see we were in this difficulty with regard to it. All the Presidencies and Provinces favoured indirect election. I am not bothering about Bihar and Orissa. She asked for it first,

Chairman—continued.

first, and changed her mind. They were all against it. The fact is that they did not want it for this occasion, because, among other things, they thought they would have quite enough to do with other things —the electoral roll, and so on—and we never got any evidence in favour; we never got any brain power set to work upon systems of direct election. We did not get help from the Presidencies and the Provinces in this respect or expect it.

1033. You said this recommendation was made with great reluctance?—Yes, because it is so obvious that there are grave objections to electing to these two bodies from the same body, and in some cases by such small constituencies.

1034. Would it be a fair summary to say that you think it a possible, but not a good, solution?—Oh, no; not at all. I should respectfully object to that. I say it is the best solution for this first term.

1035. You would say it is the best solution for this term?—Yes, I would. May I just say a word about that. It was not within the terms of our reference, but I think that there might be something to be said if, as is quite natural, the Committee thought that new blood would be an advantage to the Council of State, that the Legislative Councils should be precluded from voting anybody into the Council of State who is a member of those bodies or a member of the Assembly; that is that the voting authorities to the Council of State should be compelled to look outside for the senatorial character who is not playing any part in either the one class of assembly or the other, but who might very probably like to take an honourable position in the Council of State. You might conceivably find a Mohammedan gentleman of considerable position who would not stand an open election in a constituency, but who would be quite prepared to allow himself to be nominated for the Council of State. By that means I conceive you might get fresh blood all the time; but, if I may say so, I think that it is a point which should be put to the Indian witnesses, because I am not sure—I have not talked to them about it—that you could find the requisite number of detached men.

Chairman—continued.

1036. You left the question of non-Brahmin representation in Madras to a certain extent open?—Yes; your Lordship will bear in mind we did not hear the case because the witnesses would not appear.

1037. Why do you say the case should be made by the non-Brahmins to the Government of India rather than to this Committee?—Well, what we thought was this, first that there would be some time after the necessary legislation had passed here which might be occupied by the Government of India in settling the question of how many seats should be reserved, and that, I think, was the more convenient means of doing it, because they would be able to send down and hear the witnesses on the spot. That was one point. Another was that, looking at the position from far off Madras, we doubted very much whether a Joint Committee of the two Houses here would really want to settle the constitution for Madras; and thirdly, we did not think that the legislation necessary to give effect to your Lordships' report by this Parliament should not assert the principle for Madras that you decide to be the best, which, of course, my Committee would say was the Madras Scheme which they have scheduled to their report. We really felt that a Committee of both Houses of Parliament would not desire to sit down here and endeavour to prepare a constitution and decide this very knotty question. We foresaw that at once people in Madras would say they wanted to be called as witnesses.

1038. As regards the non-reservation of certain seats in Bombay Presidency for Mahrattas or Lingayets, I understand that the Government of Bombay is in accord with your Committee in that matter?—Yes, that was so.

(*The Witnesses are directed to withdraw.*)

(*After a short adjournment.*)

THE HON. BABU-SURENDRANATH BANERJEA is called in; and examined, as follows:—

Chairman.

1039. We are much obliged to you, Mr. Banerjea, for your answers to our questions and your statement (see Appendix X.), which have been of great assistance to us. I think you represent the National Liberal League?—I do, and the Moderate Conference.

The following are the questions and answers:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you, generally, accept the proposition contained in the Preamble?—(1) Yes. (2) Responsible government means a Government of which the Executive is responsible to the Legislature, that is to say, is removable by the Legislature in certain recognised ways. (3) No. The Preamble should be amplified, so as to make it quite clear that it is the object of the Bill to provide for responsibility in the Central Government, as well as in the Provinces. I suggest the introduction of a measure of responsible government in the Central Government simultaneously with its introduction in the Provincial Governments, though not, perhaps, to the same extent to begin with; also, the second paragraph should indicate that it is the object of the Bill to provide for devolution of authority from the Home Government to the Government in India, and relaxation of the powers of superintendence, direction, and control vested at present in Parliament in regard to India in so far as the Executive Governments in India are subjected to the effective control of the Legislature.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—Undoubtedly.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—(1) Yes. (2) No.

Chairman—continued.

4. Do you think that there are certain matters or functions of government in the Provinces in which, at present, the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must, therefore, be in a position to enforce its wishes?—I have accepted the policy which reserves at the start certain functions to the Executive Government.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—Yes.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? And (ii) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—I have suggested no alternative, and it does not seem to me that any other method will meet the requirements of the announcement of 20th August, 1917.

7. If you consider a dual form of Government, acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—I consider it essential that (1) There should be a common purse, accompanied by joint deliberation of both the parts of Government before the Budget is framed. (2) The Budget resolutions of the Legislature, whether

Chairman—continued.

whether on reserved or transferred subjects, should be binding on the Executive, subject to the power of certification provided for in the Joint Report; (3) That the Executive Council should consist of two members only, one of whom should be an Indian. (4) That the Minister should occupy the same position as to salary, status, etc., as members of the Executive Council. (5) That there should be Standing Committees, both as to reserved and transferred Departments, and Under-Secretaries, as suggested in the Joint Report; and (6) That "taxation for Provincial purposes" should be a transferred subject, and no proposals for taxation should be brought forward before the Legislature without the approval of the Minister.

8. In particular, do you think (i) that the Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their Department by the Governor, or if they fail to retain the confidence of the Legislature (Clause 3 (i.)? (ii.) That the Governor should have power to disregard the opinion of his Ministers, if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) That the Executive Council should, in all Provinces, normally consist of one official European and one non-official Indian (Clause 4)? (iv) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4)?—(1) Yes; but the expression "during pleasure" should be construed as meaning liability to dismissal from office on the Ministers forfeiting the confidence of the Legislature, and in no other sense. This is rendered necessary by the change which makes the Ministers responsible to the Legislature from the start. The position of the Governor, therefore, in relation to the Ministers, should be that of a purely constitutional Governor.

9. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I consider them to be unnecessarily severe. It is apparently implied, but must be expressly provided that taxation proposals must be passed by the Legislature before they can take effect. Proviso (b) to Sub-Clause 2 requires, in my opinion, to be modified by this proviso in the interest of the "safety or tranquility of a Province" must be subject to a certificate setting forth the emergency. As regards "the carrying on of any Department", which includes the transferred Department, the power has to be much more restricted. If the Legislative Council refuses to vote the necessary supplies for "the carrying on of any department," the Governor should have power to spend upon it only the limit of the previous year's expenditure, and until a fresh Council has been elected. It is assumed that when the Council refuses supplies it would be dissolved, and an appeal made to the electorate. The Governor should have no larger power than what has been stated above, of authorising expenditure upon an emergency "for the carrying on of any Department." The expenditure on this latter object should be such as the Legislature may have already sanctioned or may thereafter sanction. Proviso (d) takes away an existing power. Private members must be allowed to move resolutions, as heretofore, even as between transferred and reserved subjects. The blocking power provided for in Sub-Clause 5 of Clause 9 should be dropped. Sub-Clause 7 of Clause 9 makes the assent of the Governor necessary to the alterations to Standing Orders. This provision should be dropped.

10. In particular—(i) Do you think that the Legislature should have power, with whatever limitations, to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to

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carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i.) Already answered, yes. (ii.) Yes, provided the Grand Committees are constituted with a bare majority for Government, as in the Joint Report.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—No.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes.

13. Do you accept the plan of a bi-cameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—The Council of State is designed to secure legislation which the Governor-General in Council regards as essential. It must undergo drastic modifications before Indian opinion accepts it as a regular Second Chamber. Perhaps an adaptation of the Grand Committee procedure would be preferable.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4)), or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I consider the Joint Session as a suitable means of settling differences between the two houses in uncertificated legislation. As regards Sub-Clause 4 of Clause 20, the words "in the interest of British India or any part thereof" should go out. The Crewe Committee says:—"Following the phraseology of the Joint Report, we recommend that the Governor-General should be instructed that, save in the case of absolute necessity, no measure should be certified for enactment by the Council of State without previous approval of its substance by the Secretary of State on the ground that the legislation proposed is essential in the interest of peace, order, and good government of India." We note that the words employed in Clause 20 (4) of the Government of India Bill, regarding certification by the Governor-General in Council, are "safety, tranquility, or interests of British India or any part thereof," which appear to be of somewhat wider import than those in the Joint Report.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—The legal qualification required in the case of one member under the present law should be maintained in a modified form, so as to permit the appointment of men with Indian qualifications.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of sections 2, 33, and 45 of the Government of India Act (Clause 23)?—The recommendations of the Crewe Committee not having been reduced to the form of specific clauses to be added to the Bill, I am unable to deal with this question adequately at present. But two points seem to be clear: (1) the devolution must be made statutory; and (2) it must be placed beyond the risk of revocation.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Yes. The proposal for further transfer of subject at the end of five years from the operation of this scheme should be embodied in the Bill. Also Clause 28 must make it clear that the Statutory Commission will inquire into the means of extending responsible government in the Central Government as well as in the Provincial Governments.

18. Are

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18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill——

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I accept the recommendations of the Southborough Committee except the disqualifications based on dismissal from Government service. I generally agree with the recommendations of the Crewe Committee as summarised in pages 13 and 14 of their Report, subject to the reservation that half of the members of the India Council should be Indians; and, further, I am of opinion that Sir James Brunyate's suggestions for grouping of All-India subjects into categories of "popular" and "controlled" should be accepted with an element of responsibility in the former. I would further urge, as regards their recommendation, (iii.) That care should be taken that the control of the Secretary of State should only be removed to the extent that the control of the Legislature on the spot is substituted for it. Lastly, I would urge that previous consultation with or the sanction of the Secretary of State should not be required in any matter —including fiscal—in which the Government of India and the Legislative Assembly are in agreement.

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1040. Speaking broadly, what would you say are the main criticisms of the National Liberal Federation on the Bill as it now stands? What are the principal points to which you would like to draw our attention? —The points are these: In the first instance, we support diarchy, not because is is an ideal system, but because it seems to us to be the only feasible system for giving effect to the message of the 20th of August, 1917. It provides for responsible government at the first start, and it brings responsible government within sight by providing progressive stages, and therefore we support it. In the second place, we are anxious that the provisions relating to Budget control, which are set forth in paragraph 256 of the Montagu-Chelmsford Report, should be given effect to without any attenuation of any kind. That, in fact, is the condition of the Moderate support to the Bill. In the third place, with regard to these Budget provisions, our view is that there should be a joint and not a divided purse. We do not think that a joint purse should create all that friction which has been described to you. On the contrary, I believe that the effect of a joint purse would be to promote friendliness and mutual understanding, and would help the scheme. Then we are anxious that so far as the Executive Council is concerned the Montagu-Chelmsford scheme should be given effect to —I am talking only of the by-provinces—namely, that there should be two members of the Executive Council, one of whom should be an Indian, and that the position of the Minister should be of the same status, having the same emoluments as members of the Executive Council, and that his approval with regard to the proposals for taxation should always be obtained. Taxation should be a transferred subject, and in no case should taxation be imposed by or through the Grand Committee. I am confining my remarks to the Report. Then the Report says that there should be Under-Secretaries and Standing Committees both in connection with the Provincial Government as well as the Central Government. We desire that that should be given effect to. That finds no place in the Bill. Then there is a recommendation in the Report to the effect that five years after the first sitting of the Legislative Council an inquiry should be held by the Government of India, either at the instance of the Provincial Legislative Council or of the Provincial Government. We are very keen about that. We find no mention of it in the Bill. I hope it will be provided for in the Rules. These are the observations that occur to me in connection with the Provincial Government. But there is another important matter which I purposely kept back and which I want now to submit, and that is in regard to the Central Government. We desire that there should be some responsibility, not perhaps to the same extent that might be given to

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the Provincial Government, but that there should be some responsibility even at the start in connection with the Central Government, and we want fiscal autonomy. Unless this is done the very evil which it is designed to obviate in connection with the Provincial Councils and the Provincial Governments, the evil of criticism without responsibility, would be perpetuated. Then, again, there would be agitation for the purpose of getting some amount of responsibility in the Central Government. Then it strikes us that an unreformed Central Government is not exactly a suitable instrument for superintending the work of a reformed Provincial Legislative Council. Therefore it seems to be a natural corollary that there should be a Minister for the purpose of supervising the work of the various Provincial Governments which have been reformed. There is really not much difference in the quality of the work in regard to certain matters, at least between the Central Government and the Provincial Government. It is work very much of the same kind. I am speaking for the Moderate Party when I say that there are certain Departments which seem to us might be transferred at once in connection with the Central Department—for instance, income tax. Sir James Brunyate, in his memorandum, which is appended to the Crewe Report, divides the all-India subjects into two groups. In the first place there are those subjects which he calls the controlled subjects, and, in the second place, there are what he calls the popular subjects. It strikes us as regards the popular subjects that some of them might be placed under the control of a popular Minister. These are the improvements which we should desire to inaugurate in the first instance in the Central Government. Then, coming to the Council of the Secretary of State, we generally accept the Report of the Crewe Committee, subject to one or two reservations, which I will presently mention. One of the reservations is that the number of Indian members should be one-half, instead of a third as recommended. The second reservation is that a Select Committee of the House of Commons upon Indian Affairs should be formed. The Report votes against it. Lastly, in connection with the Statutory Commission which is to be appointed under Section 28 of the Bill, it should be made quite clear that the Commission will not only inquire into the machinery of the Provincial Governments, but also into the machinery of the Central Government. These, I think, are in substance the points which we have ventured to urge. There are others, but these are the principal points which I have summarised, and which we have urged in our Memorandum.

1041. Let us take one or two of those very wide and important points separately. You are anxious to see at the very start a unified form of Provincial Executive, even though there is Diarchy?—Undoubtedly.

1042. And, in order to get that unified Executive as soon as possible, you wish to have the joint purse maintained. That is the main reason why you advocate the joint purse against a separate purse?—That is so. A joint purse, instead of creating friction, seems, to my mind, and to most of the Moderate members—and I think I can speak for all the delegates in this matter—will be an instrument for lessening the friction. I may here point out that in the Montagu-Chelmsford Report attention has emphatically been drawn to the necessity of joint deliberation, not only in regard to finance, but in regard to all matters of administration. I can point to passages, but I think that is not necessary. Unless we have this joint deliberation the tendency of a separate purse will be to widen the breach. If they have a joint purse and joint deliberation, the Ministers will be in a position to acquaint themselves with the reserved branches of administration, and, knowing the difficulties of the reserved branches of administration, they would be in a better position to advise the Legislative Council to pass the Supplies as regards the reserved branches. My own idea is that a seperate purse will create endless difficulties. The Ministers, knowing exactly the position of the reserved subjects, having that intimate knowledge by contact, would be in a position to lay before the Legislative Council the true state of things, and the Legislative Council would be more willing than otherwise to accept the recommendations in connection with reserved subjects.

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1043. I want again to divide this subject into two points as I see it. Your first point is that in the Executive it is important that in the Provinces there should be deliberation on all subjects reserved and transferred by a body consisting of two Executive Councillors—or three there may be in certain cases—and the Ministers responsible to the Legislature?—Yes.

1044. And that they should form, as it were, to the outside world, a united Government?—Undoubtedly; a sort of Cabinet, so to speak.

1045. Therefore, on all the reserved subjects the Executive Council would have the advantage of discussion with the Ministers responsible to the Legislature, and on the transferred subjects the Ministers would have the advantage of the experience of the Executive Council?—That is precisely the case.

1046. Now we come actually to finance. You wish to break down as soon as possible the Diarchy, or the Diarchy conception in regard to finance? For instance, take land revenue. I understand that land revenue under the Functions Committee is a reserved subject?—Yes, it has been so decided.

1047. You nevertheless think it is important that in the land revenue—not the administration of land revenue, but the amount of land revenue—that should, to all intents and purposes, be transferred?—Undoubtedly; and I hope it will be transferred. I may just point out that in the Bombay Executive Council there was a discussion as to whether this should be a reserved subject or a transferred subject, and the votes were equal. I am going into the secrets of the Bombay Government, but it is an open secret to which I have no hesitation in referring. In the Executive Council there was a discussion about the land revenue, as to whether it should be a reserved subject or a transferred subject, and the votes were equally divided. I understand that in the Functions Committee the three Indian members voted for this being transferred, and they gave in, I understand, because they believed that after five years the whole thing would be reconsidered, and the possibility that after that period this subject would be removed to the list of transferred subjects.

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1048. I do not think we can take as evidence any of the proceedings of these bodies that are not published?—This is published.

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1049. That is the indication, that there is still a good deal of variety of opinion in India among all views with regard to the division of functions proposed by the Functions Committee?—Yes.

1050. Is there anything else in addition to the point you have just made about land revenue that you would like to make, say, with regard to the suggestion that certain subjects which are reserved by the Functions Committee you think should be made transferred by this Committee?—The position of my Committee—and I here speak on their behalf—is that the recommendations of the Functions Committee should be given effect to. That is to say, it is a matter of compromise. We may have our own individual views about a variety of things. For instance, in Bengal there is a Party—and I do not know that I do not sympathise with them—who wanted everything to be transferred. There is that body of opinion. But then this is a matter of compromise which we have arrived at, and I, for my part, am not willing to go back on that compromise. We accept it as a policy which has been definitely determined, and we are anxious to accord our support because we are anxious that the Montagu-Chelmsford scheme should come into operation.

1051. Your view being that your are not out at the present moment to make a perfect constitution, but merely a beginning, with possibilities of development?—Entirely. That is the view of my party, and I am very happy to say that public opinion in India is veering round to that view. May I make one remark with regard to Diarchy, which I should have mentioned before? I have heard it said round this table that it is an altogether novel thing in India, but that is not so. In our municipal institutions—this is a very important fact—we have not only a dual but a triple

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system of administration which has been carried on without friction of any kind. Take the Calcutta Corporation, which is the largest Corporation in Bengal. We have three co-ordinate authorities, each independent in its own sphere—the Chairman, the Corporation of Calcutta, and the General Committee—each having its own assigned functions, and performing its functions without any interference by the other bodies and without a superintending authority, a co-ordinating authority, which would be different in the case of Provincial Governments. It is the same thing in Bombay. I understand the same provisions have been introduced in Madras; and the Decentralisation Commission in 1908 recommended that this triple system of administration should be introduced into all the larger municipalities. Therefore, when it is said that Diarchy is an altogether novel system, my answer is that we are perfectly familiar with it in the administration of our large towns, and in Bombay it has been in operation for over thirty years, and in Calcutta it has been in force for over twenty years.

1052. With regard to a Diarchy, would you make this point: that part of the Indian Executive remains responsible to the Secretary of State and Parliament here and another part becomes responsible to Indian electors? There must be a division somewhere?—I entirely accept that view.

1053. Then one great question with regard to the composition of the Provincial Executives is that it has been suggested that in the Government of India, in these cases where the Government representative is drawn from the public life in England, he should have two official Executive Councillors in addition to his one Indian Executive Councillor?—I entirely dissent from that view, on my own behalf and on behalf of my party. I will state my reasons—in fact, they can be given in a nutshell. Really the work could be done by the heads of departments, and then the effect of adding to the Executive Councils would be to trench hereafter on the transferred subjects. The result would be that you would have two or three members of the Executive Councils and you would not want Ministers. The certain effect would be to reduce the ministerial element in the Cabinet.

1054. How many Ministers do you imagine there would be in the Cabinet?—Let me take the case of the Province with which I am most familiar, my own Province of Bengal. I expect there would be two Ministers in Bengal. I take it that police, law, and justice will be among the reserved subjects, and that in regard to the other subjects most of them will be transferred. For police, law, and justice you will have two Executive Councillors. Therefore, for the other subjects, which are more numerous, and some of them of the greatest importance from our point of view, for those you will require two Ministers. I take it, therefore, that the Cabinet of Bengal, exclusive of the Governor, will consist of four members. Therefore the Bill provides for four Executive Councillors. Out of them, two will be Ministers and two members of the Executive Council. I think that will be the composition of the Bengal Cabinet.

1055. You are not impressed with the suggestion that in order to train the Ministers you would have to divide portfolios among rather more Ministers, so as to have a separate Minister for Education, Agriculture, and Public Health?—Certainly not, and I will tell you my reasons. Sir Sankaran Nair dealt with Education, Local Government and Sanitation. I think, on the whole, he discharged his duties satisfactorily. Lord Sinha was in charge of two or three Departments. Why should it be laid down as a definite, inexorable principle that a Minister should have only one Department for training? He would then have no work in many cases. Therefore I say that there ought not to be any hard and fast rule of that kind.

1056. Then with regard to this question of Governors, do you share the view that the political responsibility that will be placed upon the shoulders of a Governor when this scheme comes into operation will make it very desirable that the Governors should all have training in political life?—I entirely accept that view.

1057. That is the view which has been widely expressed in India?—Yes. And then I may say, without any disrespect to any class or party, that we have great

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great confidence in men trained in the public life of England.

1058. You would wish to see in future the Governors of the Provinces, other than the three Presidencies, appointed in the same way, and the same type of men, as in the three great Presidencies?—My answer is emphatically yes. My answer is that we should like to have men trained in the public life of England in all these great appointments.

1059. That is, you would like people appointed to Bengal and Madras, and also to the other Provinces?—That is so.

1060. Would you make any exception, such as in the case of Assam?—It is difficult to answer. I would not make an exception. A Province's resources have to be developed. I would say, with all respect, that the Government has neglected its opportunities of development in regard to many of our Provinces. Therefore, when you are starting us on new careers, with any place we should be in an advantageous position if you gave us Governors from the public life of England.

1061. Then your next main point was with regard to a uniform scheme for the central Government of India. You would not say there was no advance being made?—I would not.

1062. Because surely the fact that you are giving a majority to the Legislative Assembly, and giving that Assembly very considerable powers, does make a great advance on anything that has hitherto existed in India?—That is so, but we want to go further. It is not merely a sentimental matter, but there is a great practical consideration behind it. Here is a Central Government, largely Bureaucratic in its constitution and ideals, presiding over a new Diarchic experiment of self-government in the Provinces. It would be like the lion looking after the lamb.

1063. Surely, even though the Executive remains Bureaucratic, the influence of a Legislative Assembly, which is largely elected, on the character of that Executive will be very great?—I quite admit that. It is an advance.

1064. You admit that Diarchy is not a good thing in itself; it is merely a means to make a beginning?—Quite so.

1065. Would that not be establishing considerable difficulties in the Government of India by dividing the functions of the Central Government?—Unless you have Diarchy now in the Government of India how are you going to have progressive realisation here? In one stage or other you are bound to have Diarchy, whether now or ten years hence. I say when the country wants it now, why not let them have it now? You are not going to give the whole of these Departments at once; it will be by progressive stages. I say begin the process now.

1066. Are you one of those who who think that if any further steps are to be taken now in the progressive direction in regard to the constitution of the Government of India and the Central Legislature, instead of having a Council of State we should have a Senate?—I do not like a Council of State at all; I prefer a Senate. The Council of State is more or less a registering body. That is to say, it is created for a particular purpose, namely, to pass legislation which the Government of India thinks necessary. The Revising Chamber ought to be quite a different thing. I feel positive that people will not have confidence in a Revising Chamber which is also a Registering Chamber.

1067. That is my point really. But if it were that the Government may have a machinery whereby it may get measures passed which it considers essential—as a matter of fact, in regard to the Government of India, it would not—but which the Secretary of State or Parliament should consider essential, it does not debar the consideration of a Senate as well?—No, it does not.

1068. And you would like to see a Senate as an ordinary Revising Chamber established at once, whether there is a Grand Committee or not?—I would not on account of the passing of this Bill. The point is that if there is time to elaborate a system of that kind, it may be done. But India is so expectant, and the conditions are such that I think it would be a great blunder to defer the passage of this Bill on account of devising any machinery of that kind.

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1069. Then, with regard to what you said about Lord Crewe's Committee, you agree with that, that what is called the veto of the Council of India should disappear and that the Council of India, whether you call it the Council of India or not, should become really an expert Advisory Committee attached to the Secretary of State to advise?—We entirely support that view.

1070. Whatever you call it. But that you think, with regard to the composition of this new Council of India here, half should be Indian?—Yes.

1071. Do you think that all that half should be selected as the Crewe Committee recommended, namely, from panels from the elected members, or would you leave the Secretary of State to select the difference between the third and the half? They suggested that one-third should be Indians selected from the panel elected by the Legislative Assembly of India?—I do not know that I have followed your question. That is to say, that part should be appointed from the panel and a percentage should be appointed by the Secretary of State?

1072. Yes?—I would agree to that.

1073. You do not ask for more than one-third selected, say, by the Indians themselves?—If there were to be half and half, I would make half and half of them, half of the Indians selected from the panel and half by the Secretary of State.

1074. You have no remarks to make on the recommendations of the Crewe Committee with regard to the previous sanction of the Secretary of State with regard to such matters as the certification of Bills by the Council of State?—I think it is important that the previous sanction of the Secretary of State should be obtained before certification is granted. I would extend that principle further, and say that, with regard to the Governor of the Provinces, the previous sanction of the Government of India should be obtained before certification is granted.

1075. Otherwise you would be inclined to relax the present practice of previous sanction being obtained from the Secretary of State for legislation by the Government of India?—Where there is an agreement between the Government of India and the Legislature I think the sanction should be dispensed with.

1076. That would inevitably mean dispensing with previous sanction, because you could not tell whether the Legislative Assembly would be in agreement with the Government of India?—Whatever the result may be, that is my submission.

1077. Now, you were a member of the Franchise Committee?—Yes; I was.

1078. In your Province of Bengal you have had hitherto practically none of this non-Brahmin difficulty?—None. I may point out that we Bengalees—I am a Brahmin—we Brahmins have been doing our very best to uplift the depressed classes, and I think my friend Lord Sinha is Vice-President of a Society which has been formed by the educated community for the purpose of uplifting the depressed classes, and we work side by side for the purpose of uplifting them.

1079. In Bengal there is not the same division between the Brahmin and the other higher castes as there is in Madras, is there?—Absolutely none. My friend Lord Sinha is of one caste and I am a Brahmin. There is no difference in status between him and myself, and nobody regards the higher non-Brahminical castes in that light. That is the point.

1080. Have you come across the non-Brahmin Movement, as it is now called, outside Madras?—I have travelled all over India, and never seen it anywhere except in Madras.

1081. How old is it in Madras?—Since the discussion about the Montagu-Chelmsford scheme.

1082. Does it date back to a certain famous election, when one of your colleagues on the Franchise Committee defeated Dr. Nair at an election at Madras, where there were non-Brahmin votes predominating, and they voted for the Brahmin and not for Dr. Nair?—Yes; in 1914 we went to Madras, and thousands of Brahmins and non-Brahmins were there, and the Montagu-Chelmsford scheme is dated, I think, July, 1918; so that this is entirely of recent origin, and owing to differences to which you have referred.

1083. Nevertheless, you, and those who think with you, are prepared for the sake of peace to meet the non-Brahmins half-way by giving them reservation of seats

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seats?—Yes; we are prepared to do that in plural constituencies. If they had come to us for settlement we were prepared to do that.

1084. A great deal has been made in this country of this non-Brahmin question. It is quite untrue to say that the Brahmins in Madras can be compared to what Lord Sydenham said this morning, when he called them the upper classes?—Absolutely.

1085. The Brahmins are very largely poor men?—Very; they are the poorest of the community. In fact, I might just say that it is a sin for a Brahmin to be rich, and our ancient traditions—we have got over the traditions now, but this is absolute truth—are that poverty and learning go together.

1086. Under your proposal in the Franchise Committee only one in ten of the Brahmin population will get a vote?—Yes.

1087. That mere fact shows that under this fairly low franchise a very large number of the Brahmins of Madras will not get votes, whereas a great many of the poor will?—Yes.

1088. And the majority of the voters in Madras will be non-Brahmins?—Undoubtedly.

1089. I understand that it is four to one?—That is the percentage.

1090. And you have no fear that if the non-Brahmins were organised they would get, without any reservation of seats, representation?—Absolutely none. What I fear is that the Brahmins will all go under, because the effect of all this agitation will be to create a sort of combination between the non-Brahmins, which is a good thing, and I am perfectly certain they will capture a large number of seats.

1091. As a member of the Franchise Committee, can you tell us roughly what proportion of the total electorate—of the electorate of 5½ millions—would be illiterate?—Not very large; but it would be difficult to give a definite answer to that.

1092. A vast mass would be literate?—Yes.

1093. There would probably be about a million who are illiterate who would get votes?—About that, I think.

1094. The franchise you propose is lower than a literacy franchise?—Yes.

1095. Can you give me a sort of picture of what this sort of franchise means in a rural community? Take a Hindoo rural village; how many men in an ordinary average village would get a vote?—Not many; but a fair proportion will get a vote. The point is not number of people who will get the vote, but the educative influence of the vote among the villages. I do not suppose five or six men get votes in a village, but the whole village is stirred at the time of an election. The whole village come together, and want to know what the vote means. They will ask, "Whom are you going to vote for; what are your reasons for voting?" It is not the number which is important, but the educative influence of the vote among a vast population. I think this system of election will have a great educational value.

1096. As a mater of fact, in the foundation of the Indian social system you have, in the Indian communities, the village headman?—Yes. We are told that we never had self-governing institutions. But no social question is ever decided except by a Punchayat. The Punch has to be elected, and five or six men meet together, and the whole thing is gone into, and the voice of the Punch prevails. So, in the most vital matters of our social and religious considerations we have a most democratic system amongst ourselves.

1097. In the village the system of election, though it may not be a form of ballot, is understood?—Yes.

1098. In every case the headman of the village throughout India will get a vote under this scheme?—I think so. There is no doubt about it.

1099. There was a question that was put this morning. It was suggested that your franchise is largely a property qualification. Surely it is true to say that as it is a qualification on so much taxation, it is largely an earning-capacity qualification?—Yes. It is also a literary qualification in this sense: that those who pay that tax are mostly literary people.

1100. May I ask your personal views on women's suffrage?—I voted against it, and I will explain my reasons for it. I am a bit of a reformer in my own way. But I am anxious that this scheme should pass without any difficulty of any kind, and I was anxious that the orthodox feeling of the community should be with us. If we had dealt with this point in the spirit of reformers the people might say that they were going to have some new-fangled institution, which would interfere with our social usages and so on.

1101. You think it would be possible to introduce women's franchise in Bombay, and not introduce it throughout India?—I am not of that opinion. We have these differences now. Take, for instance, our municipal institutions. In Bombay, for election to the Corporation the women have a vote. In some of the provinces the women have the municipal vote.

1102. I take it that, at any rate in the first few years, if women were given the vote, very few Mahommedan women would vote, and very few high-class Hindus?—That is so.

1103. And all the Parsee women would vote, and the lower-class Hindus?—Yes; and in Bengal probably those who passed the various examinations.

1104. Have you any remark to make on the suggested composition of the Grand Committees in the Provinces?—It ought to have a bare Government majority. The Government of India says it should consist of 33 per cent. of the Legislative Council. It ought to be representative of all sections of the Legislative Council. If a Bill is passed or if a measure is carried out, it ought to receive the assent of popular opinion.

1105. Do you agree that the sole advantage of having a grand committee system as against carrying the proposed essential measure by ordinance of the Governor, is that the matter should be thoroughly and freely discussed, and that you may be able to get to points of detail?—That is exactly so. Otherwise I should be in favour of ordinance, because then entirely the responsibility would be on the Government.

1106. India's opinion is that it is highly necessary to put most of the onus on the Governor, is it not?—Undoubtedly.

Mr. *Spoor.*

1107. You have told us that you represent the Moderate Party?—Yes.

1108. I would like to ask you a question about the composition of that party. Is it an elected body, made up of delegates from all over the country?—That is true. We are elected by our Associations.

1109. Have you many associations?—We have several.

1110. In comparison, for example, with the National Congress?—No; we are only of yesterday's growth, and the National Congress, which has been built by us, is of thirty-three years' growth. You cannot expect them to be on the same footing; but we are steadily making headway, and if the Government would enact reasonable measures I think the saner section of the community would be with us.

1111. But at present you cannot claim to represent a very considerable body of opinion, can you?—Considerable! If you use that word, I would say yes. It may not be a considerable body of the politically minded. Take, for example, Bengal. I think the great body of the thinking population of Bengal is moderate.

1112. You were, of course, for many years a very prominent member of the National Congress?—I was one of the founders.

1113. And as far as I have been able to ascertain from your replies to these questions and your answers to Captain Ormsby-Gore, there is very little fundamental difference between your position and that of the Congress?—I am very glad to hear it.

1114. We are wanting to discover some common ground in Indian opinion, and I should like you to tell me if you can what you would regard as the chief points of difference between the National Congress and your own Party with regard to these proposals?—It is difficult for me to say. Perhaps in regard to details there is not much difference of opinion, but the outlook is different. We have from the outset supported the scheme as a definite advance and as marking a definite and substantial stage towards responsible Government. Some would-be leaders of the National Congress have regarded the scheme as disappointing, unacceptable, and unworthy of the British public, etc., unless and until certain fundamental changes were introduced which,

Mr. *Spoor*—continued.

which, in our opinion, would have transformed the scheme out of shape. But now they are coming round to our views.

1115. I take it that many of your criticisms of the proposals are very similar indeed to those of the Congress. I do not know whether they are coming to yours or yours are approximating to theirs?—I take it they are coming to ours.

1116. On the question of a time limit. I believe that you yourself also support the incorporation of a time limit?—No, not in that way. Their time limit, as I understood it, was that after a specified number of years, this or that must be done. We do not put it in that way. We say there must be progressive stages, and after five years there should be an inquiry, and then as the result of that inquiry there should be a further advance. But we do not say a fixed five years, and within those five years you must give us so and so. We base it upon qualification. That, I think, is an essential point of difference.

1117. Is it correct that in December, 1917, when the Congress was held, you moved a resolution asking for a statutory time limit?—I do not know that I did. My impression is that I did not, and even if I did I think it is open to me to change my opinions.

1118. I quite agree with you. That is what I wanted to discover, whether you had moved your attitude or not?—I do not remember that I supported a time limit.

1119. With regard to extending the franchise, would your Party like to see the franchise extended to working men by reducing the qualification to, say, an earning power of 150 rupees a year?—It is difficult to answer a question of that kind. Do you say those who get 150 rupees a year should have a vote?

1120. Yes?—Probably they pay taxes, therefore your question would be covered by the concessions already made. Those who earn 150 rupees a year surely must be paying a rupee a year, or something of that kind, and therefore they would get the franchise.

1121. You agree, I take it, that it would be desirable that as large a section as possible of the industrial community should have the franchise?—Yes.

1122. Do you think that under the recommendations of the Southborough Report in urban and rural areas many artizans and business people will get a vote?—Yes, and I will tell you why. Take, for instance, the municipalities of Bengal. We have got one rupee eight annas as the qualifying income. Anybody who pays 2s., we may take it, has a vote, and almost everybody pays it. That is the municipal vote, and that vote we have given in the Franchise Committee's Report to all the people living in the municipalities in Bengal.

1123. Of course, you have just told us in answer to a question by Captain Ormsby-Gore, that poverty and learning go together, as applied to non-Brahmins. I suppose that would apply to other sections of the community as well?—I am talking of the Hindoo community.

1124. Therefore it is desirable that the franchise should be extended as far as practicable?—That is low enough.

1125. When Lord Southborough was giving evidence this morning—you, of course, were a member of the Franchise Committee—he stated that he found no evidence of the existence of a sufficiently well organised labour body to provide adequate representation for Labour?—Yes.

1126. Can you tell the Committee whether, in your opinion, such bodies do exist in India?—My experience is confined to Bengal. I cannot say they do. In Madras it may be different.

1127. You cannot say whether it would have been possible to secure a really competent Labour representation on the Franchise Committee?—My own idea is that competent Labour representation could be obtained upon the present franchise, the present voting power; that is my view.

Lord *Sinha.*

1128. I think Mr. Spoor's question is with regard to the Franchise Committee, and not the electorate, really?—It was considered in Bombay.

Mr. *Spoor.*

1129. And I asked Lord Southborough to what extent Labour was represented, but he said Labour had been considered, but it had not been found practicable because there was nobody to whom they could go?—Yes.

1130. You, however, think that Labour opinion could be found?—In Madras perhaps, but not in Bengal.

1131. You have told us just now that your personal view is that the question of women's suffrage should not be pressed because it might jeopardise the present Bill?—Yes. The opinion which ought to support the present measure, the Conservative opinion, which is very large in India, and orthodox opinion would be affected. That is my only objection. It is only a practical objection.

1132. It is not the principle at all that you are referring to. You agree with the principle?—I agree with the principle, but every principle has to be judged by the circumstances of its application.

1133. I asked this morning with regard to the number of women voters who have exercised their right in Bombay during recent years. Have you any idea as to the percentage of women who have exercised their right?—No, in fact I have never inquired into that.

1134. I have been informed that quite a considerable proportion of women have exercised that right?—I have not studied the question or taken the trouble to get the information.

1135. Do you generally approve of the Bill that is before us now?—The Montagu-Chelmsford scheme?

1136. I am talking about the Bill?—We think in some respects the Bill falls short of the scheme.

1137. But you approve of the Montagu-Chelmsford Report?—Yes, subject to what I have just said with regard to the Central Government.

1138. And Lord Southborough told us this morning that he did not find any considerable body of opinion in India that severely criticised the proposal, because the Central Government was not going to be in any sense under control, or the Indian people would have no responsibility in it?—I think the position is this. We should like to have a Central Government with a modicum of responsibility in the Central Government, but we are not prepared to say the scheme is unacceptable, or that we should not be prepared to look at it. If the Montagu-Chelmsford scheme as it is, without any attenuation of any kind, is given to us, although we might not get Central Government now, we, as a party, are prepared to give our support. But there should be no attenuation of any kind.

1139. You think that practically the bulk of opinion in India, both European and native, is in favour of a measure of control and responsibility in the Central Government?—Yes. I can only speak of Indian opinion.

1140. I am glad you told us that, because Lord Southborough said he did not discover that when he was there?—There is a strong body of opinion in favour.

Lord *Sinha.*

1141. I should just like to ask you this: When you answered Mr. Spoor with regard to Labour opinion on your Committee—the representation of Labour opinion on your Committee, the Franchise Committee—was there any question of obtaining such representation of Labour on your Committee at any place, or was it possible to get it at any place?—In Bombay the question was raised as to whether it would not be possible to give the franchise to the representatives of Labour.

1142. That is just what I am trying to draw your attention to. As I understood Mr. Spoor, the question was not the giving of the franchise to labour, but of getting a labour man to sit as your colleague on your Committee?—No, that question was never raised.

1143. Was it raised in any Province?—Nowhere.

1144. Was it possible to get such representation of Labour on your Committee in the present state of Indian labour?—I do not think so at all: that is my own personal opinion.

1145. It was not considered, anyhow?—No, and the question was never raised, and it was not considered.

1146. Was it suggested by anybody?—It was suggested by none.

1147. I thought you misunderstood Mr. Spoor's question, and that is why I felt obliged to call your attention to it. I just want to ask you a question about the Provincial Executive. You of course remember the Government of India suggesting that where

Lord *Sinha*—continued.

where the Governors are brought out from England there should be two officials and one non-official in the Executive Council—that is, from the public life of England?—Yes.

1148. And the other Provinces are to have Governors, official Governors—that is, Governors of the Service?—Yes.

1149. Would the result of that not be that in every Government the Executive Council would be predominantly bureaucratic or official?—Undoubtedly.

1150. Would that be acceptable to any shade of Indian opinion?—It would be wholly unacceptable.

1151. I find in Sir Sankaran Nair's minute of dissent he says this, on the 5th of March, in paragraph 37: "If there is any demand in which the Associations who have addressed the Secretary of State and the Viceroy and all classes are unanimous, it is in the request they make that half the members of the Executive Councils, both Provincial and Imperial, should be Indians. The Congress and the Moslem League, as well as the Sikhs and the non-Brahmin classes of Madras, want it"?—I quite agree with that.

1152. That that is the demand by all classes in India with regard to both Imperial and Provincial Councils?—Quite.

1153. I want to know if you will agree with what Sir Claude Hill said in answer to the Secretary of State here, before this Committee? The Secretary of State asked him this: "What do you think would be the relative acceptability in India of these three schemes, the scheme of the Joint Report—that is, Mr. Montagu and Lord Chelmsford's Report—or the scheme of the majority of the Local Governments, or the scheme of the Joint Report as amended by the Government of India? Sir Claude Hill's answer was: "I should say that the acceptance would be greatest in the case of the scheme of the Joint Report." Do you agree?—Yes.

1154. Then he said: "In the case of the scheme as amended by the Government of India." Do you agree?—I do not accept either of the two.

1155. Do you agree with Sir Claude Hill that with regard to Indian opinion the relative acceptability is that next to the Joint Report Indian opinion would accept the scheme as amended by the Government of India?—Indian opinion would not accept either.

1156. Do you mean either the scheme as amended by the Government of India or the scheme advocated by the Government?—Absolutely.

1157. They want the Joint Report scheme, and nothing but that?—Yes.

1158. You have been a member of the Legislative Councils, both Provincial and Imperial, for many years?—I was for eight years a member of the Bengal Provincial Council, and for five years I have been a member of the Imperial Legislative Council.

1159. In your experience both as a member of the Council and also during the time when you were not a member of the Council, has there been any single measure, administrative, legislative, or financial, in which the Brahminists or the higher castes as members of Council have advocated any measure contrary to the interests of the lower castes?—Absolutely none.

1160. In any Province?—Absolutely nowhere.

1161. Or in the Central Legislature?—Absolutely not; and I may point out that my friend the Hon. Mr. Ramchunder Rao, of Madras, has prepared a list showing the measures calculated to ameliorate the condition of the non-Brahmins, introduced by Brahmins. It is just the other way. I think those who make suggestions of that kind seem to be oblivious of the fact that Brahmins feel that if there is an advance there must be a corresponding uplift of all the classes. We cannot leave the depressed classes in the position in which they are. We want to bring them all with us. It is perfectly ridiculous, and, from our point of view, suicidal to hold that we should be advancing ourselves and leaving the lower and depressed classes behind. It is absolutely inexpedient from the political point of view.

1162. Is it a fact that free compulsory education, which is being advocated by practically every member of Council, and has been for many years, is primarily for the benefit of the depressed classes and the lower classes?—Yes; and may I point out that if you look at the records of the Congress you will find that year after year we have been urging the Government to

Lord *Sinha*—continued.

take measures for the amelioration of the depressed classes.

1163. Taking Bengal as the Province with which you and I are most familiar, is it the fact that leadership, either political or social, depends, or has depended in the past, in the long long past, upon belonging to the Brahmin or any higher caste?—It does not depend on caste at all. Take Kristodas Pal, he was the political leader of his generation, and he was not a high caste man.

1164. That was many years ago now?—He died in 1884.

1165. And his son is now one of the leaders?—He is a leader of the Calcutta Corporation.

1166. Although the caste to which he and his father belonged is a very low caste?—Yes; then there is the Maharaja Cossinbazar. He is one of our great leaders, and he is not a member of a high caste.

1167. Of Lahore and Calcutta?—Yes.

1168. May I take it that in Bengal, generally, influence and position do not depend on caste at all, but upon education, wealth, culture, and so forth?—Public spirit, self-sacrifice, and so forth.

1169. As in other countries?—As in other countries.

1170. I am not now talking of Madras. Is it the same in the other Provinces?—I think so, because I have come in contact with my countrymen in other Provinces, and the same rule prevails everywhere.

1171. Taking Madras, are there not at the present moment many leaders, political and otherwise, who are non-Brahmins?—Yes. Dr. Nair himself was one of the great leaders of the Congress. In 1914 he was one of the leaders of the Congress movement in Madras.

1172. And there are many non-Brahmins who are leading political people in Madras?—Yes.

Lord *Islington.*

1173. Speaking of Madras, would you say that the Brahmin as a community on the average had a higher balance of intellectuality than the non-Brahmin?—That is my impression, but I should not like to vouch for that.

1174. You said that you were in favour of the proposal of the Grand Committee, but that it must be a Grand Committee consisting of a bare official majority?—Yes, and fairly representative of the Legislative Council.

1175. I suppose you would qualify the word "bare" by making it an effective majority?—No. That is to say, it ought not to be such a majority as would in any case give the Governor a majority. It should be a bare majority which would enable the Governor to pass only such measures as were acceptable.

1176. Therefore, you do not want the Grand Committee to be regarded as an instrument by which the Governor can effect his purpose and over-ride the decision of the Legislature?—That is so. He ought not to be able to over-ride, but he ought to be in a position to pass any measure which he considers to be necessary, taking a reasonable section of the people with him. That is my position.

1177. Would you be in favour of him being in a position to carry legislation on a reserved subject?—With a bare majority?

1178. I did not ask you as to whether it was with a bare majority, but as to whether you were in favour of his having the power to be able to carry it on a reserved subject?—By the Grand Committee?

1179. No, I did not ask you that; I merely asked you whether you were in favour, in the ultimate resort, of the Governor having the power to carry legislation on a reserved subject?—I do not quite understand. Is it in a certified procedure?

1180. I was not asking the means. I was merely asking you whether you were in favour of his having that power?—I will not say yes or no, because if it is a reasonable measure he ought to have it, and if it is an unreasonable measure he ought not to have it.

1181. But the idea of a reserved subject is this, that it should be retained in the hands of an autocratic Government, is it not?—Autocratic in the sense of being responsible to Parliament.

1182. As regards the proposal, I would like to hear briefly, if you would give an opinion on what I see in the Government of India Despatch in regard to the very important subject of education. The Government of India suggested that education should be divided

and

Lord *Islington*—continued.

and partly as regards the secondary it should be made a reserved subject, and the higher side should be reserved. What is your view on that?—I am not in favour of that at all, and I will tell you my reasons. The Franchise Committee, I think, were of opinion that education should not be a reserved subject.

1183. You mean the Functions Committee?—Yes. The Functions Committee were of opinion that it should not be a reserved subject except in the case of the Bengal Government, and the Calcutta University, pending a Bill which is to re-organise the University of Calcutta. The three subjects to which we attach the greatest importance, and we call them in our own way nation-building subjects, are education, sanitation, and Local Government. We want them to be under our control. In the illustrative list in the Montagu-Chelmsford scheme, primary and secondary, are transferred subjects, but not higher education. There is no reason why higher education should not be transferred to us, because that is a matter in which we are deeply interested, and I do think that it ought to be entrusted to our own people.

1184. So that to that extent you take an exception to what you said just now as regards the Joint Report —that it should be given without attenuations?—That is only a matter of compromise.

1185. But you do not want to have anything else? —No.

1186. At the same time you do recognise that the Report is the preliminary to the work of Parliament? —Certainly; but it must be a substantial advance and as soon as possible. That is the message. We understand by substantial advance what is contained in the Report.

1187. One word as regards several questions that have been put to you—I think by Mr. Spoor—in regard to the franchise of parties in the large towns. Would you regard it as important, at the very first commencement of a constitutional system in India, that those who work in the great industrial centres should have a voice in Parliament?—At the very first start?

1188. Yes; have a voice to this extent, that they should be given a vote?—I do not see why they should not if we could arrange for it.

1189. Do you attach importance to it?—It is not a matter of first-rate importance, but I would not exclude them. They are bound to have it by-and-by.

1190. Would you say it would be a means by which they might improve their social and industrial position?—Yes; it would raise their status and self-respect, and help them in the matter of advancing themselves. They would develop a state of civic self-respect. I think that would be helpful to them and to the industries.

1191. Incidentally would it tend towards improving their material condition?—I think so.

1192. Would you set great importance by that?—I do attach importance to it.

1193. May I take it from your answers that you would like to see in regard to the operatives in the industrial centres the machinery of election devised in such a way that the operatives in the industrial centres should have a vote?—If the effect of that would be to postpone the Bill, I say no. Then my next point is, that as a matter of fact a good many of them will have a vote under the franchise that we give them. Most of them will have the vote.

1194. You say most of them will have the vote?—I think so. That is my reading of the situation.

1195. Now one word as regards the Council of State. What would you think of the substitution of ordinance after discussion in Assembly or Legislative Council—for the Council of State, I mean?—

Lord *Islington*—continued.

A Council of State would provide for discussion, and the other would not.

Mr. *Montagu.*

1196. Always after discussion?—I should not seriously object to that unless the Council of State is to be the nucleus of a Revising Chamber.

Lord *Islington.*

1197. To that extent would you regard it as of importance, even though it might not be a perfect machine at first?—As a Revising Chamber?

1198. Yes?—As at present constituted it is not a Revising Chamber which would command any confidence. Its first business, apparently, is to register the decrees of the Government. The Revising Chamber ought to be an independent body which may, or may not, register the decrees of the Government; to combine the two functions is to cast a slur on the Revising Chamber, and people would say: "This is merely a Registering Chamber, and then they made it a Revising Chamber." A Revising Chamber must be absolutely separate from the idea of a Registering Chamber.

1199. So you would not regard unfavourably a scheme by which, after discussion in Assembly, the ordinance were established as a means by which the Executive could enforce its will?—I have not consulted my friends, but as at present advised that is my personal opinion.

1200. You are anxious that the Central Government should have certain functions in the direction of transferred subjects similar to what you have got in the Provinces?—Yes.

1201. Could you mention one or two of those subjects?—Salt is one, income-tax is another, and I think some might be selected from Sir James Brunyate's note of dissent attached to the Crewe Report. He divides all-India subjects into two groups—controlled and popular. These two are comprehensive enough. Then, further, the Minister may supervise the working of the new scheme in the reformed Councils. That is a very important branch of the work.

1202. One word as regards the Crewe Report. You would like to see the Advisory Committee which is proposed in the Crewe Report half Indian and half European?—Yes.

1203. What is your reason for preferring an Advisory Committee to a Council of India, assuming the Council of India was composed as in the Crewe Report? I mean, I gathered from some answers that you gave just now that you preferred the proposal of an Advisory Committee to the present arrangement of a Council of India?—Yes.

1204. Could you give us reasons why you prefer an Advisory Committee to the Council of India, assuming that the Council of India was constituted as proposed in the Crewe Report?—I fear I do not quite understand the question. Is it that the present proposal is to make the India Council advisory?

1205. Yes, which is different, of course, to the present statutory Council?—It is advisory except in the matter of finance. I think that is the present constitution.

1206. There are differences which we need not go into?—Well, my reason is this, that it stands between the responsibility of the Secretary of State and Parliament, just a halfway house towards its ultimate abolition. That is the view I take of it.

1207. That is why you like the Advisory Committee? —Yes We aspire to the position of a self-governing Dominion. They have not got any Council of the kind.

(*The Witness is directed to withdraw.*)

Die Martis, 29° *Julii* 1919.

MEMBERS PRESENT:

Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

THE HONOURABLE BABU SURENDRANATH BANERJEA, is recalled; and further Examined, as follows:—

Sir *J. D. Rees.*

1208. You have been a member of a Provincial Legislative Council and the Imperial Legislative Council, and you have also been President of the National Congress?—Yes. I have been twice President of the National Congress. I was eleven years in the Provincial Legislative Council Executive. I said eight years yesterday; I made a mistake.

1209. Is the chief objection raised to these reforms the appointment of Ministers and the transfer to them of certain subjects, and is the objection raised that it is a transfer to an oligarchy, and not really to the people of India?—That is an objection which I have heard.

1210. It is one of the chief objections?—Yes—not by ourselves.

1211. But I mean amongst the objectors?—Yes.

1212. Therefore caste and communal representation are vital issues in this matter?—Yes.

1213. Are not the Brahmins people of India like other Indians, and their natural intellectual leaders?—I think so.

1214. Is not caste a difficult, and to some extent a local, question, requiring experience?—Undoubtedly.

1215. Would you say that a Civil Servant who had served for twenty years in the Telagu districts of Madras, on the Coromandel Coast, and for five years on the Malabar Coast, and was an interpreter in two of the three languages, had had special opportunities of studying this question?—Undoubtedly; most certainly.

1216. I beg leave to ask Mr. Banerjea a few questions from that platform, Mr. Chairman. Passing over questions I asked from others, which were repeated to you yesterday, one question was put to you. You were asked is it not the case that there is not the same division between Brahmins and others in Bengal as exists in Madras?—I was asked that.

1217. I think it was by Major Ormsby Gore. Do you know that the division does exist in Madras, of your own knowledge?—No, I do not.

1218. You said, I think, that there was no oppression by higher castes of lower castes in Bengal, of your own knowledge?—That is so.

1219. Have you any knowledge that it exists in Madras?—No personal knowledge at all.

1220. I think you said that you were willing, on account of this alleged oppression, to give the non-Brahmins in Madras 30 out of 60 seats?—I did not say so.

1221. I am glad to take it from you. I thought you said you were willing to meet the Government of India in that matter, because it is the Government of India which has proposed that, as I understand?—No, I did not say that at all.

1222. You would not do it?—No.

1223. You would not disqualify the fittest in favour of the less fit?—That is so.

1224. Is not communal representation for 90 per cent. of the population a contradiction in terms? It is not what we understand by communal representation, is it?—I agree with you.

1225. It is not?—No.

1226. Can you say that castes and classes which were so articulate as to make pathetic appeals—I am quoting Lord Sydenham—to bodies in England were inefficiently organised and too poor to make its voice heard at its own door in Madras?—I should not think so at all.

Sir *J. D. Rees*—continued.

1227. Throughout the examination which you underwent yesterday the word "protection" was continually used. Let me quote Lord Sydenham. He said, "The object is to secure protection by communal representation for those whose pathetic protests Mr. Montagu ignored." That was in a letter to the *Times*. Perhaps I ought not to have quoted it, and I withdraw it, but "protection" was used, and Lord Southborough used the words "special resolution," and somewhere in your evidence yesterday the word was used—"communal representation is necessary to protect the masses against the upper classes." May I ask you if that is a correct picture of Hindoo society? Is it really a state of things in which the vast majority are needing perpetual protection against a small minority?—It is not so at all. There is a tendency in some quarters to make a fanciful line of cleavage between the masses and the educated community. The educated community are the natural protectors of the masses, and I desire to emphasise that fact. If you look at the proceedings of the Indian National Congress from the time of its inception in 1885 until its most recent sitting you will find that every year a number of resolutions were introduced, and have been unanimously adopted, for the purpose of inviting the Government to take measures for the amelioration and improvement of the masses. We are the natural protectors of the masses, and have always been so, because they are our people—the bone of our bone and the flesh of our flesh, as I said in one of my speeches. Therefore, there is no question of protection at all.

1228. I have asked another witness, and we got it quite clearly, that the Brahmins, so far from being rich, are by no means the rich amongst the people of India?—Everywhere that it so; in Bengal, too.

1229. Since you do not know of your own knowledge in Bengal of any upper and lower caste feud then you cannot say, not knowing Madras, that it exists there; you merely took it on paper from what you heard. When did you first hear of this root antagonism between the upper and lower castes, between Brahmins and non-Brahmins?—After the promulgation of the Montagu-Chelmsford scheme.

1230. Is it an entirely new thing?—Absolutely new to my knowledge.

1231. Would it be posible that it could have reached the stage it has unless it had some financial backing?—Certainly not.

1232. Is it the case that rich Zemindars and titular Maharajahs and Rajahs of Madras—I say titular with an object—are non-Brahmins as a rule?—That is my information.

1233. It is correct. Is it probable, or do you know, that they finance a movement with which ostensibly they are connected, supposing the castes were divided in this way?——

Chairman.] I do not think you must ask if it is probable; ask if it is the case.

Sir *J. D. Rees.*

1234. Is it the case? Do you know that the non-Brahmin Zemindars finance the anti-Brahmin case?—I have heard it.

1235. You do not know it?—I have no personal knowledge.

1236. Is

Sir *J. D. Rees*—continued.

1236. Is it the fact that this movement is closely connected with Nair management—management by the Nair caste?—That is what I have heard.

1237. Was Dr. Nair the secretary?—He was the leader.

1238. I do not know his real name, but he is so called here. Of course, that means nothing. It merely means his caste name?—Yes; he was the leader.

1239. Have you any knowledge of the position of the Nair caste?—All I know about the Nair caste is that they are non-Brahmins, and that they live in Malabar.

1240. Are you aware that they have actually for the purposes of this agitation been classed as a depressed class?—No, I have never heard that.

1241. It would astonish you, perhaps?—Yes.

1242. What is the greatest office in India open to Indian gentlemen?—A member of the Viceroy's Executive Council.

1243. Is that held by Sir Sankaran Nair?—It was.

1244. Is he a member of this caste?—Yes.

1245. Was he a judge of the High Court in Madras, of his own Province, before he became a member of the Executive Council of India?—Yes.

1246. Do you know the Malabar Coast?—I have read of it.

1247. Do you know that Sir Sankaran Nair was the author of the Malabar Marriage Act?—No.

1248. Do you know anything about that Act?—No.

1249. You do not know it curtailed certain privileges of Brahmins in favour of Nairs?—I do not know that.

1250. Do you know that the Nairs were once the military aristocracy of the Malabar Coast?—Yes.

1251. Do you know they are at present the landed aristocracy of the coast?—They are an influential and powerful body.

1252. Are they the most influential and most powerful body on the south Malabar coast?—That is my information.

1253. I ask you that as an ex-resident in Travancore and Cuchin. You do not know it?—No, personally I have no knowledge.

1254. Do you think it would be possible to grade those people as belonging to the depressed classes?—I think it would be an absolute misuse of terms.

1255. You were questioned also about the position of the Mahrattas and communal representation for the Mahrattas?—Yes.

1256. Are they a depressed class?—I do not think so.

1257. Were they the actual rulers of India before the English supplanted them?—Yes.

1258. Is that a characteristic of a depressed class?—I should not think so.

1259. Do you think that India's troubles are due to caste?—I think they have been vastly exaggerated and magnified. It is an ancient institution which was found necessary owing to economic exigencies. It has survived its uses. It is there in a more or less vigorous state in the different Provinces. Its influence is on the wane, and I hope that in the course of time, with legislation given to us—social legislation is what we want—it will gradually disappear.

1260. You want it to disappear?—We want it to disappear.

1261. "We" or "I"?—We, the Brahmins and the educated classes. They want it to disappear so that we will all be brought on the same social level and work out our common destinies together.

1262. Are you able to say, speaking for the Brahmins, and if so what Brahmins, the Brahmins of Bengal or the Brahmins of India—are you able to say that they desire the disappearance of caste?—The Brahmins of Bengal desire equality.

1263. Caste equality?—Not exactly—equality of social status. If caste stands in the way of equality of social status we desire its disappearance.

1264. Does caste now stand in the way of social status?—Not in Bengal.

1265. Do you know that it does elsewhere?—I cannot speak of other Provinces.

1266. It does not stand in the way of social status so far as you know?—No; not in Bengal.

1267. Then why do you desire it to disappear?—Because it is always being brought forward by our critics as an argument against our political advancement.

Sir *J. D. Rees*—continued.

1268. Would you destroy a good institution because it formed a weapon for your critics—if you thought it was good?—It was good at one time, but its utility is disappearing in view of the new conditions, and we want to adapt ourselves to altered conditions and altered circumstances because there must be change and growth.

1269. Have you good reason for supposing that you represent the views of the Brahmins in what you have just said?—The educated classes, I think I do.

1270. Is caste more predominant in South India than in other parts of India?—That is my information; that is what I have been told.

1271. And more and more predominant the further south you go?—That is what I have heard.

1272. Is it commonly believed that it reaches its apex, or rather that it has been preserved more in Travancore than anywhere else in India?—That is what I have heard.

1273. What is the present Brahmin predominance which excites this jealousy? Did you read a speech by the Maharajah of Mysore, who is a non-Brahmin prince?—Yes.

1274. Did you read his anwer to a deputation objecting to Brahmin predominance in Mysore, and the fact that they held most of the appointments?—I cannot say that I have. Might I inquire when it was delivered?

1275. I should think it was late last year?—I do not remember it.

1276. Do you think that such predominance as the Brahmins enjoy is due to their natural intellectual superiority and other gifts?—Undoubtedly.

1277. That is what the Maharajah of Mysore said?—There is no doubt about it.

1278. Do you agree with the Maharajah in thinking that it would be unjust to penalise any class because it had been pre-eminently capable of availing itself of the opportunities of education given by British rule?—I entirely agree with the Maharajah.

1279. You have heard it said that Brahmins are a priestly caste, and the word priestly tyranny has been used: On such occasions as when the Brahmin is a priest, which is, of course, rare, is he a powerful person?—Not very; not more than other priests in other countries.

1280. Is not he much less a village priest than other priests?—Each caste has its own priest.

1281. May I ask you a question on page 9 of Lord Southborough's Report on Franchise? This says, "The case for the non-Brahmins rests on the assertion that the Brahmins, though numerically a small community, occupy, not only for religious and social reasons, but also on account of their exceptional educational qualifications, a position of preponderating influence." Do you think it is true that they exercise for religious and social reasons a preponderating influence?—No, not on account of their priestly character, but by reason of their intellectual eminence and their public services.

1282. Have you seen a note to which Lord Sydenham referred yesterday in examining a witness by Sir Alexander Cardew, a member of the Government of Madras?—I heard that.

1283. Does he say this: "The Brahmins undisputed superiority in intellect is one of the most remarkable features of the situation in southern India"? He says under British rule this intellectual predominance has been made more than ever clear. Is that because of greater opportunities of education?—And the greater aptitude of Brahmins to avail themselves of those opportunities. The greater adaptability of the Brahmins is the one striking feature of Brahminism, and that has preserved its character. We adapt ourselves to circumstances when we find the circumstances are changing. Take, for instance, Bhuddism. Bhuddism was the predominant religion. Brahminism crushed that religion out of existence in its fraternal embrace by adapting itself to the new conditions.

1284. Sir Alexander Cardew goes on to say, "The Mohammedans use the Brahmins to a considerable extent." Did not the Mahrattas when they governed India?—Yes.

1285. Have not the English?—Undoubtedly.

Sir *J. D. Rees*—continued.

1286. Do you think that a member of a Government who considers undisputed superiority in intellect as a reason for exclusion from office has rather lost sight of his subject?——

Chairman.] I do not think you have any right to say that that was Sir Alexander Cardew's view. He does not say that.

Sir *J. D. Rees.*] I will drop it in a moment if you wish. He says what I quoted: "His undisputed superiority in intellect is such;" and when Lord Sydenham was asked yesterday what does he, Sir Alexander, propose in place of these reforms, Lord Sydenham did not answer that Sir Alexander says there is no sound basis for democratic institutions, and such a scheme will not guarantee ordered progress, and he suggests as a remedy a dropping of the reform.

Chairman.] That is quite a different proposition.

Sir *J. D. Rees.*

1287. Then I leave it. I regret if I exceeded. Is there hostility to the Brahmins, even amongst the lowest castes?—In Bengal, none.

1288. You do not know the Pariahs of the south and their position?—I have no personal knowledge.

1289. Does not communal representation perpetuate caste and class division?—It is calculated to do so.

1290. Do you approve of giving communal representation to native Christians?—We did it in the case of Madras with great reluctance. As a Committee we were not in favour of communal representation, but we gave it as a sort of transitional arrangement so that in the course of time public spirit would be developed amongst these communities, and they would see fit to coalesce with the rest of India for the purpose of forming a united nation.

1291. Is the giving of representation justifiable on the ground put forward somewhere here that it will tend to break down caste institutions?—I should like to have the exact words. As I was a member of that Committee, and I had a responsibility in the words used, I should like to see those words.

1292. For the moment you have not that in your mind?—No.

1293. Rather than delay the Committee I will leave it. You were asked questions about the franchise for women. Do you think it would be possible to give that franchise to Bombay women and to deny it to Madras women?—My own idea is that there would be a difficulty. I should not say that it would be impossible, but I should not like to see these differences instituted between Province and Province in a matter of such vital importance.

1294. As regards the difficulty of their voting would there be any difficulty in having female polling clerks?—There would be a difficulty in northern India, where we observe the Zenana system. I do not know whether there would be in southern India. There would be the difficulty in the matter of identification.

1295. Is the Zenana system observed in northern India even among the lower castes and the poor?—To some extent amongst those who call themselves respectable, and the poor man when he has money calls himself respectable.

1296. Is it not only amongst those who have money, and claim to be rather better than their neighbours, that the purdah is adopted by the Hindus?—It is a matter of degree.

1297. As regards the residential qualifications, is it not the case that it would be quite easy to acquire a little land, and to build a little house, seeing the cheapness of land and building materials and the joint family system? Would not it be extremely easy for anybody to satisfy the residential qualification?—Undoubtedly, and that was in our mind in broadening that residential qualification.

1298. Would not it be evaded everywhere by erecting a lodge in a garden of cucumbers anywhere?—I think so.

1299. As regards literacy, you objected to that as a qualification. Is it the case that the average ryot, though not literate, is an exceedingly sensible man, who minds his own business and thoroughly well understands it?—I entirely agree with that view, and I may point this out, that Sir George Birdwood, than whom I do not think there has been a greater

Sir *J. D. Rees*—continued.

authority upon Indian matters, says an Indian peasant is as capable as the most cultured peasant in any part of the world, for the simple reason that he is the inheritor of the ancient traditions and the culture of his race. I have come in contact with Indian peasants, absolutely illiterate, capable of efficiently managing their own affairs. May I point out that some of the greatest men in Asia have been illiterate, and yet they have managed empires, founded states, and governed kingdoms without any difficulty whatsoever. There are many examples of that. Such as Akbar, the real founder of the Moghul Empire; Sivaji, the founder of the Mahratta Empire; Hyder Ali, who established the Kingdom of Mysore; and Jung Bahadur of Nepal.

1300. As regards labour, you were asked questions by Mr. Spoor. Do you admit that labour quâ labour is not now represented in your scheme?—Perhaps not quâ labour, but we take it that having regard to the franchise we have fixed it sufficiently low. A large number of labouring-class artisans will get a vote. Labour as a distinct class, perhaps, is not represented, but the labourers will have influence and will have voting powers in the constituencies.

1301. Can you use labour in the sense in which my hon. friend used it? Is it applicable in that sense to India?—I hardly think it is, not in the Province from which I come. It may be in other Provinces.

1302. Is it the case that the average small cultivator, who is himself a labourer, works his farm?—Undoubtedly that is so.

1303. Could you say that labour was not represented when the ryot—who is 80 men out of every 100—is a labouring man?—I agree.

1304. And his representation is specially provided for as a property owner?—I entirely agree.

1305. Is there the material in India for trade union organisation and conception of labour conditions?—There may be in other parts of India, but certainly not in Bengal.

1306. There is some industrial labour in Calcutta?—Yes, in the mills round about Calcutta.

1307. Would not he receive representation under the property qualification, which you suggest?—Most certainly, through municipalities. I live close to them and I know the conditions. They are grouped into municipalities. Under the Franchise a man who pays one rupee eight annas a year is a voter. That is a very low Franchise, and almost every man pays that.

1308. As regards the Mohammedans and their representation, it was stated yesterday by Lord Sydenham, in asking a question, that the Moslem League represents a small body of Mohammedans. Do you consider that proved?—I do not think so.

1309. Do you know the authority for it?—No; I do not know that there is any authority for it. I may mention this. Since the promulgation of the Montagu-Chelmsford scheme, a certain number of associations have sprung up, with a view to press forward the claims of certain sections of the Mohammedan community; but my own reading of the situation is that the Moslem League is the Association of cultured Mohammedans, and of their following, which constitutes the majority.

1310. As regards the Mohammedans of Bengal, where, I understand, they are largely converted Hindoos, have they the zeal of converts, or do they remain very much Hindoo in their habits, with Hindoo interests?—They are practically Hindoos, except in regard to religious matters.

1311. Does that bear upon their representation and the recommendation of the Government of India that it should be increased in Bengal?—There is no reason why it should be increased.

1312. Does it bear upon it?—Yes.

1313. Is it proved that more representation is not required in Bengal than is assigned by your Committee?—I have the figures with me. If you will permit me, I will read them out. We examined in Bengal the Central National Mohammedan Association. They repudiated the Lucknow compact. We examined the representative of the Decca Mohammedans. That was the point raised by the Government of India. They say the Mohammedans of East Bengal would be thoroughly dissatisfied with the arrangement which had been proposed as to the Franchise. The fact is, that

Sir *J. D. Rees*—continued.

that we examined the representative of the East Bengal Mohemmedans before the Franchise Committee, and he adheres to the compact, and he represents the Mohammedans of Eastern Bengal in the Bengal Legislative Council. So that the authoritative spokesman of the Mohammedans of East Bengal, on whose behalf this claim is put forward, supports the Lucknow compact. I submit, the Government of India overlooked that fact entirely.

1314. Is not there a great and absolutely crucial difference between the Mohammedan who speaks more or less Persian and Arabic, and the Mohammedan who is a converted Hindoo?—The fact of the matter is, the language of the Mohammedans in Bengal is Bengali (our language), and their institutions are our institutions, and their customs are practically ours. There is absolutely no difference between the Hindoos and the Mohammedans in these respects.

1315. Do not you think there is a serious misunderstanding of the position in this recommendation?—Yes, undoubtedly, so far as Bengal; I speak with the firm conviction that there is an absolute misapprehension of the whole situation.

1316. Upon the point of duality has India, ever since the days of the Board of Control and the Court of Directors, been a classic case of duality?—Yes. I pointed out yesterday that in some of our municipal institutions we have duality.

1317. That being so, is the objection to duality now raised to a new duality or to a duality of which half will be Indian?—Whatever the nature of the objection may be, it seems to me that without this duality it would be absolutely impossible to give effect to the message of the 20th August, 1917, and what is more, if at this moment you withdraw the dual system it would be interpreted as the Bengal Government says, and if you will permit me I will read the note. It says it will be interpreted as a breach of faith by the people of India.

1318. Do you know why such a simple thing as placing part of the busines with which Indian gentlemen are most capable of dealing in their hands is called by the dreadful name of diarchy? Have you ever discovered the reason?——

Chairman.] We have Mr. Banerjea's quite clear evidence on this point. We have no doubt as to his opinion.

Sir *J. D. Rees.*] I will leave it. But I was leading up to this. You shall judge if it is material——

Chairman.] I only suggest we have not time to ask the same witness the same questions twice.

Sir *J. D. Rees.*

1319. That is so. I am sorry; I tried to avoid it. I will leave that then. (*To the Witness.*) Is it the case that the development of India in the last 10 years, and particularly in the last five, has occurred with such rapidity that the whole situation has altered?—I have no doubt in my own mind about it at all. In the words of the Prime Minister, we are passing through the track of centuries. The fact of the matter is, that India has felt fully and completely the impact of present-day forces.

1320. Would you retain the existing law—the previous sanction of the Government of India being necessary for any Bill affecting religious usages and the rights of the people?—What you would call religious? Do you mean Bills regulating charitable endowments? Would you require the sanction of the Government of India for that? In Bengal we have religious charitable endowments, and the proceeds of those endowments are now wasted, and we have been trying our best for the last 20 years to regulate them. They used to be regulated formerly by the Government, but under an Act of 1861—due to the pressure of Exeter Hall—the control was withdrawn.

1321. Do you think it is necessary? I fear I am getting into trouble on the length of your replies. Would you, or would you not, retain the existing law in that behalf?—I would not. I would give full liberty to the Provinces to determine this question, because they have the amplest materials before them.

1322. Are the difficulties of a joint purse in the Provinces between the two halves of the Government any greater or of a different character from those which used to occur in the Governor-General's Council when we were members in the allocation of funds between the Central Government and the Provincial Government?—My own idea is those difficulties were much more serious than the new arrangement.

1323. You do not think the wrangle would be a serious one?—No. When men sit together and in a friendly spirit to discuss public questions the spirit of wrangling disappears.

1324. Were not we expected to wrangle in that behalf when we represented Provinces on the Council? We were expected to wrangle?—There is this fact to be borne in mind, that if by wrangling anything happens to the detriment of the public interest there is the Parliamentary Commission and the Minister will always have that in his mind, that whatever he says will be raked up against him and the scheme later on.

1325. Would not it lead to serious delay to wait now for the provision of a direct electorate for the Council of State?—Yes, it would.

1326. Is not that greatly to be deprecated?—Very much so.

1327. Do you think the Government of India can get along without a professional lawyer among its members, in view of the fact that it has Law Officers?—I think there should be a professional lawyer, but he need not be a barrister.

1328. You think there ought to be?—Yes; but he need not be a barrister. He may have Indian qualifications.

1329. Something was said yesterday about the procedure of the House of Commons under which the House can reduce but cannot raise provisions in the Budget. There is no such procedure provided here, is there?—We are in a difficulty with regard to the provisions of this Bill. Paragraph 256 of the Report says that the resolutions passed by the Legislative Council will be binding upon the Government in regard to the Budget, save and except on reserved subjects which might be certified by the Governor. That is not provided for in the Bill at all. We have got some sort of a procedure of the House of Commons, but that seems to me to be a restricted procedure, though it may be a procedure of the House of Commons, so far as we can make out.

1330. Is the income voted by the Legislative Council?—It is not voted under the Bill, but at the present moment any member of the Legislative Council is at liberty to move any resolution on the Budget whether as regards income or as regards expenditure. For instance, I may say that a sum allotted to building under the reserved fund may be transferred to the popular department, but under clause 9 of the Bill you are not permitted to do it.

1331. Do you think the Ministers should be a separate and corporate entity like the Executive Council?—I do not follow the question.

1332. They are rather isolated under the scheme. Do you think they should have the same nexus between them as the Executive Councils have?—Undoubtedly, but there is a nexus because they deliberate in common, the Executive Council and the Ministers; they jointly deliberate and jointly consider matters. Therefore, there is that nexus.

Lord *Brodrick* (Viscount *Midleton*).

1333. What period do you consider is an ideal period for a review of these decisions by a statutory commission?—I may here point out we are strongly in favour of the five years' recommendation that was made in Montagu-Chelmsford scheme. If you refer to the Report you will find that five years after the first meeting of the Council the Government of India, at the instance of the Provincial Legislature or the Local Government shall inquire as to any addition to the transfer from reserved subjects to transferred subjects. That we do not find here, and I think five years should be the limit, for this reason: Some of our suggestions were made—I am talking as a member of the Franchise Committee—on the basis that there would be a periodical revision after five years, and then the Functions Committee make it quite clear that in regard to at least one important branch, namely, Land Revenue, which is now a reserved branch

Lord *Brodrick* (Viscount *Midleton*)—continued.

branch. Their view would have been different, if, instead of five years, the period of ten years had been fixed.

1334. You do not think a business which has already been more than two years under discussion will immediately be re-discussed with a view to the five years' term? If you fix so short a time as five years, will not the business which has been already two years under discussion be carried on with an eye to the review of it?—I do not think so. There will be a feeling of disappointment if the period is made longer. The five years was granted, and there was a prospect

Lord *Brodrick* (Viscount *Midleton*)—continued.

of a transfer of the reserved subjects to the transferred subjects in five years. That is the point. We expected that after five years, if we do our business properly, there would be a transfer, and if that is postponed to ten years there would be a sense of disappointment. We are most anxious that this should be inserted either in the rules or in the Bill itself, namely, five years after the first meeting of the Council. A prolonged period of no change would intensify the popular demand.

(*The Witness is directed to withdraw.*)

MRS. ANNIE BESANT, is called in; and Examined as follows:—

Chairman.

1335. I think you are President of the National Home Rule League?—Yes.

1336. You have been good enough to send us in a memorandum and also answers to our questions?—Yes. (*For Memorandum see Appendix B.*)

The following are the questions and answers:—

1. (*a*) Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and (*b*) if so, how do you define the expression "responsible government"? (*c*) And do you generally accept the proposition contained in the Preamble?—(*a*) Yes. (*b*) A "Responsible Government" is one which is responsible to—that is, holding office at the pleasure of—a wholly elected Legislative Chamber. (*c*) *Preamble.* I accept the progressive realisation of responsible government, *i.e.*, realisation by successive stages, not because I admit that India has no inherent right to Home Rule or is incapable of complete Home Administration, but because time is needed to prepare efficient Home Defence against invasion—a necessary concomitant of complete Home Rule—and also, as a question of expediency, it is wise to conciliate contrary opinion, to effect by compromise that which otherwise might arouse dangerous conflict of opinion and increase racial antagonism, a catastrophe to be avoided by all legitimate means. I would insert after the word "gradually" (line 3 of Bill) "by substantial stages to be completed within a statutory time limit." (Lines 5 to 10 of Bill.) Yes, provided that independence of the Government of India is accompanied, step by step, with the responsibility of the Provinical Government to the Legislature.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—Yes. I submit with this (p. 5, Memorandum), Sec. (Clause) 6 (1), reserving other points to the answer to Question 19.

3. (*a*) Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the executive? (*b*) Do you think they possess such power at present?—(*a*) Yes. But having accepted realisation by stages, and diarchy in this first stage, I must accept the fact that certain subjects are reserved, and are therefore outside legislative control. This concession makes it necessary to insist on joint discussion on all subjects between the Executive Councillors and the Ministers, that is by the whole Executive Government. I should be content to rely during this first stage on the increasing influence of Ministers backed by the Legislature, rising more and more into actual, though not nominal, control, thus preparing for the complete control in the Provinces, at the end of the first five years, indicated as possible in the Joint Report, para. 260. (*b*) No. They only possess the power of making what the Report calls "irresponsible criticism," and this has been the subject of repeated complaint by non-official members, as giving to Council debates a sense of futility and unreality.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Having accepted diarchy, I admit the

Chairman—continued.

necessity of the Provincial Executive Council remaining responsible to the Secretary of State and to Parliament for reserved subjects, and therefore of supplying an instrument whereby its decisions may be enforced.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—Having taken a large part during the year 1916 in the formulation of the scheme known as the Congress League Scheme, finally accepted by the Indian National Congress and the All-India Muslim League in their respective annual meetings in the December of that year, I naturally prefer it to the dual form of government embodied in the Bill; it was based on the precedents afforded by the Colonies in their attainment of self-government through the stage of an irremovable executive and a representative Legislature, and while none of these was nominally aimed at responsible government, they all rendered it inevitable by a process of natural and continuous growth. But since the above-named representative bodies have after long discussion accepted the principle of diarchy as embodied in the Joint Report, to embark on a new scheme would mean mischievous delay, and such delay would cause much resentment in India. In order to avoid this resentment, and the keen disappointment of the hopes raised by the Declaration and the Joint Report—on which the Government of India and the Local Governments were fully consulted before its issue—it is necessary that the Bill should embody all important proposals in the Report, and should also embody some further modifications, as given—in order to avoid repetition—in Answers to Questions 7-10.

6. If you have any other method to suggest, does it (1) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way? (Clause 2, 3, etc.) (ii) Does it afford means of judgment (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the legislature and those who represent it in the executive?—I do not propose any other method than that of the diarchy embodied in the Bill, and have therefore nothing to say on (i), or on (ii) (*a*). (ii) (*b*) I deal with under Question 17.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—Yes. First: it is eminently necessary that the Joint Report should not be whittled down in the Bill; second: certain modifications should be introduced. Under the first come: (1) The transference of additional subjects at the end of five years on the application of a Province. (Para. 260, p. 211.) (2) The voting of the Ministers' salaries should be transferred to the Council. (*Ibid.*) (3) Insertion in Clause 4 (1) that one Executive Councillor should be an Indian. (Para. 218.) (4) The restoration in Proviso, Clause 9, (*a*) (*b*) of the Budget proposals in para. 256, 257. (I withdraw on p. 5 of the Memorandum, Proviso (*c*) (*d*), inserted in error.) (5) Insertion in Clause 21 (1) of the provision to "increase

Chairman—continued.

"increase the Indian element" in para. 272, if No. 5 of the proposed modifications be rejected. (6) The insertion in Clause 1 (3) of the word "bare" before the word "majority" in line 3 (para. 253). Under the second should come as a paramount necessity: (1) A real control of the Budget by both Provincial and Central Councils by making the resolutions of the Legislature binding in the decrease of reserved subjects' allotments where they carry out a majority vote in the Executive Government, after discussion as a whole, except where the Governor or Governor-General certifies that the proposed vote is necessary for peace, order, or the defence of the country, for foreign affairs or for carrying out relations with Indian Princes. (2) The grant of financial autonomy. (3) The introduction of diarchy into the Central Government. (4) The removal of the sex disqualification. (5) The appointment of half the Governor-General's Executive Council from among Indians. (6) The non-establishment of a Council of State. Of less importance, but eminently desirable: (7) That the Joint Committee shall lay down fully and precisely the policy to be followed in the Rules (Clause (1)) and that they shall be subject to the positive procedure of the pool. (8) That Proviso Clause 1 (2) shall be omitted. (9) That Clause 46 (3) of the Principal Act referred to in Clause 2 (2) shall be cancelled, and the power vested in Parliament only. (10) That (Clause 3 (1)) a Minister's salary shall be same as that of an Executive Councillor in the same Province, so as to ensure equality of status. (11) That on Clause 5 (2) I beg to refer to pp. 4, 5 of Memorandum under same head.

8. In particular, do you think—(i) that Ministers should hold office "during pleasure"—*i.e.*, should be liable to removal if they are unable to support the action decided upon in their Department by the Governor, or if they fail to retain the confidence of the Legislature? (Clause 3 (1).) (ii) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3 (3).) (iii) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian? (Clause 4). (iv) That the Governor should have power to dissolve his Legislative Council? (Clause 7 (4)?—(i) Yes. (ii) Yes. But frequent disregard would give rise to a serious position and great discretion should be exercised. (iii) Yes. (iv) Yes, if in Clauses 7 (1) and 17 (2) the words be inserted "provided that the intervals between the sessions do not exceed four months."

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given great powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as—(i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I regard Clause 9, Proviso (*a*) and (*b*) as unnecessarily severe, and refer to 7 (1) and (2) under "Second." I object to Grand Committees—Clause 9 (3) (4) (5)—as an undue interference with legislation and reducing Council debate to the position it now occupies. Clause 9 (*b*) should omit the power to appoint persons to preside by rule, and the statute should give the power of election of President and Vice-President of Councils and Assembly to the body affected.

10. In particular—(i) do you think that the Legislature should have power, with whatever limitations, to vote supplies (Clause 9 (2))? (ii) do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i) Yes. (ii) No. A better method would be the passing of a regulation to last for a year; on its re-submission to the Council at the end of that period, 40 per cent. of the members present and voting should suffice to pass it.

Chairman—continued.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provisional Governments?—I agree to the control being less, but some control should be given.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Most certainly.

13. Do you accept the plan of a bi-cameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—No. A Second Chamber is not necessary in India, where conservative tendencies are already too strong, and where the new electorates are too small to include the democratic elements which favour over-hasty legislation. A quickening rather than a retarding impulse is needed. All interests are represented in the Assembly, and it is not necessary to duplicate those of landlords and capitalists in a Second Chamber. The Governor-General can already issue ordinances and regulations, and the Bill does not deprive him of those powers. I would limit his power of issuing Regulations, by making them valid for one year only, to be renewed if 40 per cent. of the members of the Assembly present and voting passed them (Memorandum p. 9, Secs. 14-15, para. 2.) If some further instrument is thought necessary I would prefer Grand Committees to the Council of State.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—No. While objecting to the Council of State as a whole, I think a decision reached by a joint sitting, if final, would lessen its objectionableness, but Clause 20 (4) should be limited to a temporary measure concerning order, tranquillity and emergency, and even this is unnecessary, as the Governor-General has the power of issuing regulations and ordinances.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—Half the Executive should be Indians, as universally demanded by Indian opinion, and if diarchy is not introduced these should be selected from among the elected members of the Assembly.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—As the process of devolution proceeds, it appears to me probable that new lines of demarcation will have to be made between the powers of the Secretary of State for India and those passing to a self-governing India, assimilating his powers to those held by the Secretary of State to the Colonies, and that would imply a change in Section 2. The changes made in Sections 33 and 45 appear to me to be adequate, but I am not sufficiently seised of the subjects with which these sections are concerned to express an opinion of any value.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—No. I do not consider it is consistent with the rights and the dignity of India that she should be subjected to periodical examinations as to her progress. Having started India on the road to Home Rule, it should be left to her representative Councils to regulate her advance to complete responsible government.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest

Chairman—continued.

should be provided for in the Bill?—The election of the Presidents and Vice-Presidents of Council and Assembly. Clause 9 (*b*).

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I accept the Report on Functions, subject to remarks in Memorandum p. 4, Clause 1 (*i*) (*a*). On the Report on the Franchise I beg to refer to Memorandum pp. 5, 6. Clause 6 (1) (3) (*b*). On the Report on Home Administration of Indian Affairs, I accept (p. 13, para. 35): (i) As a valuable check on the power of certification; (ii) as a clear step towards responsible government; (iii) as preferable to precise delimitation as suggested by Professor Keith, while I admit the value of his expert opinion; (v) a distinct improvement, preferred by Indian opinion; (vi) Indian opinion has long desired the abolition of the Council of State herein given; (xvi) will be approved highly by Indian opinion; (xix) the same remark applies. I suggest the following changes: (vii) The Council being abolished, it is useless to create a feeble double, to be vivified only on occasion; the Secretary of State can call in any special expert when he wants expert advice; (viii-xiv) these fall with (vii); the proposal of between £72,000 and £144,000 annually for unnecessary advisers condemns itself; (xv) seems unnecessary, being obvious; (xvii) of doubtful utility; (xviii) it would be preferable to assign an Under-Secretaryship of State to an Indian; (xx) I approve the establishment of a Select Committee. The remark (para. 33) that members are already over-burdened is a good argument for Home Rule, but to have a small number of members with a special duty to India is better than to have none.

1337. That is of great assistance to us, and I am much obliged to you. I will ask Lord Sinha to commence asking you questions?—May I ask one question before I begin? I do not know if it would facilitate and shorten the work if, as Mr. Banerjea stated the points which he held on behalf of the Moderate deputation, I should follow that by a preliminary statement, saying how far the deputation I represent agrees with those points. I think it might possibly shorten the discussion.

1338. Please do so?—I prepared it last night. Speaking generally for my deputation, we agree with Mr. Surendranath Banerjea that the Bill must not be whittled down from its present provisions, and we add that the whittling down that it has already undergone as compared with the Montagu-Chelmsford Report, issued after the full discussion to which the draft Report was submitted at the hands of the Supreme and Local Governments, should be remedied. The most important of these will be found on page 3 of my answers, Question 7, and I lay special stress on the necessity of restoring 1, 2, and 4. The first of these points is that laid stress on by Mr. Banerjea, of the five years' revision instead of ten; the second, the vote of the Ministers' salaries being transferred at that period; and the third the point about the Budget, on which I shall probably be asked questions later. Transference on application from a Legislature is the right method of the progressive realisation of responsible Government, and it should be substituted for periodical examination by Statutory Commissions. (Note Clause 1 (a). p. 4, line 7, of Memorandum.) Complete Provincial autonomy would be enjoyed by the third Legislative Council if the periods were reduced to three years instead of five—that is, for the lifetime of a Council.

We also agree with Mr. Banerjea in accepting the principle of diarchy as inevitable in a transitional stage from irresponsible to responsible Government. It was found in a slightly different and more disguised form in the transition from irresponsible to responsible Government in the Colonies, when the Governor's Executive Council, appointed by him under his Letters Patent, was increased by Ministers chosen and dismissable by him, the mixed Council being irremovable by a vote, though confronted with a representative Legislature. I cannot conceive of any other way of transfer by stages, though it is more camouflaged in the Congress-League scheme based on Colonial precedents. The inconveniences inseparable from diarchy

Chairman—continued.

gradually force complete responsibility, which comes naturally by the increasing power of Ministers backed by a strong Legislature, and will come in India without serious shock if the drag of periodical examinations be omitted.

We agree with Mr. Banerjea in the necessity of giving control of the Budget, and therefore in the restoration of the Montagu-Chelmsford proposals, paragraphs 256 and 257. We urge that it is absolutely necessary to make the resolutions of the Legislature binding in the decrease of reserved subjects' allotments where they carry out a majority vote in the Executive Government after discussion as a whole, except where the Governor or Governor-General certifies that the proposed vote is necessary for peace, order, or defence of the country, foreign affairs, or carrying out relations with Indian Princes. It is vital that Ministers alone should approve, and possibly propose, all taxation, but after full discussion in the whole Executive Government the Budget should be presented as a whole to the Legislature, whose resolutions, as said, should be binding. (See p. 6, Memo., Clause 9 (2).) I was glad to hear Sir James Meston agree with Mr. Montagu that the procedure suggested might be applied to the Budget of the Central Government. (See Evidence, Q. 440-445.) That would carry us in the direction of fiscal autonomy, which is claimed by Indian opinion almost most insistently than anything else.

We also agree with Mr. Banerjea in urging that Diarchy shall be introduced into the Central Government. Without this the Bill is like a cart on one wheel, and responsibility in the Provinces over-ruled by autocracy in the Centre will prove unworkable, and will render provincial responsibility a shadow. Absence of all responsibility in the Centre will reduce the Indian Assembly to the futile condition of Provincial Legislatures now, and will overshadow the Provinces with the menace of interference. India is not likely to submit to an autocracy for another ten years, much less for an indefinite time, when all the rest of the world is free from that anachronism, and continual agitation will be the result of the preservation of the machinery of autocracy.

We also agree in the appointment of half the Governor-General's Executive Council of Indians, and in dislike of the Council of State, though my colleagues and myself object to it wholly, and prefer to it a Grand Committee, or an Ordinance to last for a year, to be then re-submitted to the Assembly and passed by 40 per cent. of the members present and voting, or rejected.

We endorse the Moderate contention stated in Memo., pp. 5 and 6, Clause 5 (2). "The Governor should have no greater power over Ministers than over Executive Councillors, and whatever power the Governor in Council has to interfere with decisions of Governor and Ministers on the ground of their possible effect on reserved subjects, the same power should be given to Governor and Ministers in regard to decisions of the Governor in Council affecting transferred subjects, making them completely equal." Also, in order to carry out the Secretary of State's statement to the House of Commons on June 5, that "The Provincial Government has got to defer to its Legislature by statute, that is to say, in transferred subjects you have a Government which is responsible to the Legislature," it is necessary that the Joint Committee should adopt the principle of the proposal of the Congresses and Muslim League, that "the relation of the Governor to the Ministers in regard to the transferred subjects shall be the same as that obtaining in the self-governing Dominions," with the difference that the Governor in the present scheme is both representative of the King and of the Prime Minister. If, as Mr. Montagu also said, "So far as transferred subjects are concerned, we shall have parted with our trusteeship and surrendered it to the representatives of the people of India," the rules made under 5 (2) must carry out the above policy. It is also rendered necessary by Mr. Montagu's criticism of the alternative scheme of the Local Governments that "there is no certainty of control by the Legislature (in that scheme) because on all subjects, if the Governor certifies it is in the interests of his Province, he can over-ride it." We are therefore asking that the Joint Committee will specially lay stress on that point.

We

Chairman—continued.

We agree with equality of salary and status between Councillors and Ministers. We believe that the members of all the progressive deputations in England agree with Mr. Banerjea on these vital points, and most of us differ only on lesser. But my colleagues and I differ with him on the desirability of claiming woman suffrage as part of the present Bill. We urge that the objections to it are weak and artificial, and that it introduces a sex disability into Indian life that is alien to its whole spirit, for in the elected Councils which have marked Indian civilisation from the dawn of history women were not barred, and the idea of sex as a barrier only came with Western systems, and even these did not succeed in barring University degrees to women. Woman suffrage has been carried in the two Congresses before which it has been brought, and in all the district and other conferences where it has been proposed. Why should a fresh cause of agitation be set on foot by the Bill? With regard to that agitation, I would refer the Joint Committee to page 5, in which it is pointed out that women's agitations in India are markedly formidable. They have already agitated with regard to South African troubles, and succeeded. They have agitated also against the Fiji indenture system, and formed a deputation to the Viceroy, which obtained from him a promise that the indenture should be cancelled. And in other cases which they have taken up they have never yet failed in obtaining that which they desired, even where men had failed, partly because Indian men would not tolerate police interference where women are concerned. Therefore, they have been able to carry out an agitation on lines where men have been stopped by the police, and it seems to me very undesirable that an agitation of that kind should be liable to be started by the very powerful section of educated women who are pressing for woman suffrage.

It is true, as stated by Mr. Banerjea, that there might be some objection from orthodoxy or conservatism. I should say from modern orthodoxy and modern conservatism. They object to the revival of the old Hindoo custom of recognising woman's place in public life. Any objectors can easily stay away from the polls. There is no reason why they should be helped to keep away other women whose men wish for their help.

We do not approve of communal representation, as it intensifies separation by importing religious questions into politics, where few, if any, political interests divide the persons. We except from this the Mohamedans in consequence of the Lucknow Compact, as it has been called, and the belief that their desire for it is gradually diminishing under the increasing tendency to unite the two great communities. The objections to the others I will leave. They will probably come up in questions, so that I need not put them here. But one that we particularly object to is the European electorate, because it is already largely over-represented in proportion to its numbers. It is represented in Chambers of Commerce, in Planters' Associations, and in other specifically European represented in the special electorates already given, and so on, and we think, therefore, that being over-represented in the special electorates already given, there ought not to be another special electorate confined to Europeans alone.

We venture respectfully to urge on the Joint Committee that it will carry out Mr. Montagu's promise in his speech on the second reading that the policy embodied in the rules will be fully laid down by the Joint Committee. The letter of the Government of India, March 5, 1919, and the despatches of the Local Governments show how unfriendly they are to the new policy, and rules made by them will, as in the case of the Morley-Minto reforms, emasculate the reforms embodied in the Bill; the warm welcome given to the Morley-Minto proposals in the Congress of 1908, and the bitter disappointment expressed in the Congress of 1909, mark the injury that may be done by rules made by reactionary Governments of reforms conceded by Parliament in a liberal spirit.

We think the Report of the Functions Committee satisfactory on the whole, but would transfer land revenue, irrigation and famine relief, the first two as sources of revenue for the spending Departments transferred, because the greatest spending Departments are

Chairman—continued.

to be transferred to Ministers. The only solid source of revenue transferred appears to be Excise, but the expansion of that means outraging the religious feelings of Hindoos and Musalmans and the few Buddhists in India, as well as implying the moral degradation of the people. We regard the Franchise Report as unsatisfactory, the property qualification being too high, and no literacy qualification being added. About 3,000,000 of literates are excluded. The Crewe Committee Report we accept as far as regards provisions 1 to 6, 16, 19 and 20. We suggest the changes stated in 7 to 14 and 18, and we would omit 15 and 17 as unnecessary. The changes stated turn on the substitution of the Advisory Committee for the Secretary of State's Council. We conceive that the Secretary of State will be able to call in any expert evidence or counsel that he wants when the occasion arises, and that the heavy increase of expenditure, 144,000 rupees, or half that amount, is quite unnecessary when the whole expert evidence is available for the Secretary of State whenever he needs it. We are therefore in favour of the entire abolition of the Secretary of State's Council, as has been asked for by the Congress for a very long period of time.

Lord *Sinha.*

1339. There are one or two points with reference to which I want to ask you one or two questions. Have you answered Question 18, which asks: "Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?" Is that question answered in your answers—because I am afraid it was not answered in Mr. Banerjea's?—There is one we think should be statutory, and not left to the rules. It is the chief one on which unity of opinion exists amongst the deputations. I have not gone there, deliberately, into details.

1340. Is that the only one?—It is the only one which unanimity exists on.

1341. Have you considered as to whether, under Clause 3 of the Bill, when there is more than one Minister, the Ministers are a corporate body in the same way as the Executive Council, or they are not? Have you considered that question?—I have not considered it in that form. I have rather considered it with the desire that the Executive Government should form a whole, as far as possible, that is that the Executive Council and the Ministers, with the Governor presiding over both, should decide all possible subjects together, so that the whole effect of the transfer might be made more effective by preparing the Ministers later for further transferred subjects. I have not thought of them so much as a separate entity. I think they would tend to become so, and that would be rather a subject of friction. There would be the tendency towards Governor plus Ministers as one entity, and Governor plus Councillors as the other.

1342. When there are more Ministers than one, is there any provision in the Bill which provides for their acting together in relation to all the Departments which are transferred?—No; I have not observed that in the Bill.

1343. Do you think that desirable?—As they increase in number they would have a majority vote, if all vote together, and therefore I do not think there is so very much necessity for it.

1344. You say if they all voted together. Do you mean the Executive Council, as well as the Ministers?—I am hoping that that will be the result, ultimately. I think it will inevitably come to that by the friction which will otherwise occur with the Legislature.

1345. I want, if possible, to keep your mind away from the Executive Council for the moment. I follow what you have said with regard to the desirability of the Executive Council and Ministers consulting together?—Your Lordship realises that I am trying to get a steady increase of power with the Legislature and Ministers.

1346. I am trying to keep the Ministerial portion of the governing body separate. Do you think it desirable that, when there is more than one Minister, the Ministers—two or three, as the case may be, or more—should form one whole, like the Executive Council does?—I am inclined to say—though I have not considered it carefully, and I should therefore like to make

Lord *Sinha*—continued.

my answer rather limited in that sense—I consider that it would be desirable gradually that they should become a corporate body, because I believe that under those circumstances the Executive Council would disappear, as it has practically disappeared in the Colonies, and, as the Privy Council here does not influence decisions, we should have a Cabinet in the ordinary way, without any sort of friction or difficulty.

Mr. *Montagu.*

1347. You appreciate the fact that the adoption of House of Commons procedure for the budget does not necessarily involve any lessening of the power of the Legislature? It is a different way of proceeding?—It is rather different; but it seems to me the power then would almost be equivalent to that of the House of Commons, if the full scheme were carried out as adumbrated in the Report.

1348. Just explain to me the difference, if you will. Under the Bill the Legislature may not move to increase expenditure but only to reduce it?—Quite.

1349. That is in conformity with the House of Commons procedure?—Yes.

1350. If it reduces expenditure that a Minister wishes, he can refuse it because it is not large enough, and it therefore comes up as a vote of censure on the Minister?—Yes.

1351. Therefore the effect is the same as if he moved to increase it?—So far, but the Governor has the power to restore in the Bill.

1352. Not in a transferred subject?—Not in a transferred subject, no, but in a reserved. It is partly inevitable from the transitional state.

1353. There is only one other question. The provision for alteration in five years of the transferred subjects by the Government of India on appeal was only part of a proposal which has been abandoned. You will remember that in the scheme as originally published the Ministers' salaries were not voted by the Council at the outset, and it was suggested that at the end of five years the Government of India might cause their salaries to be voted, and, at the same time, increase the number of transferred subjects?—Yes.

1354. You have asked that the power of the Government of India to increase the number of transferred subjects shall be retained. Would you like the whole proposal kept?—Does the whole proposal include the statutory commissions or not? I want them to go from the Report.

1355. I am sorry I have not made my point clear, and it is rather important to me. The original proposal was that Ministers' salaries should be a reserved subject for the first six years?—Yes.

1356. And that the number of transferred subjects could be increased at the end of five years?—On application to the Government of India.

1357. On application to the Government of India. You ask that the second of those two points should be kept in the Bill. Now, supposing you were told—I am only putting this as a hypothesis?——?—I am asking for both.

1358. You want the salaries to be reserved for five years?—I do not want it, but I am content to accept it. I have suggested that it should be three years, but in the answer on that, which is Answer 7, I think, you will see that I propose that both of these points suggested by yourself should be embodied in the Bill. We suggest the transference of additional subjects at the end of five years on the application of a Province (paragraph 260), and that the voting of Ministers' salaries should be transferred to the Council.

1359. At the end of five years?—Yes. I have suggested three years, that is the lifetime of a Legislative Council, so as to gain complete autonomy at the end of the second. One reason for my suggestion is that as was pointed out in your own speech, a very liberal Governor, such, for instance, as we have now in Bombay and Madras, might treat reserved subjects as though they were transferred, and so practically bring provincial autonomy much nearer, and that difference between Provinces seemed to me to add greatly to elasticity, so that those who felt capable might ask for more and those who felt less capable might ask for less. That was really what was underlying my suggestion that it should be left to the Provinces to apply.

Lord *Brodrick* (Viscount *Midleton*).

1360. You have taken a good deal of part in organising the movement for Home Rule?—A great deal.

1361. Do not you think it important that when once these powers, whatever they are, are given, all those who have been occupied in moving for such powers should set to work to exercise them?—I do think so, decidedly. That is why I wish to get enough given to prevent any very violent agitation outside.

1362. Do not you think there is a danger, once Parliament has settled the whole of this question, that if there is to be so early a reconsideration as five years, a great deal of time will be wasted and power will be wasted in agitating for fresh concessions at the end of five years rather than in working on the very large powers proposed to be given?—I do not think so, because if the modifications we propose are granted they will give a very widespread sense of satisfaction. I am afraid if the matter is left for ten years, and this Bill as it stands is final for that time, the agitation is likely to be extremely strong and very united. I think all parties will practically unite in leading a strong agitation, especially for some power in the Central Government. That and fiscal autonomy are the two things which will, I think, lead to very strong agitation unless they are put into the Bill. If they are, then I think the agitation will diminish very much in strength, and, in fact, the more the Joint Committee finds itself able to give the less will the agitation be in India, and the more work will go into utilising the powers given. That is frankly what I myself feel, and, of course, I have taken a very strong part in agitating for much more than these. We still hold to our desire for Home Rule to be reached as rapidly as is possible by stages; we could not give that up, and we should always hold that up as the ideal.

1363. Can you give us any precedent in any other Constitution for reconsidering the whole position in five or even ten years?—No definite Constitution has been granted at all comparable to the nature of the Bill which is now before Parliament. I suggested in the summary which I read that if these limitations were removed and the Statutory Commission disappeared, then there would be a steady approach to responsible Government as in the Colonies until it was gained, because there also it was not given in the form of the first State Legislatures. It came by the steady demand for more and more responsibility of Ministers to the Legislature. I believe that that, under present conditions in India, would be equally efficacious, and that you would not be called upon for any Constitution until some Federal question arises (and I am not dealing, of course, with that now), as in Australia, where there were separate States, and a Commonwealth Act was passed later on; but if it is to be marked out in unsatisfactory stages and revisions by an outside authority, I am afraid that will be felt as a very great interference with the power of Indians to formulate for themselves a system more suitable than an exact replica of the Western system is likely to be. If you allowed responsibility to come gradually, then I think we might gain that, and looking at the Colonial experience, the comparatively small powers given at first to the Colonial Legislature with the representative Assembly when that was first granted, looking at the way in which the Government was left a great deal of discretion, but was gradually limited by the strength and composition of the new Legislature, I think that Indians now are sufficiently strongly backboned and definite in their political aspirations to be able to trust to that pressure, and therefore I am willing to accept more discretion than I otherwise should be, taking the Colonies as examples and thinking that the Indian population has risen to that political consciousness which was only found before among the descendants of British people.

Marquess of *Crewe.*

1364. You said something and you put something in your paper regarding the Committee on home administration which is sometimes, for the sake of brevity, called after my name?—Yes.

1365. I am glad to see that you approve of a good many of our recommendations?—Most of them.

1366. Such as those, for instance, which provide that where there is an agreement between the Legislature and the Government, as a rule there should

not

Marquess of *Crewe*—continued.

not be interference from this country. You also approve of the division of the functions of the India Office, that is to say, those which can be regarded as official on the one hand and those which represent agency on the other. You also, I see, approve the abolition of the Secretary of State's Council, but you and your friends do not approve of the creation of an advisory Council to take its place?—That is so.

1367. I suppose you know the general grounds on which it has been held that it is desirable that the Secretary of State should have some backing of experienced expert opinion?—I know those, but I do not think them satisfactory.

1368. You think the Secretary of State might quite properly be placed in the same position as the Secretary of State for the Colonies?—Yes.

1369. In spite of the fact that the Government of India is a more formidable entity, so to speak, than any one of the Colonial Governments with which the Secretary of State for the Colonies has to deal?—That is so; but, on the other hand, I think both from the experience of Lord Morley and, if I may say so, of Mr. Montagu, the authority in the Secretary of State is undoubted, and as he is responsible directly to Parliament it seems to me that that is more satisfactory than an advisory Council.

1370. You think that coming, as he generally does, to the India Office without very intimate knowledge of the country, he would be able to obtain all the necessary backing from the permanent officials of the Departments in the same way that the Secretary of State for the Colonies does?—My hope is always that more and more the Secretary of State will be appointed because he has a knowledge of Indian conditions, and not to suit the party system in Great Britain, just as we all rejoiced when Mr. Montagu came over to India to see something of it, because it was clear from one of the conversations I had with Lord Morley that, as he frankly said, he did not understand the subject, and therefore he sought information from everybody who came over. That kind of casual picking up of information seems to me to be rather unsatisfactory, and if he cannot decide between them the guidance is apt to be rather illusory. I should far prefer in the case of an unfortunate Secretary of State who did not know the Department he was to administer, to ask him to refer to experts on each side where he might get sound help.

1371. You do not think that, supposing the Secretary of State came with a considerable knowledge, he might be regarded as a mere bureaucrat on arrival?—No, because he is responsible to Parliament. That is the great difference between the bureaucrat and the constitutional ruler.

1372. I see you differ from us in approving the establishment of a Select Committee in the House of Commons?—Yes.

1373. You agree that Members of Parliament are already overburdened, but you do not mention, I see, the argument which, I think, mainly weighed with most of us in objecting to the appointment of a Committee, namely, that it might imply a tendency for excessive interference by the House of Commons in Indian affairs?—We do not shrink from the interference of the House of Commons in Indian affairs. We think it is rather desirable, because, on the whole, it would be more liberal than the Governments at present which we have in India. I have noticed, as your Lordship may have seen in one of my answers, that members are already over-burdened. It is a very good argument for home rule. That I fully admit, but a small number of members with a special duty to India is better than none. That is my feeling in the matter.

1374. What occurred to some of us is that the conception of such a Committee involves something of a contradiction—that as you advanced in the direction of a Dominion Government you would naturally get further and further away from the House of Commons. There is no question of having a Committee in the House of Commons to consider Australian, or even South African affairs?—That is so.

1375. The argument which appealed to us was that 30 or 40 years ago such a Committee might have done admirable work, but now, as you advance towards responsible government, you ought to get, in our opinion, further and further away from the direct interference of the House of Commons?—We should be content to get further and further away from it as we advance, so that when we are in the position of Australia or South Africa we should not need then a Select Committee. But until we are in that position we do not think that it would be a great help, and, in fact, we felt a great loss in India since the Indian party in the House, which was formed by Mr. Charles Bradlaugh, has practically disappeared. There is no one to whom we can turn for help in the House of Commons, and we thought that this body would give us what we were trying very inefficiently to form for ourselves. And so we were glad to see it.

1376. It happens there are comparatively few members of the House of Commons now—there is one on my right now, who is an exception; but there are comparatively few who have a first-hand knowledge of India?—That is, unfortunately, true.

1377. Speaking about Dominion Government, you explained, in reply to Mr. Montagu, what your ideas of an advance in that direction are. I gather from what Mr. Banerjea said that his hope is that in five years from now practically all the reserved subjects might become transferred subjects?—I think that is a very general hope—complete Provincial autonomy practically.

1378. That would mean complete Provincial autonomy; but supposing that were brought about, what parallel change regarding the Government of India would have to accompany that in order to make it effective?—That is a question I could not answer fully without thinking very carefully over it. We are quite prepared to admit that responsibility in the Government of India must advance more slowly than in the Provinces. There is no doubt that the feeling in India for complete Provincial autonomy is overwhelmingly strong, and we shall have, some of us, a difficulty in persuading the majority to accept the Bill where it is limited. I am putting it frankly, because that is the point upon which there is a difference of opinion, and in which both the Moderates and the party that I myself represent are a little athwart of the general demand for a rush for general provincial autonomy. The Congress and the Moslem League represent the bulk of Indian opinion; I admit that they do; only I think it is a mistake to press it at the moment. We can get a great deal, and probably if we got that we should not get power in the Central Government. That is what I am afraid of, speaking quite frankly.

1379. it is the case that, taken literally, the complete transfer of reserved subjects to the transferred list in the Provinces would mean something very near Dominion Home Rule?—Very near. It would be Home Rule controlled by the Central Government with, I hope, much diminished powers. We are content to leave, at present, the Army and Navy and Foreign Relations and Relations with Indian Princes in the hands of the Central Government, probably until we have complete Home Rule. In my own mind, that means till we have home defence. I have always ventured to put it that we must have a territorial Army and an efficient Navy for defending the Indian Dominions before we have the right to ask for complete Home Rule. But I think all other subjects but those I have mentioned might be transferred within a period of—I am afraid you will think it rather brief—some 10 or 12 years, and the whole of it probably in from 15 to 20; but the Budget control, which would give us power to control tariff, customs and excise—that we believe to be vital. We agree to have excise out of it now, because that is given to the Provinces.

1380. And those you would ask for immediately?—Yes. We should claim customs and tariffs.

1381. I suppose that law and order in the ordinary sense, apart from national defence, you would regard as a Provincial subject?—At the end of six years, but not in the Government of India. That we would leave with other large subjects until home defence was complete.

1382. As you have studied these subjects so closely, when Home Rule comes, or something very closely approaching Home Rule, what is your conception of the future of the English or British race in India? When they cease to carry on the government of the country

Marquess of *Crewe*—continued.

country do you contemplate the maintenace, or, perhaps, in some ways the fresh creation of a British Colony, who would assist in carrying on the government and conducting industrial affairs, or do you think the tendency would be for the British connection to die away altogether?—No, I do not think the tendency would be in that direction. I believe that by giving the Indians more and more power in their own country the tendency to keep in connection with Great Britain, to be a member of the British Commonwealth, would be enormously increased; in fact, it is very largely for that reason that I have pressed so strongly in India the rights, as we hold them to be, of Indians to govern their own country. I believe that as regards the position of the English there they would naturally fall into pleasant relations with the Indians when their predominance is removed. I believe that they would be quite likely to be elected to the Indian Assembly and to the Provincial Councils, but I conceive that to get rid of racial feeling and racial antagonism the right of Indians to govern their own country must be conceded as a principle, and the realisation of it as rapidly as is possible by friendly co-operation should also be admitted. I believe that that would mean as close a tie between India and Great Britain as the Colonies have, and the war has proved how close that tie is. My ideal is a great commonwealth in which India is a free nation among other free nations, and I venture to think that the inclusion of India in the League of Nations as an original member is a step in that direction, a recognition that you cannot keep her as a subject nation when she is a member of the League of Nations. It has added to the strength of our contentions.

1383. Do you think that there would be any tendency to some reversion to what obtained to a considerable extent 100 years ago or so, that of the practical establishment in India of some British families living there from generation to generation?—I should think very likely indeed, and very good for both. I believe that both countries are necessary to each other. India is as necessary to Great Britain as Great Britain is to India.

Sir *J. D. Rees.*

1384. You have lived in Madras, and are familiar with it?—Yes, since 1907.

1385. You know the Madras Presidency very well?—Yes. I have been in India 26 years altogether.

1386. Did you, during your residence in the Madras Presidency, become cognisant of an antagonism, a sort of caste war between the upper and the lower classes?—No, not until the last couple of years.

1387. Do you think it had its origin in politics, and dates from that time, or does it really exist as represented?—No, I do not think it really has a political root. It seems to be an artificial agitation which was very largely fomented by the European element in Madras and favoured negatively—I will not say more than that, because I cannot be quite sure—by the Government of Madras. I ought to state my reason for saying that. Dr. Nair has carried on a very active propaganda—not non-Brahmin, but anti-Brahmin—and has attacked in his papers the class of His Majesty's subjects called Brahmins and exposed them to hatred and contempt with a violence and a virulence of hatred which compared with the Home Rule agitation against the bureaucracy is as whisky is to water. I mean the violence of it has brought it every week within the Press Act, and while I do not complain that the Press Act was not used—because I detest it as an improper instrument of government—the Government showed the greatest partiality in putting all Home Rule papers under security and to leave *Justice* free, especially as it actually stirred up physical riots against the Brahmanas in Madras and Trichinopoli, and in some other Southern places, and they were actually assaulted and ill-used in consequence of this propaganda. That is why I say there was negative support.

1388. Are you acquainted with the Malabar Coast of Madras?—Fairly well.

1389. Do you think that this dispute was fanned by the long antagonism—if it exists—between the Nairs and the Brahmins upon that coast?—Distinctly so.

Sir *J. D. Rees*—continued.

1390. Was Sir Sankaran Nair the author of the Malabar Marriage Act?—Yes.

1391. Was the object of that to curtail the extra or marital privileges of the Brahmins?—It was—very properly.

1392. Were those privileges exercised at the expense of the Nair caste?—It very largely descended from alliances between Nair ladies and Brahmanas.

1393. There is no love lost, is there?—There is hatred, and a very natural feeling of resentment.

1394. It is not a subject to pursue the details of. Unless you wish to say anything more about it, we will leave it?—I would rather not. I would only say, in connection with the anti-Brahmana agitation, that it ought to be remembered that the Nair caste in Malabar is far more oppressive than the very much smaller and less influential Brahmana caste, and that the grievance of the lower caste Brahmanas is more against Nairs than against the non-Brahmanas, which makes it very unfair.

1395. The Nairs are the aristocracy of the Malabar Coast?—Yes.

1396. How do you account for their being classed as depressed classes—is that an effort to play upon ignorance?—When living in the United Provinces—as I did for many years—a Nair boy came to the college and was refused admission to the Pathshala, governed by the Pundits, on the ground that he was illegitimate. That drew my attention to it, and I thought that the Nairs were very badly used, and—being ignorant of the south-country feeling, and the position which they held—I, unfortunately, justified Sir Sankaran Nair's opposition to a Hindoo University, on the ground that it grew out of the feeling that they were unfairly used and belonged to a depressed class. That raised a storm of anger among them; but I understand that now it is put forward as a kind of argument. They certainly are not depressed. They are a ruling caste in Malabar.

1397. Would you wish to make any communication regarding the attitude of the upper and lower classes in Madras towards democratic reform, as distinguished from the attitude of the Madras Government, which we will leave out of account. It does not come into my question?—The difference between the attitude of the non-Brahmana high castes and the Brahmana castes towards the lower element or of the whole of the Brahmans only?

1398. Can you speak to the attitude of either the upper or lower castes, or the people of Madras generally, towards these democratic reforms?—I should say that the attitude of the non-Brahmana higher castes, very largely Nair, but also others, wealthy merchants, and so on——

1399. I leave the West Coast, and ask you generally?—Yes; I put it generally, because it is true all through that they are more rigid as regards the untouchable classes, the submerged classes, than are the Brahmanas. In different parts of the Presidency the uplift movements and the reform movements bringing the submerged people into a better condition of life, and giving them education—those have been led by the Brahmanas, and they have been rather opposed by some of the high caste non-Brahmanas.

1400. You use the word Brahmana as equivalent to Brahmin?—Yes, I will say Brahmins. It is largely because of that that we are entirely objecting to communal representation, as I said we did. It is not the only reason, but it is one reason, because we do not think the submerged classes would gain under communal representation of the Nair type. I am obliged to make the distinction, because the non-Brahmins are not agreed as to who are included in non-Brahmins. There are two great parties, one only includes the Hindoo castes, the three lower castes; the other includes all who literally are not Brahmins, that is, they include Christians and Parsees, and those who belong to no caste, and that is the Presidency Association. They are in favour of including the whole of those as non-Brahmins. Dr. Nair, I understand, limited his non-Brahmins to caste Hindoos, excluding Brahmins only, and that, of course, makes a very great difference because if you take in the whole of the castes or sub-castes you have no possibility of any scheme which could bring about communal representation

Sir *J. D. Rees*—continued.

tion, and that is why no such scheme has ever been brought forward by them. They cannot do it, because there is no such thing as a non-Brahmin community. It does not exist. No scheme has ever been put forward, because it cannot be done.

Mr. *Spoor.*

1401. During the many years you have spent in India I take it you have had an opportunity of coming into close touch with practically all sections of Indian opinion?—Very close, because I have lived as an Indian there, not as a European.

1402. That being so, I should like to ask whether you agree with the statement which has already been given in evidence here, in Sir James Meston's opinion, at all events, regarding the enormous change of feeling in the country, especially during recent years?—I thoroughly endorse it. I have been there 26 years, and the country is not recognisable, as Sir James Meston said. He put it at 30 years.

1403. I understand development has been even more accelerated during the last five years?—Much more, largely by the war.

1404. You have stated this morning that you fear that if the Bill is finally carried through as at present suggested, and the Central Government retains autocratic power, there will be serious cause of friction. You also said that the exclusion of women might cause friction. Now the wish has been expressed that one effect of these reforms would be to turn the attention of Indians away from agitation into the work done in the Council. Do you think that the Bill will really do that to any great extent having regard to these two important matters?—If those are introduced, I think the agitation will very largely change its character. I do not think it will cease until we have Home Rule any more than here, where Reform Bills did not stop agitation, but it would no longer be bitter. There would no longer be hatred in it due to race superiority, as there is now, I am sorry to say. I think gradually it would take the form of a kind of steady, quiet agitation, chiefly in the Press and on the platform, rather than by public meetings, if we could reach the reforms which are being suggested by us unanimously. I do not think it will disappear. It would not be true to say that, but I think it will be of a kind that no one could possibly object to—educative chiefly.

1405. Do you think that the franchise in the rural and urban areas suggested in the Southborough Report will really include any number of artisans and peasants?—No. I am not able to say that I do, for a very simple reason. I take the urban qualifications separately from the rural because they are so different. In the Franchise Report, on page 21—I am taking Madras because I know the details there so much better; but the same to some extent applies to others—we have there, on pages 20 and 21, the qualifications given of electors. The only one that can possibly apply to any of the mill-workers in Madras would be the first, marked (1a). Clearly there would not be a professional or property tax. There could not be an income tax. They are not retired pensioned officers and so on. The whole of the rest are shut out. So we come down to (1a) as a possible qualification for the highest class of weaver. The weavers are paid more highly than any others—their highest wage is 15 rupees a month, that is £1 a month; and clearly no man living on that income can own or occupy a house of the rental of not less than 120 rupees, and that is 10 rupees a month, so that they are entirely shut out of that.

1406. Would you be in favour of an arrangement under the franchise clauses of the Bill by which the earning capacity of a man, something approaching an average which is earned by the industrial worker, should be made the basis for the franchise? I mentioned yesterday the figure of 150 rupees a year?—That would be even less than the highest wage—15 rupees. I think it would be enough to begin with to take that highest wage and let the others come in gradually, because of the difficulty of registering the number of voters.

1407. You would be in favour of adopting the earning capacity as a basis?—Yes, in towns; but in the country, of course, where we have 20 rupees given as

Mr. *Spoor*—continued.

the land tax, that is so high that it would practically exclude the peasant proprietor. There are peasant proprietors in Madras to the extent of 4,222,000 by the last census.

1408. For all practical purposes, if this Bill goes through, if the suggestions of the Southborough Report are adopted, that means that the industrial classes are going without representation?—Practically. A few would be brought in if the literacy qualification were added.

1409. How many would be brought in then?—There I cannot say, because there is no way in which people are distinguished as literates and illiterates, and also according to their earnings or holdings or taxation. The peasant proprietor's holding is taken from the land revenue administration, but we do not get help in the census, and we are in the difficulty that with regard to women there is no distinction made between tax-payers, whether men or women, which limits us, in the estimate of the addition which may come in, to the municipal franchise as regards women, which is very imperfect. I do not know if I should mention this, because it shows the great difficulty of the question. Taking the population of these people who pay less than 10 rupees, while here 20 is the limit, even if you halve that you would then bring in out of this total population of 4 millions a population of 2¼ millions, which is an enormous increase. It is only fair to put that when the question is being put with regard to qualification. It is so great, and the people are so miserably poor, that it is difficult to lower the qualification without getting an enormous increase. The proposal of halving the qualification meant practically adding something like 2½ millions to the register of Madras alone, so that the magnitude of this question has to be considered, and it cannot quite be compared with England.

1410. There was a point raised by Sir John Rees this morning. Are there any labour organisations which in any degree at all correspond with those which exist in the West?—Yes, but only to a very small extent. There is a very large number of old guild organisations, more like those of the Middle Ages, those which spread over the whole of India, and confined to special trades, and those are the available organisations. The Goldsmiths' organisation or guild claimed to be represented in the deputations before Mr. Montagu, and there are such organisations which might be utilised; but during the last sixteen or seventeen months only, there has been a distinct Trade Union movement in Madras which has been brought into being by the exertions of one of my colleagues on the deputation who represents them really, Mr. Wadia. Five definite trade unions have been formed. They manage their own affairs. He is president of the earlier organisation, but they very quickly took it entirely into their own hands and managed it effectively. Those five are modelled on trade organisations, the ordinary unions which you have here, in a sense rather the kind of organisation which you have had to make among unskilled workers first, giving a little outside help until they get over the first difficulties; but that is gradually being eliminated. Though they are skilled men really they are in the position that your unskilled labourers are as far as political affairs go.

1411. Do you think it probable that the trade union movement will be built up there, because you will agree, I imagine, that the economic problems and conditions in India are fundamentally the same as they are in other countries, and therefore you think there is some chance, making allowances for different national characteristics, and so on, of a movement corresponding with the European labour movement?—I am sure it will spread very rapidly. There is a great difficulty now because of the opposition to it, not only from mine-owners, but from the Governments as well. They object to any organisation of this kind being made, and it is specially objected to in Madras, even such a thing as opening banks for them or rice stores for them when prices went up so much. The whole of that was objected to. Mr. Wadia was called up about it, and it was pointed out that this was not desirable, because it made the labourers independent. In planters' organisations the same objection has been raised—

Mr. *Spoor*—continued.

raised—it means independence and self-respect. In Bombay, where there have been strikes, there is at present no trade union organisation, but they act together, which means that they will very soon have one.

Chairman.] We take note of those statements as Mrs. Besant's opinions. Of course, they are not proved in any sense as representing the views of the Government.

Mr. *Spoor.*

1412. I quite agree. (*To the Witness.*) with regard to the question of suffrage for women, have you any special reason for desiring its inclusion at the present juncture? There is a conflict of opinion as to whether it would be wise to introduce it just now, or whether it would not be better to defer it?—I do not think there is much conflict of opinion. It was said in the Franchise Report that very little evidence was offered against and that some was offered in favour of it. I do not think there would be a real conflict among people who take part in political life. The objection to it would be more among classes which hold aloof from political life altogether, and I do not think there would be any difficulty in recording the votes, any more than there is in recording the Municipal Franchise votes.

1413. I was going to ask whether there would be any difficulty in devising some machinery for electoral purposes for women. It has been suggested that there are almost insuperable difficulties there?—There is no special machinery needed, so far as we can judge from the Municipal Franchise. The purdah is very limited in India, though it exists largely in Bengal. But even in Bengal you have large numbers of educated women in the reformed sects which do not observe it, and will take part in such franchise. There are no separate polling booths in Bombay for women voters, and no separate arrangement, as was established in Australia, curiously enough, when women franchise was given. They collected the votes there at the women's houses. We do not ask for that. We think they could quite well go to the poll in the ordinary way as they now go to the Municipal Franchise, and if we can judge from the franchise returns, it would mean at first only about one million women. That is only a very rough guess, because it is founded on imperfect knowledge. We think the numbers would be limited chiefly to the educated classes at present, but that would very quickly pass, and more and more would come in, but they would come in gradually. We do not think the number of absentions is important, seeing how many abstain even over here.

1414. The Chairman asked Lord Southborough this, and I will repeat the question, because it appears to me to go to the very root of the whole of the problem we are dealing with: "Has not the evolution of human society, in all its aspects through many centuries, been totally dissimilar in India and in England?" I would like your opinion on that?—Yes, very different, and India very much misunderstood, because phrases which are used over here growing out of past conditions in Europe, are applied to India as though they really applied to it in the same sense. I may venture on that perhaps to say exactly what I mean, by referring to the statement of Sir James Meston, that it was a great experiment for the first time in forming a democracy in India. Now that statement could only be made by one who knew the West well, and was not acquainted with the Indian past where there was Council Government of villages with democratic ways of voting—what you would call the ballot, only making use of slips of coloured wood, by Assemblies—what here would be called a referendum in a State; the complete management of village affairs, which extended from the 6th century B.C. down to 1816, even through the earlier changes of the East India Company, and the habit which still exists in India of the Council, no longer in the village, unfortunately, but in the caste where the same system has persisted. In addition to that there were many forms of Republican Government in India which are on record in all histories—of limited monarchies and monarchs, always ruling by means of Councils, of Free Cities like the Free City of Aristotle, of Municipalities, which admittedly came to Europe from the East—that is admitted practically by Sir Henry Maine—as well as the system of the Saxons. India is permeated with democracies within small areas, and as there would be districts and divisions of districts you come to larger areas here than in some of the old States. So that it is an entire mistake to imagine that it is an experiment of a new kind. But I think that if Indians had their way they would have introduced the Local Government system as part of this Bill, and have built up from the village straight up to the supreme Government. That, of course, would imply differences. That is why I object to periodical examination. It stereotypes the Western way of ruling, whereas if you would give power to the present Provincial Councils as you have them modified here, and leave them open to take over power after power as they feel readier to take responsibility, then I think you would have a system more suitable to Indian genius than the complete imposition of some constitution like that of Australia or South Africa, or, indeed, of Canada.

1415. It really is as unnecessary as it would be unwise to try and impose Western governmental methods permanently on India?—Yes. I believe in Indian self-determination, and I think the opening of it is here in that direction, and that if the Indians are strong, as I believe they are, they will be able to win it through this system.

Major *Ormsby-Gore.*

1416. You said two main points of Indian political opinion were first the concentration of fiscal autonomy, and, secondly, some further advance in home government. Take fiscal autonomy first. That means Customs autonomy?—It means Customs and Excise Duties, which now in India is a very peculiar arrangement. It means the power to control the tariff completely, and that we think ought to be in the hands of the Legislature, not of the Centre.

1417. Indian opinion is in favour of fiscal autonomy, by which you mean Tariff autonomy?—I prefer the word "fiscal."

1418. Fiscal autonomy including tariff autonomy—that demand is shared by the non-political classes equally with all sections of Indian political thought?—I have to ask you just what you mean by non-political classes, because, as Sir James Meston pointed out, the merchants who used to be non-political are now very strongly political.

1419. I was thinking of them particularly?—The very orthodox classes I should say were non-political, but if you take the merchants the whole of the Home Rule movement in India grew out of the merchants' support of it and their financing of it. It has spread now to the masses and the rural people and the working population both in the cities and in the districts.

1420. Opinion is taking a protectionist turn, with a view to building up Indian industries in India?—Yes.

1421. They feel we have adopted Free Trade in India against the will of the Indian people?—They feel more than that. They feel that England was in favour of protection so long as it favoured the industries which existed here which were also being carried on largely in India; for instance, the whole of the cotton industry. Indian cottons, calicoes and so on supplied the whole English need until power machinery was introduced into Lancashire, and then protective duties were put on in England. It was made a little later penal to import any Indian calicoes into England at all, until Lancashire had captured the whole of the cotton trade. When it had captured it, and when it was producing more than the English market could eat up, then England declared in favour of Free Trade. Now all our industries have been destroyed by the East India Company. We had an enormous manufacturing industry, which even as late as 1813, in a Commission of the House of Commons, was stated by Sir James Munro, in giving evidence before that Commission, to be of marvellous skill, providing all articles that were needed—I think he said for comfort and luxury, but anyhow, providing all—and the export trade of India of manufactured articles was enormous. That was destroyed by the East India Company's pressure, which encouraged raw materials for export, but discouraged manufactured articles for export, until India has been reduced

Major *Ormsby-Gore*—continued.

reduced more or less to the condition to which Ireland was reduced by similar means exactly on the part of the Government powers here, with regard to her woollen manufactures. The whole population was thrown on the land, and that means miserable poverty. Hence we want to restore manufactures. They are beginning, but they have been handicapped in regard to power machinery by the Excise Duty which protected Lancashire against the Indian manufacturers, which is Protection upside down. We would rather turn it the other way up, and have it in its normal form if it is to be had at all. That is one reason why we need it. We believe the weaving industry, even with hand-looms, helped by a certain amount of power, can be regained in the villages. Weavers go from these weaving industries into agriculture because of the price at the present time of the goods which they make, as they are undersold by the machine-produced articles. The finer kinds are still only to be made in India by hand; machinery cannot deal with them. An objection also is that England is forcing on India different kinds of raw production suitable to Lancashire but unsuitable to Indian textile manufactures. She is insisting on the production of long staple cotton instead of the short staple, which suits the Indian mills, because that is what Lancashire wants. So that we are working really against Lancashire, plus Government power. In addition to that there are very large concessions made to English firms which ought to pass into Indian hands as they have been built up by the Government on Indian money—by taxation. There are a number of reasons like this; I cannot give the whole of them. We want to get control over finances. We say that if India is to provide taxation, India, by her representatives, ought to levy the taxes. That we have learned from a well-known phrase among English politicians.

1422. If the Committee saw fit to support the demand for fiscal autonomy, including tariff, do you think India would be likely to come into the Imperial system of reciprocal Preference?—I should not like to give an opinion about that. I should say that in fiscal autonomy we include the land revenue, which is provincial.

1423. Your other main point was this: You spoke of some advance in Central Government?—Yes.

1424. And increasing the fiscal power of the Legislative Assembly. Do you want a definite system of division of functions in the Central Government of India similar to the proposed division of functions in the Provinces?—I should like it, but I do not know how far at present there is the smallest chance of getting it, and I should be content if we had fiscal autonomy.

1425. That is the main thing you want?—That is the main thing we want, because we feel that we could get the other things largely for ourselves.

1426. With regard to Women's Suffrage, has Women's Suffrage existed for municipal franchise outside Bombay?—It exists in some other towns as well. Do you mean outside Bombay City or outside Bombay Presidency?

1427. Bombay Presidency?—It is in all the municipalities there. It did exist at one time in Madras. I am not able to find any reason for its being withdrawn, except by what was called a reactionary municipality. No complaint was made that it was ill-used or misused in any way. There seems to have been a sort of wave of prejudice.

1428. It was not used much?—No. But now it is not allowed even for the professional or trading tax. I pay very heavy rates, but I have no vote.

1429. Would you be willing to leave the decision of a question like Women's Suffrage to the various Legislative Councils in the Provinces? That is to say, would you agree to an amendment of the Bill in your direction which said that Legislative Councils should have power to grant women votes if they saw fit before the ten years period?—Yes; I should, if the principle were established in the Act by removing the sex disqualification, as being better than total exclusion, and because I believe that the more power is given to Legislative Councils the nearer we are to full responsibility, and I think that the vote of a Legislative Council on a matter of that sort, in fact on most matters, ought to be listened to as much as possible, even though it may

Major *Ormsby-Gore*—continued.

entail a certain want of logic and a certain want of principle.

1430. Is that your own view on the question of the woman's franchise?—I was asked to represent a number of women's associations, and I do not know how far they would agree with the answer. I must give it as a personal answer, not as one for those who asked me to represent them, because it has never been raised, so far as I know.

1431. Would you give me your views on the question of the bi-cameral system both in the Provinces and in the Central Government of India? Do you think it is desirable to have two chambers?—No, I do not. I am not in favour of a bi-cameral system anywhere, but that is so much against general experience and views that I should not press that view strongly. I believe that one chamber is sufficient, but I admit that in countries where you have a very large franchise there may sometimes be a value in a revising chamber. That, I think, may be admitted. But in India we do not want revision, we want impulse. I mean the conservative element is so powerful in India, the disinclination to move, that we want a spur rather than a brake. And a revising chamber must always be and is meant to be a brake. I cannot imagine that for many years to come we shall need any revising in the sense of over-hasty popular legislation.

1432. Would not you say that there are individuals, if not classes of Indians, who might be somewhat reluctant to face the ordeal of general elections, but who, by their age or past services or experience would be most useful in a constitutional Assembly?—Yes; I think that is true to a very considerable extent, and I do not think that my own view, which comes from 1874, against a second chamber is necessarily at all shared even by those whom I more personally represent. I fancy, but I am speaking not with real knowledge, that the bulk of opinion in India would rather favour a bi-cameral arrangement like that of the Colonies, and, in fact, like the whole British Commonwealth, and I do think that for some time to come the danger or the difficulty that you speak of is very likely to arise, and that the value of the advice of such men, if they were elected, not nominated—that I must make a sine quâ non—would be recognised. Even if they were elected by a more restricted suffrage, say, of the Legislative Chambers, when they are enlarged and more popular, I think that such a thing would certainly not raise much opposition in India, and might carry with it popular opinion.

1433. One question on your evidence this morning. You said you were anxious to see transferred at once in the Provinces the three subjects of land revenue, irrigation and famine relief which are now reserved. Will you give me your argument in support of the proposal to transfer those three subjects?—It is one of the greatest grievances at present in India that the Legislative Council have no power at all with regard to the periodical re-assessments of the land. The land tax is one which, of course, represents the old land tax, but is very much larger.

1434. Not larger than in the Mogol times?—Much larger than then, because in many Provinces it goes to 50 per cent., whereas Akbar took one-fourth or one-sixth. Other Mogols only took one-fourth or one-twelfth and most Hindoo sovereigns varied from one-fourth to one-sixth or one-tenth. It is enormously larger. In the Legislative Councils they have no power, of course, to deal with the question whether there shall or shall not be an assessment, nor what the nature of the assessment should be. They are absolutely helpless, and very much resentment has been felt in the present Councils because the representatives of the people had no power to do anything with regard to the tax to be levied upon them. How strong that is may be shown, perhaps, by one illustration, though I could give many, in the Bombay Presidency, where the amount of enhanced land tax in one of these periodical assessments balanced, within a small sum, the amount of borrowing by the peasantry in that particular year, showing that the enhanced land tax meant the absolute borrowing by the peasants of the money which was necessary for the paying of that tax. That is, of course, an extreme case that I mentioned, but it occurred; it was given by Mr. Joshi. Mr. Joshi pointed out that the land tax trenches on the subsistence of the peasant. It is clear that the subsistence of the peasant is the primary care of every

Major *Ormsby-Gore*—continued.

legislature, and that therefore a tax which is proved under Government management to have these terrible effects on the prosperity of the local population ought to pass into the hands of those who represent that population. That is one of the very strongest feelings at present in India on the land tax.

1435. Irrigation and famine relief—are there any special points on that?—The special point about irrigation is that irrigation is very much starved by the Government in comparison with railways. It pays crores to railways where the interest goes normally to the companies every year, and it starves irrigation where the returns are immensely larger. I mean, you find them something like five to one or four to one, and that goes to the benefit of the population, so we want irrigation put in their hands.

1436. Have you any special point on famine relief?—Simply that we think that in considerable numbers the Indians, especially amongst the professional classes, which are very hardly hit by the higher prices which largely bring about famines, the whole of the women of those classes very much shrink from examination of any kind by the foreigners. We have found it necessary to supplement Government relief by local committees of Indians, both men and women, very largely composed of Indian women who will come into the houses where widows or women heads of families exist, in order to find out what their real condition is, because there have been pitiful cases of starvation of such women—I mean absolute death by starvation—rather than facing the ordeal of any examination to which they were subjected. We think it would be better to transfer them altogether.

1437. The administration?—Yes. I am not challenging the magnificent work which has been done by English officers when famine is there. Nothing can exceed the devotion they have shown; but they cannot do it, because they are foreigners, to the extent that is needed.

1438. I will close with a question as to what exactly your deputation is. There are two Home Rule leagues?—There are three altogether.

1439. Whom do you represent?—The first two were formed for a very simple reason. One was formed by Mr. Tilak and one by myself, and the idea was that many people hated him and did not hate me, and many other people hated me and did not hate him, and that, therefore, a difference in organisation would be desirable for the numbers of those who entered. The later division between the All-India Home Rule League, of which I was one of the founders and the president, was simply due to the disagreement about the Gandhi movement, which made me unpopular for the time, and I could not represent their view. I knew they were against me. Secondly, it was due to the fact that its leading members in Bombay, who had the power, were very warm supporters of the Gandhi movement, which I was very much against.

1440. It is a personal following?—No. It is personal, as my movement has been to a large extent personal, only because I touch almost every point of Indian life, and very few other people do that to the same extent; but there was a distinct movement to prevent my coming with the deputation, and I believed that there were large numbers—and I found there were—who very much wished me to come, who urged me to come—and I could only do it by practically forming a new organisation of those who earnestly desired it. It extends all over India and is growing very rapidly. Many of the big officers came with me; but it was personal in that sense that I was very unpopular for a time because I was opposing that movement and, of course, that touched very large numbers of people. It was a popular movement above all other questions.

(*After a short adjournment.*)

Lord *Islington*.

1441. In answer to Mr. Spoor, you were talking about Guilds?—Yes.

1442. Those Guilds that you have mentioned I think are in Madras you said?—All over the country.

1443. Do those represent the employer or the employee?—They are hardly divided in the Guilds. Practically, they used to have master workers and apprentices, and it is the master workers who practically have all the power in the Guild. The apprentices work up through that very much in the mediaeval way.

Lord *Islington*—continued.

1444. It does not represent the artisan portion of the industry connected with the Guild?—No; it is all hand work that I am speaking of. They are a very powerful body in Madras.

1445. If you had a representative from a Guild in a Legislative Council, he would not necessarily represent the artisan in the industry connected with that Guild?—You cannot make the distinction in a Guild between artisans; it is really a difference of skill—the skilled man and the apprentice who is learning his trade. It is quite different from the real trade union.

1446. Would you favour such a proposal as that those trade unions which you mentioned are now organised having representation in a Provincial Legislative Council?—As such?

1447. Yes?—No; I have never thought of that. I have simply thought as to the workmen, either by a literary vote or a property qualification, coming in until it came to the time when every person had a vote.

1448. You would not care to give an opinion upon that as to whether that would be an effective method of the operative getting his representation in the Legislative Council by having a representative nominated by a trade union to the Legislative Council?—It would mean another special electorate, and the whole trend of my thought is against special electorates, and in favour of territorial. I would sooner that he found his place among voters as a body than as representative of a particular trade.

1449. Then you mentioned, in reply to Major Ormsby-Gore, certain of the Services which are now proposed to be reserved Services becoming transferred Services?—Yes.

1450. Such as revenue and irrigation?—Yes, in the Provinces.

1451. And you gave as your ground for advocating the fact that the taxation connected with those Services pressed chiefly on the people?—Yes.

1452. That would, I take it, point to your desire to see that those people upon whom the taxation presses should have as clearly and definitely as possible a representative in the Legislative Council?—Does your Lordship mean that they should be represented by one of their own class in the Legislative Council? Pardon my asking the question, but my answer depends on it.

1453. Yes. Well, I would say, to the extent of their own class, somebody who would accurately and faithfully represent their interests in the Legislative Council?—Yes.

1454. So that it would be practically the same?—Not quite.

1455. Very nearly the same, I think?—You might find it very difficult at present. It is a difficulty even here, to some extent, to find a representative of a particular class who knows the larger questions with which Provincial Councils would have to deal, and I am against anything which limits the right of the elector to choose the best man to represent him. He might very often find that quite outside his own class, and in fact generally would for some time, and I think he ought to be unfettered in his choice.

1456. Could you briefly explain to the Committee how you would see that the small land occupier upon whom presses heavily this taxation can be represented under the proposals of the Bill now?—There is not the same difference in India of classes that there is here with different interests. The caste goes straight down through all social classes, and you have a very large number of the peasant proprietors in a village who have relatives in the town, people of their own caste, who are highly educated. That is especially the case—I will take lawyers as a class—they belong to a village; their families belong to a village often; and they are intimately acquainted with every want of the village. One of those might be a much better representative of village interests than a man actually living in the village who had no experience outside the matters with which he is himself concerned. In the Indian caste you may have a prince, and you may have a peasant proprietor, with everything between. You might have an Indian Brahmin of very high rank, and you might have an engine-

Lord *Islington*—continued.

driver. It is so absolutely different from class here. Therefore you cannot divide interests and castes as you might here interests and classes.

Chairman.

1457. Caste and class are not the same thing?—Not the least; that is the point I wanted to put.

Lord *Islington.*

1458. You would say, I suppose, interests that could faithfully and accurately represent the interests of a body of people, whoever is chosen to represent that body must be concerned in the questions connected with that class?—Must know them intimately.

1459. It would be better, would it not, if he was concerned in them as well?—With all respect, I rather doubt that. It seems to me that very often the things that a man may know best are the things of his own life. If his interests are restricted, and in a Provincial Assembly you have to consider this in relation to all other classes that are represented there, it is better to get someone with larger views who deals with the bigger questions of political life. I am trenching a little on a theory which I have no right to put here, which would take the right of representation up from the village, where it would be universal suffrage, up to where it would be more restricted in the higher. That is only my own view, and I do not think it is generally agreed with.

1460. That is a point of view you say from India. You would admit that that is not the actual and accurate democratic principle as embodied in our principle here?—Not for Western democracy; but I think it is largely for Eastern democracy. I do not think it is for Western democracy very much, but that is no loss in many ways.

1461. One word as regards the Central Government. I understand from your answers to Major Ormsby-Gore that you would be quite satisfied, and those for whom you speak would be quite satisfied, if tariff policy, and tariff policy alone, was granted to the Central Assembly?—If by tariff is included Customs and Excise——

1462. Excise is a local matter, is it not?—It is now. I mean Excise duties, which are duties on manufactured articles, putting them on a level with those of foreign producers.

1463. I see what you mean—Excise in connection with external matters?—Yes; not with regard to alcohol. I am taking it for granted in that answer that our education is left completely in the hands of the Provinces according to the functions given. If it is the wish of the Government of India to keep higher education in its own hands, I should very strongly press that that should not be a reserved subject; but I am taking it in the division of functions that we have before us.

1464. I am not quite sure for the moment. You say that the Government of India's subsequent proposal is that higher education should be controlled by the central authority?—Secondary and higher should go into the Centre, and primary alone should be left to the Provinces. If that were carried out, I should be in favour of giving the whole of the education over to the Ministers, and not having it reserved in the higher branches.

1465. You would prefer to see the whole of the education, higher and primary, as a transferred subject in Provincial Government?—I should prefer it so, but if they decided to put any of it in the Centre I should want that to be under the control of the Legislature as well as Customs and Tariffs, and so on.

1466. You think if there is to be any distinction as between the administration of higher and primary education, the higher should be placed in the hands of the Central Government rather than being left as a reserve subject in the hands of the Provincial Government: Is that what I gather?—That has not yet been suggested.

1467. I was only putting it to you because I thought that is what you said?—No; the idea was in the Report of Lord Southborough, that the whole of it should be provincial; that we are satisfied with. But if the later view, the view in 1919 of the Government of India prevailed, that was supported by Sir James Meston, and the higher education were transferred to the Central Government, then I should certainly desire that that should be among the things which should be managed by and responsible to the Central Legislature.

1468. It should, in other words, become a transferred subject?—Yes. I avoided the use of the word because we have not yet diarchy in the Centre.

1469. You were answering several questions that Lord Crewe put to you with regard to the India Office, and I think you said in reply to him that those whom you were speaking for objected to the idea of an Advisory Committee to the Secretary of State?—Yes.

1470. You would like to sweep away the India Council as it now exists, and you would not suggest any substitution of the Advisory Committee?—No.

1471. But you would favour a Select Committee of the House of Commons?—Yes. The abolition of the India Council has been one of the demands of the Congress from the very early days.

1472. Would you favour a Select Committee composed of both Houses?—I think I should prefer one in the House of Commons only, but if there were to be two Committees, one in the House of Commons and one in the House of Lords, then I should prefer it joint.

1473. You would say that on the whole there might be found more people in the House of Lords conversant with Indian matters than has hitherto been the case in the House of Commons?—That is distinctly the case; but conversant with them only from the side of the bureaucracy, if I may use that word, and not taking a view favourable to Indian liberty and Indian progress.

1474. Only from the side of Government?—Quite so.

1475. I suppose you would not disfavour representatives on that Committee who were conversant with the methods of Government?—I should not dream of opposing the presence on that Committee of some representatives of Government who had taken part in the Government, but they would need to be balanced, it seems to me, by some who knew India from the other side.

1476. Have your organisations that you are speaking for considered what would be the work of a Select Committee of that character?—Only very generally, that it would be a Committee before whom could be placed any subject bearing specially on Indian affairs, and to which information might be sent by organised bodies in India of their view of the matter when any special question turned up to be decided in Parliament; in fact, representatives of India to some extent.

1477. You mean matters might be referred to them by the Secretary of State to elicit their opinion?—I was not so much thinking of the Secretary of State as of Indian opinion. It might be conveyed to them through various organised bodies in India, so that they might be seised of the popular idea as well as of the Governmental idea.

1478. And then report to the Secretary of State?—Yes, or to the House of Commons, whatever the arrangement was, but especially they would act as members for India; that was really our idea, I think, rather.

1479. Of course, having done that they would have to make effective their considerations in some form. It would have to go through the ordinary channels to Parliament, and I suppose that channel would be the Secretary of State, would it not?—I presume so.

1480. You said that you accepted for a few years certain subjects being regarded as reserved subjects, as distinguished from transferred?—Yes.

1481. Reserved subjects being those which still remain under the control of Parliament?—Under the control of the Executive Council.

1482. Which still remain under the ultimate control of Parliament?—Yes.

1483. As distinguished from being under the control of the Legislative Council?—That is, an Executive Council would be responsible to Parliament ultimately through the Secretary of State.

1484. I was putting it in the recognised way, that the reserved subject would remain a subject which would be under the control of Parliament?—I suppose ultimately, yes.

1485. Why I put that is because I am going to ask you this question: Which way do you consider Parliament might be most effectively represented as the controlling

Lord *Islington*—continued.

controlling authority over these reserved subjects—as at present through the control of the Government of India or through the Secretary of State?—For a Local Government?

1486. Yes; reserved subjects in the Provinces. I will put it merely illustratively in a simple way, except that police is a reserved subject, a question in regard to it has to have some official confirming authority beyond that of the Governor and his Council. Would you prefer to see the Government of India retained as that authority as representative of Parliament, or would you prefer to see the Secretary of State as the confirming authority representing Parliament?—I should prefer the Secretary of State.

1487. I gathered from an answer you gave just now, you would like to see all these subjects become transferred in about five years?—I think in the Provinces it might be so.

1488. You would like to see Provincial Government, in other words, become completely autonomous in about five years?—Yes; that is, after two Legislative Councils; it would be six years really, but it is the same thing.

1489. Do you consider in making that proposal that you have fully considered the interests of the European community as you have that of the Indian community, fairly?—I think that the difficulties of the English community will very largely pass away when there is not the feeling in the Indian community that the English are unfairly favoured in all mercantile and commercial matter—matters of concession, matters of purchase, matters of stores, and so on. There are so many of these questions that arise, and great race feeling does grow out of them. I think as soon as the Indians feel they are controlling their own affairs that racial difficulty would disappear.

1490. And you are sanguine enough to feel that the process confined to a period of five years would pass along smoothly, as you suggest?—I think it would.

1491. With fairness to both parties concerned?—I think it would if the English community will make up its mind to accommodate itself to the new conditions, and co-operate with Indians in bringing about mutual good feeling. If they resist, that will be a difficulty; it would make it longer.

Chairman.

1492. I think you told us when you were speaking of the question of woman suffrage that all the Indian Universities gave degrees to women on equal terms with men?—I believe so.

1493. Do you happen to know, roughly speaking, how many women graduates there have been at the Indian Universities?—A very small number, though it is increasing every year. At the first Convocation of the Hindoo University, for instance, there was only one woman graduate. In Bombay I do not know how many there are, though I could easily get the information; in Allahabad there have been several.

1494. My question is directed to this, that this great opportunity has been given to the ladies of India, and I wanted to know to what extent that privilege had been taken advantage of, and I understand your reply to be very little up to the present?—To a small extent, naturally, when the education of girls was confined at first to very young girls, and has needed years in order that anyone may prepare for going to the University, and then the four years of the college course in addition.

1495. You will remember that when you were stating your opinion in favour of the earliest realisation of complete self-government in India, you said it would be very odd if, when all the rest of the world had freed itself from the mechanism of autocracy, autocracy remained only in the Central Government of India?—Yes.

1496. What about the native States?—The Indian States?

1497. Yes?—Autocracy there is being more effectively limited in many ways than under the British raj, for they are establishing one after the other popular assemblies which at present have only power of recommending resolutions; but in such a State as Mysore, and I think also in Baroda, and certainly in Gwalior, these resolutions are very carefully considered, and mostly carried out by the Government. I believe that in the Indian States there is a great movement towards self-government, and that in the larger States, at least, they will very swiftly follow the lead of Great Britain now, as they have already to some extent followed it in their popular assemblies.

Chairman—continued.

1498. Is it not, nevertheless, the fact that, altogether apart from the Government of India, there are more autocratic Governments in India at the present moment than anywhere else in the world?—Completely autocratic, no—not nearly so autocratic as the British. In the larger Indian States—I am not talking about the small States, because those do remain very autocratic—the popular assembly, though not nominally with power to make laws, makes them to a very large extent, and the Ministers of such a State are Ministers responsible to the Chief, but he is guided almost completely by their advice. The progress of Mysore has been more by its Prime Ministers than by its Monarch.

1499. You speak of the great growth of political consciousness in India?—Yes.

1500. What is lacking is, is it not, personal experience of government?—Of the higher posts of India that is lacking, because, of course, Indians have not been admitted to them until quite lately. The whole of the administration, which is so important in carrying out the ordinary business, is already in the hands of the Indian Service, who practically do the practical work, but the power of direction remains in the hands of the English officers. That is one reason, of course, why Indians so constantly go into the Indian State, because there they can have real power.

1501. I am aware of that. Of course, government may be split up into various parts, that is, the part, for instance, which the Civil Service performs here?—Yes.

1502. Indians have much experience in that already in India, apart from the native State?—Yes.

1503. I am alluding only to what you may call the higher functions of the Government, as shown in Ministers and members of Legislatures who may become Ministers; that is the experience that is at present lacking in India?—That is lacking in India, but in every case where they have been appointed they have shown the capacity to fill the functions of their office.

1504. I was not asking about capacity. I wanted to confine myself to the question of experience?—Yes.

1505. Do you know any case in history where the transition from autocracy to self-government has been made successfully otherwise than by stages?—I do not know of any in which it has been made by stages, except the very limited experience of British Colonies—people of the same stock as the English. Wherever else it has been made it has been made by revolution, and that is what we are trying to avoid. I do not know of any case by stages, which seems to me the only way except revolution, and I cannot think of any case where it has been done.

1506. Surely that is rather a sweeping statement?—I only say I do not at the moment remember any State.

1507. Taking the history of England, part of the stages have been revolutionary, but a great many have not been revolutionary?—No. What I said was that I did not think there was experience of stages except in the Colonies, which are of the same stock as the English people themselves. In all other cases at the moment I can remember the change from autocracy to responsible government has been the result of a revolution—of force, I mean.

1508. I am not using the word stage as a constitutional enactment; I am merely using it in this sense, that the transition has been gradual; sometimes shorter, sometimes longer; never successfully sudden?—Could your Lordship give me one case, because, frankly, I cannot remember any case where this has been done?

1509. I cannot remember a case where it has not been done?—There are too many cases in Europe today, my Lord.

1510. Taking the last case, Russia—that was a very sudden transition; you would admit that?—Surely; I call that revolution.

1511. But

Chairman—continued.

1511. But that was not successful, was it?—It is impossible to say as yet.

1512. At present it is not successful?—At present it is in the stage of struggles, as the French Revolution was for long.

1513. That, again, was a sudden transition, and that was, I venture to say, unsuccessful. It was not until they began the process of gradual evolution that it became successful?—Any people who have been starved and tyrannised over for centuries, when they throw off an autocracy, is sure to be unsuccessful for a time; but ultimately successful, I hope.

1514. My question is not directed to the Indian people otherwise than it is directed to the one race, and I ask you if you know any case in history where the people have by one sudden leap, successfully passed from a political status, in which they had no power of self-government, into one in which they had an un-controlled power of self-government?—My answer to that is, it has never been tried. I think there are only two ways: gradual reform and revolution, and I elect gradual reform, and therefore desire this Bill.

1515. You are in agreement with me thus far, that the proper path is gradual reform?—Certainly.

1516. Perhaps we should not agree altogether what revolution has been successful, and therefore we will not pursue that?—It is only that there are only those two ways, and I say the way of gradual reform has never been tried, so far as I know, outside the Colonies.

1517. Have you ever known a case in which the gradual reform has been successfully accomplished in five years?—My Lord, I have said it has never yet been tried, and we cannot tell.

1518. There is no example that you know of?—There is none, because it has never been attempted.

1519. You made a very interesting observation, I think, in answer to Mr. Spoor, that when the Indian people have complete control over their destinies they will work out a form of self-governing constitution different from the Western model?—Yes; I think so.

1520. You feel pretty confident of that?—Yes; I feel fairly confident.

1521. And that that constitution of native growth is more likely to be successful than one engrafted on them with the best intentions by Westerns?—I think so. It is a philosophical speculation rather, but is based on history.

1522. I venture entirely to agree. I have only one further question to ask, and that is in connection with the Committee of the House of Commons, which, I think you said, in answer to Lord Islington, you thought would be advantageous?—Yes.

1523. As I understand your description of it, it amounted to a House of Commons Committee, which was not very much distinguishable from an administrative Department?—No; I was not thinking of it in that way at all.

Chairman—continued.

1524. Then I misunderstood you. You do not propose that it should have any powers of administration?—None.

1525. Then what would its function exactly be?—I thought of it as a means of receiving communications from India on Indian questions, so as to be able to form gradually a kind of bureau of information on Indian affairs, which might give an instructed and informed opinion to the House when Indian questions came up for debate.

1526. Might there be a danger of this result, that you would have two bureaux of Indian information, of one of which the Secretary of State was the head in the India Office, which had a permanent existence without break of continuity, and another one which consisted of a Committee of the House of Commons, the personnel of which might be almost entirely changed as the result of a General Election, and these two bodies might have different opinions and advise the Government very differently?—Would there be any harm in that?

1527. It would be rather disconcerting to the Government, do not you think?—Not necessarily. The Secretary of State would have to defend his position, and the Select Committee, composed of ordinary members of the House, would put forward what would probably be the popular view of India, and that would be represented for the decision of the whole of the House.

1528. Of course, it is a matter of opinion as to whether that would be welcomed by the Government of the day—to have two such bodies. Have you given sufficient attention to the fact that I indicated, that the body might change constantly?—It would last through from election to election, would not it?

1529. Yes, it would, barring ordinary casualties?—It need not necessarily change more than the Government.

1530. Well, if you think the extreme fluctuations of political fortunes that have been seen in the House of Commons in the last thirty years—I will take only two instances, the General Election of 1906 and the General Election of 1918, when there really was almost a clean sweep of one whole political party—that would affect the continuity and the value of such a Committee very much, would not it?—It is not a question, I think, on which I have sufficient knowledge to give a good opinion, but I do not see why it should be more inconvenient than the change of policy in the whole of Great Britain made by this great sweep from time to time of popular opinion, because the Indian questions would be less affected by political differences here than any other question would be.

Chairman.] Thank you very much, Mrs. Besant.

(The Witness is directed to withdraw.)

The Hon. MR. C. P. RAMASWAMI AIYAR is called in; and Examined, as follows:—

Chairman.

1531. You are Vice-President of the All-India Home Rule League?—Yes.

1532. And you have been good enough to give us answers to the questions that we put to you?—Yes. They are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression "responsible government"? And do you, generally, accept the proposition contained in the Preamble?—I accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India. I would define responsible government as involving the responsibility of the Executive for their policy and administration to a representative Legislature. I would accept the proposition contained in the Preamble, provided that the development of responsibility in the Central Government is prescribed by it and contemplated in Clause 28, Sub-Clause 2, and if the first steps in such development are provided for in the statute.

Chairman—continued.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6.)?—The realisation of responsible government cannot be achieved, except, inter alia, by the establishment in Provincial Legislature of a substantial elected majority. This demand has been unanimous on the part of Indian politicians, and a four-fifths majority has been asked for.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—The non-official members of the Provincial Legislature, on account of the existing composition of the Councils and in the present circumstances, possess no real power, either in the matter of legislation or by way of exercising any control over the actions and policy of the Executive, and the resolutions of the Legislatures have mostly remained a dead letter. There is no possibility of development, unless actual power is conferred on the Provincial Councils.

4. Do

Chairman—continued.

4. Do you think that there are certain matters or functions of government in the Provinces in which, at present, the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must, therefore, be in a position to enforce its wishes?—The majority of the members of the organisation whose delegate I am concurs with the Indian National Congress in the view that in the Provinces full responsible government should be immediately granted on the lines suggested by the Delhi Congress. However, as a matter of practical politics, and in view of the discussions that have taken place on this matter, and the opinions expressed by several non-official organisations, as well as by exponents of the Government's policy, I would state as my conclusion that the Provincial Executive may be placed in a position to enforce its wishes, subject to its responsibility to the Secretary of State in Parliament, and subject to full facilities for popular influence being brought to bear on it before the final decision is taken. This is in relation to certain matters and some functions of government, namely, those concerned with the preservation of the peace and safety of the Provinces and political matters.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—Having accepted propositions 1 to 4, as stated above, it is my duty to inform the Joint Committee that, so far as I have been able to gather their views, the majority of members of the All-India Home Rule League cherish the opinion that the dual form of government is unacceptable, and that, in any case, some Provinces at least are ripe for complete Provincial autonomy. Here, again, for the following reasons, I would for the present accept the dual form of government. My reasons are these:—The Congress League scheme was attacked on the ground of its not providing any scope for the exercise of definite and undivided responsibility by popular representatives, and of its inevitable deadlocks. Whilst not admitting the argument as to deadlocks in its entirety, it has yet been felt that the grant and exercise of real responsibility are bound to convince the authorities in England and India that Indians are capable of managing their own affairs, and that the conviction will lead to complete self-government and demonstrate that it is neither against the genius of the race nor will tend to the enthronement of a class oligarchy. This decision is due, mainly, to the safeguards proposed by the Joint Report, namely, that the two parts of Government would meet and decide all important subjects, and that all Orders will issue in the name of the whole Government; that the Budget will be a unified one, that taxation would be transferred, and would be in charge of the Minister. These safeguards remove many of the objections that may be urged against the dual system, especially when it is considered that it is meant to be transitional. The Government of India's recommendations, in their letter of the 5th March, 1919, regarding (a) the choice of civilian Governors, (b) the insistence on two European members of the Executive Council where the Governor is a stranger, (c) the suggested partition of finances, (d) the powerlessness of the Legislative Council as to Budget resolutions, (e) the possibility of taxation proposals being dealt with by the Grand Committee, (f) the administration by the Governor of Transferred Departments and their re-transfer in certain cases, (g) the elimination of the provision as to a fresh transfer of subjects on the expiry of five years, (h) the composition of the Grand Committee, and (j) the Governor's power to certify bills on transferred subjects, completely alter the complexion of affairs and make diarchy absolutely unworkable. These proposals are universally regarded as an attempt to whittle down the scheme, and the proposals will be unacceptable if these modifications are given effect to, but if the plan of the Joint Report is adhered to, I would support diarchy on the ground that a discussion *de novo* would result in a delay which is fatal to the success of any scheme of reform, and because I appreciate that, under the scheme as originally contemplated, the Minister and the Legislative Council not only control the transferred subjects, but have by means of the Budget and the common deliberation on all subjects, considerable, though not predominating, influence over the administration of reserved subjects.

Chairman—continued.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? And (ii) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—In the view I have adopted I have no alternative method to suggest, but in my opinion the next best is the Bombay Government scheme contained in its letter printed at page 188 of the Blue Book, C.M.D. 123. For an answer to the second part of the question I would refer to paragraphs 18, 19, and 20 of the letter adverted to.

7. If you consider a dual form of government, acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—Accepting as I do the priciple of dual government during the period of transition, I regard modification necessary in the following points of detail. These remarks must be read along with the suggestions detailed below:—

(1) The responsibility for the rules must rest directly with His Majesty's Government, and they should be made by His Majesty in Council, as suggested by Professor Keith; certain classes of rules under Clause 30 may be exempt from alteration by the Indian Legislature; but matters of detail or procedure may be subject to their legislation under the safeguards provided therefor. In any case, all rules should be published in India before promulgation.

(2) Legislative bodies should be at liberty to alter their rules for the conduct of business unconnected with their fundamental constitution. Rules must provide for vacancies in legislative bodies being filled up within a specified period, and for meetings to be convened on the requisition of a proportion of members of these bodies.

(3) No discrimination is necessary as to their terms of office and the prolongation of their terms between the Provincial Councils and the Legislative Assembly.

(4) The Minister, in virtue of his position, must be the nominal leader of the House and the exponent of Government's policy.

(5) Standing committees and under secretaries must be provided for as contemplated in the Report, both in the Local Government and the Government of India.

(6) The Deputy Governorships are unnecessary, and may lead to complications and popular suspicion.

(7) The Bill leaves open the question of a separate or joint purse, but seems to proceed on the basis of not accepting the doctrine laid down in the report as to the transferred subjects being the residuaries. In either case the Governor's final mediation and decision are requisite (vide answer to Question 132), and the success of either experiment is dependent on the mutual cordiality and tact of the authorities concerned (vide paragraph 221 of the Report). Considering that the Ministers who seek responsibility ought not to avoid the so-called odium of taxation, and in view of the preponderating advantages indicated by Sir Sankaran Nair, of collective action and mutual influence resulting from the joint purse system and the restraining influence of the periodical review by the future Commission, as well as the opportunity granted to Ministers for understanding the needs of the reserved subjects, and the chances obtained by the Executive Council of understanding the needs of the transferred subjects, I would urge the adoption of the joint purse system. The powers of the Governor will enable him to safeguard

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guard the interests of reserve departments. The alternative course would tend to separate the two halves of the Government, may encourage extravagance on the part of both halves, and the fixed periodical adjustments suggested by Government would, as pointed out by Lord Islington, stereotype the position of particular departments. Moreover, taxation may be resorted to, even though there is a surplus in one of the two halves of the Government (vide Question 400 and answer). As suggested by Sir Sankaran Nair, the Executive Government as a whole will apportion the revenue between the reserved and transferred subjects, and the Budget so framed will be placed before the Legislature.

(8) The rules under Clause 5, Sub-Clause 2, must provide that the whole Executive Government should generally deliberate as a whole.

8. In particular, do you think (1) that the Ministers should hold office "during pleasure"?—i.e., should be liable to removal if they are unable to support the action decided upon in their Department by the Governor, or if they fail to retain the confidence of the Legislature (Clause 3 (i))? (ii) That the Governor should have power to disregard the opinion of his Ministers, if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) That the Executive Council should, in all Provinces, normally consist of one official European and one non-official Indian (Clause 4)? (iv) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—(i) Ministers should hold office during pleasure in the sense that they should vacate office if they fail to retain the confidence of the Legislature. This suggestion carries out the demand for real responsibility; but, as a corollary, it must follow that the Governor should be bound to accept the decisions of the Minister. If he is, however, to be under the obligation to take action, as indicated in Clause 3, Sub-Clause 3, then, as suggested by Professor Keith at page 45 of his Minute, he ought to have liberty to acquiesce in the Governor's decision, but to decline responsibility for it, and remain in office if he has the confidence of the Legislature. Clause 3 of the Bill would have to be amended so as not to compel the Minister to carry out a policy to which he is opposed but for which nominally he is to be responsible.

(ii.) The power referred to under this question should be vested in the Governor, subject to the following safeguards: If he disregards the opinion of his Ministers and is unable to find a successor to carry out his views, he may dissolve the Council, and if the new Council also follows the opinion of the old, the Governor must yield to their will without being enabled to resume the transferred subjects. If this be not accepted, the following safeguards should be adopted:—(a) All disputes between a Minister and a Governor as to the nature of subjects reserved or transferred, and as to action to be taken as regards transferred matters in consequence of action taken in reserved matters, and *vice versa*, should be referred, if so desired by the Minister, to the decision of the Secretary of State. (b) A Governor should not, without the approval of the Secretary of State, decline to accept the advice of a Minister in regard to a transferred subject unless he can obtain another Minister prepared to accept responsibility for the policy laid down by the Governor. The approval of the Secretary of State to be accorded only when he is satisfied that, in the interests of India or the Empire, the control of the transferred subjects should for the time being revert to the Governor in Council (vide Professor Keith's Minute, pp. 46, 47). As connected with this topic, each branch of the Government should have analogous and equal powers of interfering with the other half.

(iii.) As to this question, I would stick to the formula in paragraph 218 of the Report, as the preponderance of the European element would be a whittling down of the scheme (vide Sir Sankaran Nair's Minute, para. 26). After the appointment of Ministers the need for increasing the number of the Executive Council would grow less.

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(iv.) The Governor's power to dissolve the Legislative Council is consequent on the other features of the scheme and inauguration of a responsible Ministry.

9. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—Holding, as I do, that the Legislatures should be given greater powers of control and influence than they possess at present, I regard the limitations imposed by Clause 9 of the Bill as unnecessarily severe, and such as to jeopardise the success of the scheme. Sub-Clause 5, endowing the Governor with the power to throttle legislation is novel, and is greater than the powers possessed by the Governor-General himself. He may veto legislation, but the prevention of discussion will be most harmful in its results, and this provision eliminates the privilege that a private member has even now in theory. The appeal to the Governor-General against a certificate of a Governor must also be retained or an appeal provided to the Secretary of State. As to the legislative power of the Councils, paragraph 212 of the Report must be adhered to. The rules regarding Provincial Legislation suggested by Professor Keith in pages 45 and 46 of his Minute are very appropriate, with the exception of the provision regarding the interests of parts of the Empire other than India. The re-enactment of Section 79, Sub-Section 3, Item E of the Government of India Act is uncalled for. There are a number of legislative changes, as in the case of religious endowments, and many departments of Hindoo law, in which the conditions of one Province differ from those in another, and where public opinion has evolved on different lines. Uniformity of legislation in such cases is neither possible nor desirable. Catastrophic changes can be prevented by a resort to prior sanction. Financial proposals: The proposals contained in paragraph 256 of the Report are regarded in India as the kernel of the scheme in its provincial part, and ought not to be minimised. The proposals made by the Government of India, in their Dispatch of the 5th March, paragraph 69, would reduce the Councils to the position of mere advisory bodies in all subjects reserved and transferred. Clause 9, Sub-Clause 2b, gives an extraordinary power, and the words relating to expenditure necessary for the carrying on of any Department practically gives him an unlimited scope. In any case, even in emergencies, the Governor must certify, with reasons, and the approval of the Secretary of State must be obtained, whenever the Governor issues a certificate in respect of expenditure on a reserved subject which has been disapproved by the Legislature, or to authorise expenditure for some purpose for which no provision has been submitted to or approved by the Legislature. Clause 9, Sub-Clause 2c, contravenes paragraph 256 of the Report, and overlooks the educative efficacy of the annual Budget discussion referred to therein. The permanent charges should be few, and fixed by statutory rules, and should include only a few items beyond, provincial contributions and interest on debt. Prov. D., Clause 9, Sub-Clause 2, is based on the House of Commons procedure; but there is no real analogy, as the House, by an adverse vote, can turn out the Government, and, moreover, the Committee procedure secures the possibility of alteration of specific heads. The Legislature should not merely have a right of scrutiny and advice, and further, it ought to be possible to propose financial measures in the form of resolutions, even though they may involve increase of expenditure under one head. There ought to be no emergency grants which can form proper subjects for supplementary estimates.

10. In particular—(i.) Do you think that the Legislature should have power, with whatever limitations, to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means

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of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i.) The right of voting supplies is essential to any Legislature if responsibility, however limited, is to be exercised by it. (ii.) Grand Committees: I would oppose the institution of Grand Committees, especially in view of the suggestions made by the Government of India, which proceed on the erroneous basis of the absence of independent political thought and of the assumption that every elected member will vote against the Government. The disadvantage of the official bloc has been perpetuated, and smaller bodies than even the present Councils are brought into existence. It has been argued that the Grand Committee affords scope for persuasion on the part of the elected member, but this process can take place in the Council itself without a reduplication of machinery. The Grand Committee may be abolished, and the Governor may assume responsibility for cases needing affirmative legislation, subject to sanction on the part of the Government of India or the Secretary of State, and the inevitable review of policy by the Select Committee and Commission. In the alternative, I would advocate action by the Imperial Legislative Assembly, for the reasons outlined by Sir Sankaran Nair at page 72 of his Minutes. Protection to Government can be combined with opportunity of persuasion by the non-officials only if the composition of the body is such as to secure a bare majority of nominated members (vide para. 252 of the Report), and if, as suggested by Professor Keith, the approval of the Secretary of State is requisite for reference by certification to a Grand Committee, or, at all events, the appeal provided against the certificate in para. 252 of the Report is retained. There must also be a provision inserted for a discussion by the Council after the work of the Grand Committee (vide para. 253 of Report).

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—I do not accept the position adopted in the Bill, especially in the preamble and section 28, taken with part 2, as to the Central Government, as I hold that the terms of the announcement of Government require, as well as empower, an advance towards a responsible Government at the top. I hold that the Bill not only makes no advance, but crystallises the present system, and even the Statutory Commission is not under any obligation to inquire into the subject (vide Clause 28, Sub-Clauses 2 and 3). There is no reason why in most matters which concern the normal internal administration of the country, and especially in all those cases where the Government of India retain a right to interfere with the transferred subjects in the Provinces, responsibility should not be introduced as outlined by Sir Sankaran Nair (vide p. 73 of his Minutes).

12, 13, and 14. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)? Do you accept the plan of a bi-cameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)? Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4)), or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—In any case a substantial elected majority is essential in the Legislative Assembly, so as to allow of the exercise of influence at a place where the country's future will be really in the making. I consider Clause 20, Sub-Clauses 3 and 4 unnecessarily restrictive of the popular will, and I would also

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press for the principle advocated in the Crewe Report, para. 35, Clause 2. The examination and criticism of the expenditure of the Government of India by the Legislative Assembly must be on the basis that the resolutions are valid and binding subject to the conditions indicated in Professor Keith's Minute, para. 17, Sub-Clauses 3 and 4. For the reasons that the Council of State, as constituted, does not represent interests unrepresented in the Assembly otherwise, and as at present no real Senatorial Chamber can be constituted, a procedure analagous to the Grand Committee should for the present be followed in all cases where the Council of State is deemed necessary. If it is, however, decided that it is necessary to constitute such a Council, it ought not to be resorted to for ordinary purposes of legislation, and its interference must be only in cases of paramount importance, and legislation should not be certified for enactment by it alone, or as against the Legislative Assembly, unless the Secretary of State approved of it on the ground that its enactment is essential for the peace and order of India. Such legislation should be temporary, and not renewable without the approval of the Select Committee. In any case, the words in Clause 20, Sub-Clause 4, regarding the interests of British India, or any part thereof, are dangerously wide and vague.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I do not accept the proposals in the Bill regarding the constitution of the Governor-General's Executive Council, and would advocate that one-half the number of members in it should be Indian, so as to provide for adequate Indian influence in the Government of India, which at present is ultimately bureaucratic. Subject to this remark I would, for the reasons stated in paragraph 271 of the Report, approve of the abolition of statutory restrictions as to service in India and as to special qualifications. At all events, the clause about legal qualifications should admit of a wider choice, as indicated in the answer of Sir James Meston.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33, and 45 of the Government of India Act (Clause 23)?—In the first place, the question of fiscal autonomy must be faced and answered, either by a frank concession by the Government of the United Kingdom, or at least in the form suggested by the Crewe Report regarding non-interference by the Secretary of State when the Government and the Legislative Assembly are in agreement, but bearing in mind that the interests of the self-governing dominions of the Empire may not be identical with Indian interests. This is essential for industrial progress in India, in view of competition from protected countries, in its present comparatively unorganised condition. Nextly, Sections 2, 33 and 45 of the 1915 Act create an essentially centralised system, and the adoption of devolution of power must involve their modification in the manner attempted by Mr. Basu in paragraph 5 of his Minute, page 32, and by Professor Keith in his Minute, paragraphs 24, 25 and 26.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Whilst agreeing that periodical examination by an independent Parliamentary body is essential for the scheme as laid down, I object to Clause 28, as not imposing any obligation of inquiry into the machinery of Central Government. I would also urge the retention of the provision regarding the inquiry contemplated in paragraph 260 of the Report as essential by way of stock-taking.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I would answer this question in the affirmative, and ask that the following matters should be provided for in the Bill:—(1) The powers, *inter se*, of the various constitutional

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stitutional authorities and the limits of their interference "vide the Crewe Report." (2) The question of fiscal autonomy, namely, the provision that, subject to just Imperial obligations, the Government of India, under the control of its Legislature, should have the same power over the fiscal policy of India as the Governments of the self-governing Dominions. (3) In view of the past history of the question, the principles should be laid down that Provincial contributions must be in proportion to population or revenue, and not arbitrarily fixed. (4) The salary and position of the Minister should be defined, so as to be on an equal footing with those of his official colleagues. (5) Legislative bodies must be empowered to elect their President and Vice-President. (6) Governors should be recruited from the ranks of public men in the United Kingdom. (7) The fundamental rights of members of the various legislative bodies regarding discussion and interpellation should be enacted, and matters of detail should be regulated by Standing Orders or rules. (8) Part 4 of the Bill to be amended so as to subject the public services to legislation subject to safeguards as contemplated in paragraph 28 of Professor Keith's Minute. (9) The provision of a permanent Indian Under-Secretary of State.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—*Report of the Committee on the Home Administration of Indian Affairs.*—I am in favour of the abolition of the Secretary of State's Council, and consider the Advisory Committee, as recommended, will detract from the undivided responsibility of the Secretary of State, who, in future, will only interfere in matters of Imperial concern. I would accept the views of Sir James Brunyate, contained on pages 21 and 24 of his Minute, regarding the classification of functions and the grouping of topics. If the Secretary of State's Council is retained, it should be as a temporary measure, and, as Sir James Brunyate puts it, it should automatically come to an end at the end of ten years, unless the Parliamentary Commission reports in favour of its continuance. In the intervening period its reconstitution, as suggested by Mr. Basu, is extremely necessary, so that half the number may be Indians, and so as to get recruitment of public men from the United Kingdom. The appointment of a High Commissioner may be postponed until the abolition of the Council; but if he is appointed he must have an Advisory Committee, of whom not less than one-half should be Indians. I would strongly press for the retention of the Select Parliamentary Committee, and would advocate the appointment of an additional Indian Permanent Under-Secretary. Interference by Parliament is unlikely in ordinary affairs, and it will be an advantage to have at least a few British politicians in Parliament who will be obliged to devote their attention to Indian affairs in a responsible manner.

Franchise Report.—Whilst generally agreeing with the Committee's recommendations as to the Provinces, I would object to residential qualification for candidates, and I would strongly urge the extension of franchise to women on the same terms and subject to the same conditions as men. I would preserve the Congress League Compact as to Mahommedan representation in all Provinces. I would advocate the introduction of direct election to the Legislative Assembly from the very start. Provision should be made for the inclusion in the electoral list of persons possessing a minimum educational qualification, such as those who have passed a specified examination. The number would not thereby be greatly enlarged. I urge this for the reasons laid down in paragraph 225 of the Report. The University seats should not be abolished, but the election must be by the registered graduates of each University, and European representation is excessive, especially in Bengal and Bombay, and disproportionate even to their admitted importance. In regard to the non-Brahmin communities separate communal electorates are both uncalled for and mischievous.

As to this, all will echo the sentiments expressed by the Committee that it was regrettable that no settlement was reached which would have dispelled

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the doubts entertained by this community. The existence of the so-called non-Brahmin movement, which has become more and more thoroughly organised owing to the activities of those interested in the progress of the movement, both in England and India, demonstrates:—(a) That the Indian non-Brahmin communities are not disposed to accept the so-called predominance of the Brahmins without cavil or question, and that there is no spirit of subservience manifested towards an oligarchy, and that (b) they are beginning to recognise their own strength and assert their independence.

It will also be noticed that the political classes amongst the Brahmins are just those who have lost or abdicated their claims to spiritual eminence.

The difficulties experienced by these communities are grossly exaggerated, and the arguments based largely on accidental rather than permanent causes. One of the main arguments of those who want special electorates for this class is that, though the non-Brahmins are in a large minority, yet in the Madras Legislative Council to-day nine out of ten elective seats are held by Brahmins. This argument overlooks the fact that four out of nine seats were, as a matter of fact, uncontested, the fifth was contested only as between a European and a Brahmin, and in the case of another seat—namely, that representing the Corporation of Madras, the Brahmin candidate was put forward and supported by the late Dr. Nair as against a non-Brahmin colleague of his.

Another argument has been, and will be, introduced, namely, that unless there are special electorates created, those non-Brahmins who are favourable to the Brahmins—the so-called "pro-Brahmins"—will be returned; but this involves a conspiracy between the so-called oppressors and the majority of the oppressed. In view of the fact that the community has an overwhelming electoral strength, and of the considerations referred to in the Franchise Report, it is wrong to think of any solution involving the disintegration of the communities, especially as segregation is not the way to protect them. A large number of persons, including myself, have, nevertheless, favoured a compromise based on the creation of plural constituencies with a certain proportion of guaranteed non-Brahmin seats or a maximum imposed on Brahmins; but this is a matter for a compromise and compact, just as was arrived at in Lucknow between the Congress and the Muslim League.

In the matter of the demand for communal representation the main argument has been that the highest castes, and especially the Brahmins, will be oblivious to the interests of the masses. The stress laid by the elected members of all Legislative Councils on the improvement of the administration, on the improvement of gaols, and the amelioration of famine conditions, disproves this contention. The proposal was made by a non-official member of the Madras Legislative Council for the abolition of punishment by "stocks" in the case of certain depressed classes. The statute referred to was a standing instance of Governmental discrimination between castes.

In a smaller sphere it is a fact that, whereas the Elected Commissioners of the Corporation of Madras unanimously voted last year in favour of the admission of Panchamas into Corporation schools, the proposal was postponed owing to the opposition of a representative of the Department of Public Instruction.

As pointed out in the Franchise Report, the Brahmin community does not desire to be segregated, and objects to the assumption that the majority of the population desires not only to be protected from a small minority, but that steps should be taken to prevent the minority from influencing the body politic. If real power is granted, and if the system of communal representation is to be extended, each special caste of the non-Brahmins would insist on separate representation, and a perusal of Mr. Thurston's "Castes and Tribes in Southern India" would convince anyone that the various sub-communities amongst them are by no means united or homogeneous.

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Functions Report.—The Minister's salary must be on the transferred estimates, and permanent heads of Departments should not be allowed direct access to the Governor, as suggested by the Indian Government. Revocation or suspension of the transfer of subjects during the first five years ought not to be attempted, and reliance must be placed on the power of ordering a dissolution and of making ordinances.

Provincial taxation and borrowing on the sole credit of Provincial revenues, land revenue in Ryotwari Provinces (vide Sir Sankaran Nair's Minutes, pages 10 and 11, Functions Despatch), must be transferred subjects as well as the subject of periodical settlements, so long as they persist. The present system of executive action and rule making without reference to the Legislature as to land revenue must be altered. Irrigation, light railways and tramways, industrial matters, business concerns, the administration of civil justice, and, most of all, the subject of education, must be transferred; and it is felt that, in education especially, progress is impossible without popular support and control, and wide support and the necessary money cannot be procured unless the control of the system is vested in popular representatives.

List of All-Indian and Provincial Subjects.—(1) Franchises and elections must be left to Provincial Councils to be worked under statutory rules. (2) The control of services working the Departments to be administered by Ministers must be a transferred subject. In short, the tests applied for transfer must be those indicated in the Report—namely, keenness of interest evinced in them, opportunities of service and adequate knowledge.

1533. Would you like to make any general statement as to the attitude of those you represent in respect of the Government of India Bill, which we are met to consider?—Yes, my Lord. I should preface what I have to say by one statement that I am here as a delegate of the All-India Home Rule League, who have deputed me to represent their general views. I may at once preface my remarks by saying that in one important particular I hold what may be termed the minority view in the All-India Home Rule League, and my League was cognisant of that when I was deputed. I hold that, under the present circumstances, in view of the discussions that have taken place, the system of diarchy is inevitable, and has to be worked upon in order to effect the objects that the Government of Great Britain and we have in view. Subject to that, I believe that my views will represent those of the members of my League. Having said so much, I may say that the main points upon which I wish to concentrate, having regard to what has been stated by previous witnesses, would be first the question of communal representation, especially in Madras, with which I am particularly acquainted, being a resident of Madras, and being also a member of that community, namely, the Brahmin, which has come in for a considerable amount of criticism during the very recent discussions on this matter; also, being a lawyer, a class, or community, which has come in for an equal amount of criticism, and having taken a considerable part in helping to form an adequate body of what may be called instructed opinion on this matter in my own Presidency. I may mention in passing that I should also like to offer special remarks regarding the University representation to the Legislative Council. Those are the two local matters on which I should like to offer some observations, or answer questions. I have, in my answers to questions in paragraph 7, stated what modifications I consider necessary in the Bill, and in answer to that question and the next question I deal with most of the points relating to the Provincial Governments. I will deal with them in answer to questions, or generally. If your Lordship desires me to give a general outline of what I would propose as the necessary modifications in this Bill in the various stages of Government I would gladly do so.

Chairman—continued.

1534. I think that would be useful?—Firstly, with reference to the Local Governments I hold the view, which has already been expressed by the witnesses here, that the Minister must be placed in a position of equality so far as status and influence is concerned with the Executive Council members. I also hold the view that, as to the matters on which the Minister is to exercise his jurisdiction, they are to comprise not only the matters already recommended before you as the share of the responsible part in the Government by the Functions Committee, but also the subject of land revenue, industries and education. I ought to correct myself, because the Functions Committee has really dealt with the question of education. In regard to franchise, I hold the view very strongly that it is not an impossible, nor even an inconvenient, procedure at the present moment to give a franchise for women on the same terms and subject to the same conditions as for men. I would also advocate that the residential qualification should not be insisted on in any portion of the country. Those are the two main points with reference to the franchise that I would urge. The other points are referred to in my answers to the questions. They are contained in my answer to question 19, and I think it is that I would object to residential qualification for candidates, and I would strongly urge the extension of the franchise to women on the same terms, and subject to the same conditions, as men. I would preserve the Congress League compact as to Mohammedan representation in all Provinces. In regard to the non-Brahmin communities, I have stated that the constitution of seperate communal electorates for them would be undesirable, and would really give rise to more fissiparous tendencies than already exist in that community. In the first place, as has been noted already by a witness who has given evidence, there is no such thing as a non-Brahmin community from the point of view of homogeneity. If there is no such community, and if real power and influence are going to be exercised by the Legislative bodies, the grant of a communal electorate will mean an agitation in each sub-section of that community for separate representation, because it would be quite open to any one of those sub-sections to come forward and say: "Our interests are not safeguarded in this particular matter." A perusal of a very interesting series of volumes, Thurston's "Castes and Tribes of Southern India," would show that in that community—that is, the non-Brahmin community—there is a very important section in which there are 153 sub-communities, each one of whom assumes superiority, religious and social, over the other. The result of granting real responsibility and power to members of the non-Brahmin communities, as such, qua the non-Brahmin communities, would mean that the 152nd and 153rd community would say: "We are swamped by the rest." So I would for those reasons strongly advocate that the system of communal electorates should be abandoned. I am at one with those who have pleaded that if a compromise were accepted, and was going to be loyally worked on both sides by providing a maximum for the Brahmin or by a minimum for the non-Brahmin, that might be suggested, but that, as I say, must be as a matter of compromise. With reference to the question of functions, I think I have already stated that the main point which I would insist upon is the question of land revenue. In addition to what has been stated, and if I may say so very cogently stated by the previous witness, I would point out to this Committee that the subject of land revenue is subject entirely to Executive action and Executive rules. That is the reason why we say that Legislative action should have play in the questions of land revenue apart from Executive rules and Executive action. The next point that arises for determination is a question of whether it ought to be a transferred or a reserved subject. On that although in this matter the Report takes a different view, applying the tests suggested by the Report itself for the transfer at page 154 of the Report, we find it stated that opportunities for local knowledge and social service, subjects in which Indians have shown themselves to be keenly interested—these are the tests for the transfer. I make bold to say that those tests if logically applied are such as to include, rather than exclude, land revenue.

Chairman—continued.

So much for the question of franchise and functions. Then, speaking again with reference to the Provincial Councils, I would strongly advocate that the system of the joint purse suggested originally and supported by arguments which are contained in paragraphs 246 and 250 of the Report should be given effect to rather than the separate purse system. All the arguments that have now been advanced with reference to the separate purse system were, if I may say so, present to the minds of the framers of the Report, and have been answered by them. The question of outside arbitrating authority has also been put and answered in the Report, and I would leave it at that, subject to any question that may be asked with reference to that matter. Then I hold that the Bill in so far as it provides that Ministers should hold office during pleasure is a great improvement upon the original scheme as from the very beginning it is made clear that the Ministerial responsibility to the Legislature is defined, but I take it that as a corollary it must follow that the Minister's salary would be on the transferred estimates although it is not clearly laid down in the Bill, but I take it it would be inevitable. I would, therefore, not say more on that subject, but I hold that that is a great improvement on the scheme as originally elaborated, and gives effect to a certain extent to the demand which was really foreseen when a five years' scrutiny was recommended. I grant that the provision there made for the Ministerial responsibility, the Minister holding office during pleasure, obviates the necessity for the five years' scrutiny in one portion, but the other portion remains, and I would advocate that that should remain, and should not go. That is with reference to the further transfer of subjects at the end of the five years. I realise that there are two portions of the examination. The first examination was as to whether the Minister's salary should be placed on the estimates, and the second portion of the examination was as to the further transfer of subjects. I hold that the second requisite has not been satisfied, and that the first requisite is there, and that that demand should be complied with. Another very important point which I would emphasise with regard to the Minister's position is the statement contained in sub-clause 3 of the Bill, namely, that the Minister should be forced to take action. If he takes action then it ought to be made clear that that action is taken on the responsibility of the Governor. It ought not to appear as if the Minister entirely complies with the wish of his constituency or the Legislative Council. It would be a camouflage which I would avoid. If the Governor thinks necessary that the Minister should take a certain kind of action I would advocate what has been stated elsewhere, that the Governor should have the option to dissolve the Council. If after having dissolved the Council he finds that the Legislature again takes the same view he ought to be bound to follow that advice. But assuming that the alternative is not considered advisable, then I would say that action forced on a Minister ought to be such that it ought to be clear to the world that the action is taken on the initiative and at the instance of the Governor. Professor Keith in his Minute points out that in New Zealand the procedure was indicated of the Governor in such cases, in dictating that it was his opinion that it was being followed, and the Minister should, after having said that, continue in office if it should happen that his particular views commanded the acceptance of the Legislative Council. I would also very strongly object to the power of the Government to throttle or block legislation. Provision has been made in the Bill that the Governor may be entitled at any moment—in this instance transcending the powers of the Governor-General himself—to block legislation at any stage. I hold that it will give rise to entirely unnecessary discussion and agitation if adequate and thorough discussion of legislation should be blocked. Then comes the question of the Grand Committees. In dealing with this question I would say that if the Grand Committee is to be constituted on the lines suggested in the latest despatch of the Government of India the Grand Committee has absolutely no reason for existence, because it merely means a useless formality. If the Governor has made up his mind that a particular course is possible there is no necessity for creating

Chairman—continued.

a Chamber which is merely bringing into operation his idea, and it seems to me that the only argument which was advanced in regard to this matter, namely, the utility of a full discussion before the Council, would apply equally well when I say that the conditons of the case may be met by the discussion in the Legislative Council and the Governor taking action after such discussion. Why import a second Chamber, especially of the composition suggested by the Government of India, if all that it means is that the Government must have its way. Let the Governor say so and have done with it. In the alternative, if it is felt that a Grand Committee is essential I would say that the only condition of its useful existence is a bare majority, as recommended by many of the witnesses, where there is a possibility of arguments having some efficacy in certain contingencies. In any case I hold that the appeal provided against the certification in paragraph 252 is necessary, or, as suggested by Professor Keith, the approval of the Secretary of State for reference by certification to the Grand Committee. With reference to the Governor's Council, the view which has been expressly put forward is that half the members should be Indian, in order to provide for Indian opinion adequately manifesting itself. This is essential in the government, both of the Provinces and of the Central Government. Without repeating what has already been stated by previous witnesses I would add my voice to theirs in urging very strongly the liberalisation, or, if I may so say, the democratisation of the Central Government. I would leave the particular reasons to any question that may be asked of me. With regard to the Council of State I would say that personally (and I am speaking entirely personally) I am in favour of a double Chamber, in which one Chamber is popular and the other a revising body. If the Council of State can be constituted so as to be an adequate revising chamber, constitute it, otherwise have only the power of ordinance; but if this be not accepted I would very strongly urge that the position be made absolutely clear that if the Council of State should come into existence, it ought not to play any part, excepting in emergency matters and temporarily. So far as the Crewe Committee's Report is concerned, whilst generally agreeing with the recommendations, and especially with the division of functions, if I may so call them, advocated by Sir James Brunyate with reference to what may be called popular and non-popular subjects, and the limits of interference, I would say that the case has been amply made out for the abolition of the Secretary of State's Council, especially in view of the modifications in the other portions of the scheme; but if it is not to be abolished I would be in favour of the suggestions made by Mr. Basu in his minute in the Crewe Committee's Report.

Mr. *Bennett.*

1535. You refer to University representation, and you express regret at the abolition of that?—Yes.

1536. How will that be regarded in India?—That will be regarded as an attempt by Government by way of crusade against the educated classes.

1537. Would it be regarded as a progressive step, or retrogressive?—The abolition of the University seat would be regarded as a retrograde step.

1538. With regard to the caste difficulty, which you have spoken very fully about, do you think that has been made too much of, or too little of, in this discussion?—It has been made too much of in this country, certainly; in India the agitation is largely artificial.

1539. Have you seen it in the Legislative Council in the province of Madras?—The Legislative Council had, during the whole course of its career, from 1892, introduced, or the members of the Legislative Council have attempted to introduce, various measures tending to the amelioration of all the classes. If you will allow me, I will give you one or two instances. It was a member of the Legislative Council that brought forward the proposal for the abolition of the punishment by stocks. There is an enactment now in force in the Madras Presidency by which the lower castes—it is not an expression invented by the Brahmins, but in-

Mr. *Bennett*—continued.

vented by the Government and embodied in their statute—may be put into stocks. The abolition of that form of punishment was advocated by the Legislative Council, and I think the debates will disclose that the nervousness with reference to its abolition was manifested not on behalf of the elected members, but on behalf of the Government. The reformation of the gaol administration and the improvement in administration of famine relief have been brought forward, and the urgency of educational progress has been pressed forward on behalf of all the classes of the community by members of the Legislative Council, who, according to the discussions now proceeding in England and India, are supposed to represent the intelligentsia.

1540. Have you seen any movements outside the Legislature by which the Brahmins and the educated classes have sought to raise the condition of their poorer countrymen?—I belong myself, if I may say so without egotism, to the governing body of at least three societies for the alleviation of the depressed classes. I am aware, from my own personal knowledge, of a band of estimable young men, mostly Brahmins, who are to-day in Madras going round to the poorest quarters in the city, and the same thing prevails in some of the larger cities in the Madras Presidency, where the problem is acutest—going round to what answer to the slums, and trying to teach the members of the depressed classes the elements of reading and writing. Night classes are held for that purpose by members of the superior castes, and I think I may say, without fear of contradiction, that the highest classes realise to-day, and have for a considerable time been realising, that in the uplifting of the other classes is their own salvation.

1541. You would like to see the Land Revenue included amongst the transferred subjects?—Decidedly.

1542. What opportunity has there been hitherto for influencing the administration of the Land Revenue; what legislative opportunity has there been?—None at all, because the periodical settlements are dealt with on the basis of executive action. I am speaking with reference to the Madras Presidency, with whose conditions I am most familiar naturally. The Board of Revenue and the executive portion of the Government are entirely responsible for the administration of Land Revenue, not only the collection of revenue, but the fixation of the principles upon which that revenue has to be collected, and the Legislature has absolutely no chance of having its will impinged upon the action of the executive.

1543. You have a right of interpellation in regard to these matters, which I think is freely used, not only in Madras, but in other Presidencies?—The right of interpellation may be used in this way. Supposing a settlement takes place, the settlement officer, acting under orders of his superiors, lays down certain principles. Those principles might be attacked, if they are clearly wrong, and you might say that is an increase which is not compatible with the general variation in conditions. To that extent interpellations may go, but the day-by-day administration of the principles of Land Revenue is of the essence of good government in India, and I hope that is just the subject in which the local knowledge of a provincial member might be of the greatest assistance.

1544. You would not interfere, for instance, with a thirty-year settlement; that is not to be interfered with during the term of its currency?—Certainly we would not upset by any revolutionary methods what has already been fixed; but the thirty years settlement does not mean that the settlement does not come on for thirty years more. In certain districts settlements are going on again now. When those settlements come we shall have a chance of finding on what basis the settlement is to proceed, and what is the increase that ought to be contemplated.

1545. Is that a question that can be dealt with in the legislative council? Are not these settlements based on strict local inquiries?—I grant it; but strict local inquiry co-ordinated with what may be called the general policy of the Presidency and of the country.

Mr. *Bennett*—continued.

1546. You object, I see, to blocking legislation by the Government without discussion?—Yes.

1547. Would you elaborate or state more fully the grounds?—What I desire to say is this. If persons have had their say, and if at the end of what they have said arguments on the other side are put forward and a decision is arrived at, it will be much less of a grievance, and there will be much less chance of rankling than if you find that the Legislative Council is told, "You shall not discuss it any longer."

1548. You would say, then, it is to the advantage of the Government that that discussion should take place?—Assuredly.

1549. You are in favour, I think you said, of a Second Chamber as a general principle?—Yes, as a Revising Chamber.

1550. Do you regard either the Grand Committee or the Council of State as coming up to your ideal in any degree of a Second Chamber?—I may say they are contradictory of my ideas.

1551. You recognise the advantage of a legislative body gathering to itself the respect and affection of the people?—Yes.

1552. That is of supreme importance; you admit that?—That is the basis of these reforms.

1553. Can you imagine either the Grand Committee or the Council of State so gaining the respect and affection of the people?—The position is shortly this: So far as the Grand Committee is concerned, it can be supported only on one ground, namely, that after a certain decision in favour of affirmative legislation has been reached, if it is felt that the Government must get through certain measures which are, in the opinion of the Governor, of essential importance, then you have to devise machinery for it. The machinery might be either the independent action of the Governor, subject to such checks as might be devised, or the composition of a Grand Committee. The Grand Committee may be advocated on this basis, namely that if it is such that discussion in it has a chance of influencing it so as to make it possible for the Grand Committee to take the one view or the other, then the Grand Committee may be advocated as a system tending towards the lightening of the very heavy responsibility of the Governor. If, on the other hand, the Grand Committee is so constituted, as is provided in the last despatch of the Government of India, that it is only a registering body, that the decision can only be one way, then there is absolutely no use in constituting it.

1554. Would a Grand Committee reduce the disfavour with which the action of the Government was received?—I am afraid not, as it is sought to be constituted. On the other hand, it will give rise to factious spirit in the Council tending to create two sets of people, one of whom would be termed the favoured of the Government, and the other being the constant opponents. In saying this I am not omitting for a moment the consideration of the fact that the Grand Committee is constituted *ad hoc* for each Bill.

1555. Is not it of advantage for a legislative body to be constituted *ad hoc* for a particular purpose?—I would say that for this reason, that is the only chance if the Grand Committee is to be constituted at all of what may be called circulation amongst the members of the Legislative Council, this is an interchange of personnel, otherwise it will be the same set of people doing the same thing over and over again. If it is to be constituted at all it should be constituted *ad hoc*.

Major *Ormsby-Gore.*

1556. May I ask you to define for us the exact position of your deputation in relation to the other deputations, such as Mrs. Besant's?—So far as Mrs. Besant's deputation is concerned, I may at once say that the All-India Home Rule League, whose Vice-President I have the honour to be, was the parent body started for the purpose of being an adjunct of the Indian National Congress originally, because it was felt that the Indian National Congress needed some assistance for the purpose of propaganda. Mrs. Besant's organisation, of which she is a delegate, has been, if I may say so, formed *ad hoc*. So far as the Congress is concerned, I may say that the majority of

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Major *Ormsby-Gore*—continued.

my body would be generally in favour of the Congress view as to dyarchy. I happen to represent only a minority view, and I have said so in the beginning, and it is because I take it the members of the All-India Home Rule League think on the whole I should be able to do the best I can to serve the interests of the country that they have elected me as a delegate.

1557. I take it then that your personal view, which is, you say, a minority view of your organisation, tends nearer to the position taken up by the National Liberal Federation than does the view taken by the majority of your association?—I think that would be a correct statement.

1558. On actual points, you say that you are in favour personally of the Second Chamber system?—Yes.

1559. Are you in favour of that in the Provinces as well as the Central Government?—The difficulties in the case of the Provinces are for the present well-nigh insuperable. The point is this, that there may not be found in the Provinces, speaking merely as a matter of practical politics, a sufficient number of men who are not wedded to policies which are merely obstructive apart from being deliberative or revising.

1560. In the Central Government you think that such a body could be found. Would you give me briefly your idea as to how such Second Chamber should be constituted?—I may premise whatever I have to say by this, that if the constitution of that Second Chamber is going to involve further delay and further inquiry, as has been suggested by the Government of India, I would rather not have it, because I consider that the *sine qua non* of all reform is the rapidity with which those reforms are carried into execution.

Chairman.

1561. Is this for the Council of State you are speaking?—Yes, my Lord. I venture to say a direct election by persons of superior qualifications, proprietary and literary, might be devised in course of time which would have all the elements of conservative yet not unprogressive thought which ought to characterise a revising Chamber.

1562. You rule out, do you, thereby a revising Chamber containing a certain number of nominated members; you would like it wholly elected?—In theory, yes.

1563. On the point as to the relation of the Governor to his Legislative Council, are you one of those who take the view that it is very undesirable that the Governor should preside at the Legislative Council?—Yes.

1564. Would you let each Legislative Council select its own Speaker, or would you allow the Governor to nominate?—I would say that one of the conditions of inducing a proper democratic spirit into these Assemblies is to enable the Assemblies to elect their own President.

1565. Would it be possible to obtain a President who has some experience of working of deliberative Assembly by means of election?—If by that question it is meant to ask me whether familiarity with Parliamentary procedure and forms would be readily obtainable, I would say no; but I would leave it to the wisdom of the Legislative Council to choose the best that could be got under the circumstances, holding that study and experience would cure any defects which may initially be found. After all, the whole of the scheme is tentative, and there is no reason why an experiment should not be made in that direction as in any other.

1566. Who do you think would frame the rules of procedure of the Legislative Assembly?—I have endeavoured in my answers to say this, that fundamental rights such as the limit of interpolations and the scope of debate should be defined in the Statute itself—what I may call the fundamental rights of a member. Statutory rules ought to be framed at once. Mere matters of detail of procedure, what I may call the conduct of business of an Assembly, might be left to the Assemblies to work out themselves, according as their experience may suggest.

1567. You would not give the Governor any particular powers in that respect?—No particular powers are needed by the Governor, and I would fancy you would

Chairman—continued.

rather leave it to those who have the working of those things to make these rules.

1568. With regard to the Governors in the Provinces other than the three old Presidencies, do you share the view that we heard the other day, that they should be selected from England rather than the Indian Civil Service?—Yes, for this reason, that you are introducing a system which, however *sui generis*, is modelled on your Parliamentary system, then those who have had the advantage of the working of that system must be the Governors.

1569. Now with regard to certification. At present it is proposed, is it not, in the Bill that the Governor should have power to certify measures for Grand Committee procedure at any stage?—Yes.

1570. Are you one of those who take the view that that should be altered, and that he should only have power to certify after rejection by the Legislative Council?—Yes.

1571. You do not think that that would create more friction—that the mere fact that a Bill has been rejected by the Legislative Council would provoke a political crisis?—The alternative is equally difficult. It means that the Governor makes up his mind as soon as a Bill is introduced that the Legislature is likely to reject it.

1572. That would be the interpretation generally to be put upon the action of the Governor?—Yes.

1573. One question with regard to the Council of India here. Do you think that, during the first interim period whilst this great constitutional change is taking place in India, it is very important that the Secretary of State should have in the India Office both Englishmen and Indians of recent political experience whom he can consult from day to day?—In my answers I have stated that for the purpose of working this experiment for five years or ten years the Secretary of State might feel handicapped without a Council. In that case, if the expedient suggested by Mr. Basu in his Minute, namely, that the Secretary of State's Council is composed of half the number of Indians and is further recruited by men trained in the Parliamentary tradition, were adopted, it would enable the Secretary of State on the one hand to get local knowledge, and on the other hand to familiarise the whole country with the Parliamentary traditions, and bring in Parliamentary experience; and for that purpose, subject to the qualification contemplated by Sir James Brunyate, namely, that the Council of India should automatically terminate at the end of ten years, unless Parliament for paramount reasons extends its functions, I should be in favour of a temporary Council, as indicated.

1574. You would not give up any of the present statutory powers for finance that the existing Council has?—There are two aspects of that matter to be considered. The argument, I take it, for the continuance of the Secretary of State's Council is that he wants special experience. Therefore, subject to what I have outlined, I would say let that continue; but the financial veto, as I understand it, being a mere outsider, operates harshly, and I would, therefore, be in favour of the abolition of the financial veto.

1575. You take the view that the financial veto has led to an enormous number of administrative actions on the part of the administrative Government coming to Whitehall which need never have come to Whitehall?—Yes; but at the same time it must not be forgotten that to abolish the financial veto, while preserving the present constitution of the Council, would induce in the people of India the conviction that the Council of the Secretary of State might sacrifice Indian to British interests.

1576. Even though it were composed of half each?—That is why I subjected my remarks to the qualification, unless it were reconstituted.

Lord *Islington.*

1577. You said you would like to see revenue, industries, and education as three subjects to be controlled by Ministers?—Yes.

1578. What do you mean by industries?—Development of business concerns and legislation. I include co-operation and the law relating to business concerns; not company law generally, which I would make an all-India subject.

1579. In

Lord *Islington*—continued.

1579. In the promotion of industries you would include that within a Province?—Yes.

1580. And all the financial arrangements that surround that promotion?—Yes, certainly. I feel in all this discussion it is understood that I accept the view that the Government would deliberate as a whole, and that whilst a Minister would have the expert assistance and guidance of the Executive Council and the Governor, he would be entitled to lay down the general policy.

Lord *Islington*—continued.

1581. Have you read the Report of the Commission on Industries?—Yes, very carefully.

1582. Do you agree with the general recommendations of that Report?—I must say that I take an objection *in limine* to that Report on the ground that the Terms of Reference were unduly restricted, but subject to that I generally approve of the directions of progress suggested in the Commission's Report.

(*The Witness is directed to withdraw.*)

[*Ordered*,—That the Committee be adjourned to to-morrow morning, eleven o'clock.]

Die Mercurii, 30 *Julii* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

The Hon. MR. C. P. RAMASWAMI AIYAR is recalled; and further Examined, as follows:—

Witness.] Before Lord Sinha begins I should like, if I may, to amplify one or two points which I referred to yesterday in my preliminary statement, because that might obviate some questions. The first of the points I desire to press upon the attention of the Committee is with reference to the question of the right of the Legislative Assembly to regulate the fiscal policy. That I had not adverted to yesterday in my preliminary observations, and I would press that very strongly on the attention of the Committee as being a unanimous demand on the part, practically, of the Indian deputations. Closely connected with that, and dealt with more or less as a part of the whole problem, is the question of the liberalisation of the Government of India itself. The problem of fiscal autonomy, of fiscal freedom, is sought to be solved by the majority of the Lord Crewe Committee in one of two ways. Professor Keith suggests that the problem may be faced boldly and frankly straight away; but the alternative is suggested with reference to the Secretary of State not interfering where the Legislative Council and the Government are at one. Whether it is achieved in one way or the other, my humble submission before this Committee would be that it is far better to face the problem straight away at once. That matter has to be dealt with.

The second point, which arises out of an answer I gave to a question addressed to me by Major Ormsby-Gore, is with reference to the question of diarchy. That system is accepted only as a transitional stage and subject to the unified Budget and to the transfer of taxation which are features of the Montagu-Chelmsford Report, and not features of the Govenment of India resolutions. It would be unworkable, in my view, unless the unified Budget and the common deliberation are not preserved as integral portions of this scheme. Another branch of this question of diarchy which I would take leave to urge is this: I hold the views of the Indian National Congress which met at Bombay, and which in substance takes the same line except on this one question with the Indian National Congress which met at Delhi.

The next point which I would also urge very strongly is the question of Provincial contributions. I had omitted to mention anything about it yesterday. I would very strongly urge that the question of the Provincial contributions should be dealt with in the statute itself, not, of course, making each Province contribute so much—that is not a possible subject for statutory enactment—but laying down the principles either in the statute itself, or at all events, by statutory rules, that the Provincial contributions ought to be in proportion either to the revenue or on some equitable basis of that kind, and not leave it to be fixed arbitrarily without any definite tests. Those are the points I wanted to submit to your Committee, and especially that about myself and the League which I have the honour to represent being at one with the resolutions of the Congress, excepting that one question of the diarchy.

Lord *Sinha*

1583. Before I ask you any questions, might I draw your attention to the record of your evidence yesterday?—I have not got it.

1584. It is on page 83. I think there is a mistake in the record. That is why I want to draw your attention to it. This is the record of what you said with regard to the Council of State: "With regard to the Council of State, I would say that personally (and I am speaking entirely personally) I am in favour of a double chamber, in which one chamber is popular and the other a registering body"?—Oh, no; it is quite the opposite, I am afraid. "Revising" was the word, I believe, I used.

1585. Would you mind looking at clause 3 of the Bill. With regard to the second sentence in clause 1 about the salary of the Minister, would you object to the clause remaining as it is, provided the salary was placed upon the transferred estimates?—I would, for this reason. Whilst holding that the transfer of the salary to the transferred estimates would complete the ministerial responsibility that is contemplated, yet I would urge that the same clause in the Bill, one of the sub-clauses of Clause 3, should make it clear that such salary should be the same as that of the members of the Executive Council, and I would say that the words might make it clear that the salary of the members and the Ministers need not be the same in all the Provinces—that is, the salary of the Executive Council members and the Minister in Bombay may or may not be the same as the similar salaries in Assam. But, nevertheless, in the same Province, the status, position and salary of the Executive Council and the Minister should be entirely alike.

1586. There is one further question I want to ask you on that. There may, of course, be more Ministers than one in any particular Province?—Yes.

1587. Would your answer be the same with regard to each Minister, that the position of each Minister should be the same with regard to pay and status as that of an Executive Councillor?—Yes, the reason being

Lord *Sinha*—continued.

being that at the inauguration of the experiment, I took it, the Ministers would be pooled only if there is work enough for, say, three Ministers in addition to the one already contemplated, or two or whatever it may be. There ought not to be a difference between them *inter se.*

1588. One other question with regard to Ministers. You notice the same clause, Sub-Clause 3, "In relation to a transferred subject, the Governor shall be guided by the advice of the Minister in charge, unless, having regard," etc. Does that to your mind contemplate that the Governor should have relations with each Minister independently of others when there is more than one?—If I may say so, the wording of the clause seems to suggest the isolation of each Minister in relation to the Governor.

1589. Do you favour that?—I would not. I would keep ministerial responsibility corporate, as the responsibility of the Executive Council is corporate.

Chairman.

1590. I should like to pursue that a little. If one member of the Executive Council differs from another, he does not resign?—No.

1591. In case, we will say, of two Ministers only, and each with their own department and responsibility, would you say that the Minister whose department is not in question should resign if he does not approve of the policy of his colleagues?—I shall endeavour to answer the question. It may be thought at first that if the Minister is to be responsible to the Legislative Council each Minister ought to stand on his own legs, so to say, but it seems to me that, having regard to the tentative nature of the experiment, and in the transitional stage, it is as well that the Governor should act in conjunction with two Ministers—if there are two—taking their conjoint advice; and if a question arises as between one Minister and another on account of differences of opinion, the same attempt should be made as between the Executive Council on the one side and the Ministers on the other, that there ought to be an attempt, as I say, some kind of mediation or arbitration, and a *modus vivendi* agreed to.

Lord *Sinha.*

1592. The corporate responsibility that you suggest would be the only means for the development of a Cabinet system of government, would it not?—Yes. If I may say so respectfully that is what I had in my mind.

1593. And any other scheme would mean friction? First of all we will take it in the way of allocation of funds?—Yes.

1594. And if you keep each Minister separate or isolated from the other you would not only have a dual Government, but a triple or quadruple Government?—As many Governments as there are individuals.

1595. And I suppose you would regard that as unworkable?—And likely to embarrass still further the Governor in relation to his advisers.

1596. Now there is one matter in relation to Ministers arising out of your written Memorandum which I want to elucidate. You say, I think, that the Minister should have the position of leader of the House?—I suggest that having regard to his position he ought to be the exponent of the Government policy.

1597. Will you look at your answer to question 7, which is Sub-clause 4 of your answers?—Yes. "The Minister, in virtue of his position, must be the virtual leader of the House and the exponent of Government policy."

1598. I want you to elucidate that, because, speaking for myself, it is not quite clear to me. First of all, apart from the position of leader, you would say that he should be the exponent of Government policy? I take it that that would be with reference to the policy of the transferred department?—I should go a little further than this. I take it at all events the advocacy of most of the members of the deputation is in favour of Provincial taxation being a transferred subject, so that the Minister or Ministers, as the case may be, would be in charge of taxation proposals as a whole, either arising out of the needs of the transferred subjects, or arising out of the needs of

Lord *Sinha*—continued.

the Government as a whole, in relation to the needs of the transferred as well as the reserved branches. As the exponent of the policy regarding taxation, he would naturally have to expound the Government policy as a whole, because, I take it, taxation is of the essence of Governmental administration, and it was with reference to that that I was asking that the Minister should be placed in charge of the exposition of the Government policy, and therefore be the leader of the House.

1599. The policy generally, or policy when it leads to taxation?—Policy when it leads to taxation.

1600. Of course if taxation is a transferred subject?—Yes, I act entirely on that basis.

1601. On the other hand, if each side of the Government has power of asking for taxation for its own needs that would not apply?—No.

Chairman.

1602. Where there is more than one Minister, who is to choose the leader of the House?—The Ministers *inter se.* This will approximate to the Cabinet system, in which, so long as the Prime Minister as such is not in existence under this scheme, I take the Ministers in consultation with each other will arrive at a decision as to who is to lead the House.

1603. Subject to the advice of the Governor?—Certainly.

1604. The Governor will choose both Ministers when there are two or all the Ministers when there are more than two?—Yes.

1605. And I take it they will decide, according to your view, between themselves, with the advice of the Governor, as to who is to be the exponent of the policy so far as their side is concerned?—Yes, and in fact it has to be done in that manner, because if taxation is to be a transferred subject, one of the two Ministers in charge of the transferred subjects will have to take charge of the taxation proposals.

1606. And even if taxation were not a transferred subject, with regard to their own departments, the transferred departments, the general policy might be expounded by one of them as such?—Very probably, yes.

1607. Will you look at Clause 9? The controversial matter arises really on Clause 9?—Yes.

1608. Before going into the budget, which is the first part, may I draw your attention to the clauses about Grand Committees, Sub-clauses (3), (4) and (5). I take it that, in your view, if the Grand Committee procedure is accepted, you would insist on there being discussion in the Legislative Council before a Bill is referred to a Grand Committee?—Yes.

1609. So as to elicit fully public opinion?—Yes.

1610. In that view the words in the second sentence of Sub-clause 4 and in the first sentence of Sub-clause 5, "is proposed to be introduced," are particularly objectionable, because that means no discussion?—No reference to the Provincial Council at all.

1611. If those words are eliminated it would meet your objection to a great extent?—Yes.

1612. Wholly?—No, because I would, if I may say so, insist on two references to the Legislative Assembly, in this way. There is no object in referring to a Grand Committee directly without reference to the Legislative Assembly, because it deprives the Government and the Legislative Assembly itself of seeing the pros and cons of the position. After the discussion, and when public opinion has been ascertained on the matter—if a Grand Committee is decided upon; I am only arguing on that basis because my first position is that a Grand Committee as sought to be constituted, is unnecessary and would be injurious, but if it is to be constituted—the prior discussion would be of great avail. And then, if it passes through the Grand Committee, it seems to me that any amendments or alterations that have been made in the Grand Committee should be again reported to the Legislative Council in order that the Legislative Council might make up its mind again with reference to what has passed in the Grand Committee on the matter, and that finally the Governor should take the responsibility.

1613. Would there be any great use in the second reference?—The first reference is of the essence of

Chairman—continued.

the programme; the second reference I would not consider as essential as the first.

1614. So far as information is concerned, the Legislative Council would have it in any case?—Yes.

1615. I think you have stated that the Council of State in the Central Legislature you do not accept in the form suggested either in the Report or by the Government of India?—No.

1616. And if any procedure of that kind is to be retained, you would prefer the Grand Committees?—Yes.

Lord *Brodrick* (Viscount *Midleton*).

1617. You gave an opinion with regard to the Grand Committee, from which I gather that you do not favour the establishment of a Grand Committee at all. Is that so?—Yes.

1618. You think that in any case in which the Governor has to interpose it would be better that he interposed, so to speak, by his own fiat rather than by any other machinery?—Yes.

1619. I notice that you regard many questions with regard to this as experimental. You would feel that there was a necessity that there should be a check somewhere in the early stages of these Councils?—I would consider so.

1620. And if there is to be a check you would rather it came from the Governor than otherwise?—My reasons, if I may be permitted to say so, would be these, that after all the resort to a Grand Committee would be regarded as a pure formality, and if there is going to be the elimination of blame falling upon the Governor that expedient will not solve the question, because they would in any event say that the Government have decided upon the policy and they are carrying through the Bill by means of this process of the Grand Committee.

1621. With regard to the Cabinet, you would favour the Council and the Ministers sitting together?—Yes.

1622. Would you regard the Governor in the light of an umpire or of a party? How would you wish him to be regarded?—The position of the Governor in the transitional period is, of necessity, very difficult exactly to define, but I would rather that the Governor were regarded in the capacity of mediator than anything else—mediator with this difference, that mediators have not generally got to carry out the result of their mediation, but the Governor would have to.

1623. What do you feel as regards the Governor himself being Speaker or Chairman of the Legislative Council?—I would deprecate the Governor being chairman of the Legislative Council in the interests of the Governor himself, because I take it that the position of mediation and impartiality which is his prerogative in relation to the Executive Council and the Ministers would make it all the more necessary that the heat and stress of the Legislative Assembly should not be deflected on him.

1624. In your experience of Indian Assemblies, which I believe is large, do you find the position of chairman or president has been a difficult one?—I take it it is difficult in one sense in every country, and India is no exception.

1625. You recognise that at the Legislative Council there would be great technicalities of Parliamentary procedure which are at present not understood?—Yes.

1626. Under those circumstances, do you think that it is really desirable at the outset that these new Councils should choose their own President?—I regard it as very essential that they should. If I may elaborate it, I take it the idea is that persons ought to be trained from the Legislative Councils themselves in the arts of parliamentary debate. If that training is necessary it ought to be imparted both from the point of view of the private member and of the Speaker. How is that training going to be developed unless, even at the risk of mistakes, which are not irremediable, someone is given the position of Speaker, having an amount of detachment, and is taught to exercise the virtues of that detachment, which, I take it, are the functions of the Speaker.

Marquess of *Crewe*.

1627. With regard to the position of the Governor, I did not quite understand one of your replies to Lord Midleton, or, in fact, one of Lord Midleton's questions, because I understood from your former examination that your view was that the Governor should not, either *ex proprio motu*, or through some such body as the Council of State, have the power of checking legislation at an early stage. Was that so?—There are two questions involved in this. I was speaking yesterday on the power conferred by this Bill of what may be called blocking legislation. It was that I objected to, because I stated that the Governor's responsibility would be intolerable if he took upon himself to block legislation, and thereby to incur the odium of public condemnation even before the members had an opportunity of expressing their views on the subject.

1628. Your desire was that if he felt compelled to interfere he should only do so after a full discussion in the Legislative Assembly, after the whole matter had been thrashed out, and that if he then thought it necessary to interfere he would put his foot down, so to speak?—He would resort to any of the expedients which can be devised for the purpose of dealing with affirmative legislation.

1629. That would mean the simple use of the power of veto without a preliminary checking power?—Yes.

1630. Do you think that the limitation of the Governor's power in that respect would prove to be inconvenient to him and make his position difficult?—As contrasted with other procedure I should not think so, for the reason that the Governor would have the advantage of eliciting popular opinion. It might in many cases meet him half way, or he might meet popular opinion half way, because final action would depend upon the extent to which he is constrained to differ from the result of popular discussion.

1631. And you think, therefore, that if he had to incur odium it would be less if he felt in the last resort obliged to veto rather than if, in the first instance, he forbade the discussion of the proposed legislation altogether?—Yes.

1632. Now I am quite clear on that point. There is one point in regard to the home side. As a general proposition you are in favour of abolishing the Secretary of State's Council?—Yes.

1633. But if, as many people think, it would be impossible to do that as a single operation by the present Bill, of the two you would prefer Sir James Brunyate's scheme, which involves retaining the Council with definitely limited powers, to the creation of a new body of Advisory Councils, as the majority of my Committee proposed?—Yes, with the reservation suggested by Sir James Brunyate that that body would automatically come to an end at the end of 10 or 12 years unless a Parliamentary Commission reported that it is necessary to take any other course.

1634. I quite agree that is an important feature in the scheme, but you would differ from Sir James Brunyate in that you would increase the number of Indian members of the Council to a statutory half of the entire body?—Yes; I regard it as essential to the success of the scheme, especially in view of the discussion which has been summarised in the Report of your Lordship's Committee.

1635. Will you tell what in your view precisely is the advantage from the Indian point of view of having a large number of Indian gentlemen on the Secretary of State's Council at this end? I will explain why I ask the question. The view of some of us has been that the further representation of India, which we all desire to promote, ought to be in India itself rather than here; that as advance is made in the direction of a Dominion status it is preferable for India to take its larger share, so to speak, at home rather than here, and that from one point of view it may almost be regarded as a retrograde step to increase Indian representation here. I should like to know you opinion on that?—On that point I agree, if I may say so, that the largest scope that may be afforded to Indian talent in India would make it perhaps more difficult and perhaps also unnecessary that there should be a large number of prominent Indian gentlemen here doing this particular kind of work. That is to me a very cogent argument for the abolition of the Council of the Secretary of State. I would use

Marquess of *Crewe*—continued.

it in order to enforce that position of mine. If, however, it is decided that the Council of the Secretary of State should not be abolished, then I say that in addition to the official experience which he gets from the permanent heads of Departments and the recruitment of the Civil Service, there ought to be Indian experience made available for such a time as the Council may have decided upon.

1636. You would regard the Indian element in the Council as something of a check to be exercised in advising the Secretary of State upon the purely official view which otherwise he might alone receive?—Yes.

Sir *J. D. Rees.*] Lord Selborne, may I ask the witness a question in a form designed to economise time?

Chairman.] Thank you.

Sir *J. D. Rees.*

1637. Did you hear the evidence given by Mr. Surendranath Banerjea and Mrs. Besant?—Yes.

1638. Did you follow it?—Oh, yes.

1639. Having regard to the relevance of the existence or non-existence of an upper and lower caste question, to the length of its existence if it exists, or to the date of its commencement if recent, and to the significance of the Nair prominence therein at present, and to its bearing upon communal representation in the attitude of the Government of Madras, have you anything you wish to add to what has been said upon that question?—In answer to that very comprehensive question, I may mention that I am a native of the Madras Presidency——

1640. So am I, almost?—And I have had special experience of various portions of the Madras Presidency in which this manifestation of the non-Brahmin problem is most acute. For instance, I have known a number of persons in Malabar, and have presided over the Malabar District Conference which was organised by a number of very prominent non-Brahmin gentlemen in Malabar. I have also watched the inception and development of the non-Brahmin problem in the town of Madras, where I practice my profession, and I may say that it would be quite accurate to state, as the Honourable Mr. Banerjea did state, that the present aspect of the non-Brahmin problem dates only from the promulgation of the Montagu-Chelmsford Report. It is not for me to deny that for some considerable time there had been a feeling amongst the non-Brahmin communities that they, not having taken advantage of the educational facilities as the Brahmin communities did, were at a disadvantage in so far as the recruitment of services and so forth was concerned; but they regarded it, as I take it, only as a spur and an incentive to progress, and efforts were made by non-Brahmin leaders, in order to spur them on to progress, instancing the relative progress of the Brahmin community. But there was no bitterness involved in the controversy, and no question of the elimination of the Brahmin element to any extent, or the segregation of the Brahmin element. That has been a new feature. In the next place, it would be quite accurate to state, as the Honourable Mr. Banerjea did state, and Mrs. Besant corroborated, that there has been no sense of exclusiveness manifested by any one community towards any other. In the public life of the Madras Presidency non-Brahmin leaders have played a very great part. The late Mr. Ramaswami Mudaliar was an acknowledged leader of society. He was a very learned and cultured gentleman. Other names, such as those of Sir Sankaran Nair himself, and Kesava Pillai, might also be added. In addition to that, it will also be apparent that before the acuter phases of the problem came into prominence after the promulgation of the Montagu-Chelmsford Report, in contested elections very often Brahmins supported non-Brahmins and vice versa. I might at once give an instance in point. At the last election to the Madras Legislative Council I was a member of the Corporation of Madras. I, a Brahmin, supported the candidate who was one of the chief lieutenants of Dr. Nair, and voted for him; and two other Brahmin gentlemen, who also served on the Corporation of Madras, voted for him. The main objection to him arose from Dr. Nair, who was then his determined opponent, and the reason for the return of the

Sir *J. D. Rees*—continued.

Brahmin candidate, whom Dr. Nair put up, was because of the non-Brahmin votes cast against the non-Brahmin. The result, therefore, of the discussion is this: The non-Brahmin leader, Dr. Nair, supported a Brahmin to the Legislative Council and obtained the support of non-Brahmins to vote for the Brahmin. A number of Brahmin members—I think all the Brahmin members of the Corporation excepting one—voted for the non-Brahmin candidate. That is a crucial instance in point, and it may also be stated that prior to the last elections in which exceptional causes supervened, non-Brahmins were frequently returned to the Legislative Council by all constituencies. Dr. Nair himself was returned to the Corporation of Madras by an essentially Brahmin constituency which largely consists of Brahmin graduates. They returned him to the Corporation of Madras. I may say that very much has been made of the last election. It is said, and I think Sir Alexander Cardew's minute makes some point of it, that nine out of ten seats are held by Brahmins in the Madras Legislative Council. That argument overlooks the fact that four out of the nine elections were uncontested, and so far as another election was concerned, the contest was between a Brahmin and a European. I would therefore say unhesitatingly that this problem has been given much more artificial importance than it deserves.

1641. You heard Mr. Surendranath Banerjea say that he, as a reformer, and his friends, contemplated the ultimate—I do not know what he meant by that exactly—the ultimate extinction of caste. I would ask whether the present reform movement in India, and the present reformers are as they were in the days of the Early Brahmin Samaj, and so on, anti-caste, or whether this is essentially little more than an orthodox movement?—The answer would necessarily be lengthy, but I would like to condense my remarks. The political reform movement may be described as transcending castes, not as involving or postulating the abolition of caste, but transcending caste in this sense. We recognise that the caste system still exists and will probably exist for some time, and there are parties amongst us who want the abolition as a social factor, others, not; but all would agree, orthodox or unorthodox, that the political problems can best be solved only by that spirit of brotherhood which we say is also an element of the caste system, but not an element of certain of the later developments of the caste system.

1642. You know the Moplas and the Lubbas of Southern India?—Very well.

1643. They are by descent converted Hindoos?—Yes.

1644. Are they in their lives and conversation more Hindoo than Mohammedan?—They are entirely Hindoo.

1645. Has that an important bearing on the question of communal representation?—So far as the Madras Presidency is concerned I believe they go through tali, which is a Hindoo marriage rite, in addition to going through the Mohammedan rites. There is no great cleavage between the Hindoos and the Mohammedans in that community.

1646. Does the age-long caste quarrel of the right and the left hand still exist?—Oh, no.

1647. It has quite gone?—Quite gone. The division of the right and left would have quite gone long ago but for the fact that the Madras Government divided the town of Madras into two divisions on the footing of the right and left factions.

1648. Sir Alexander Cardew in his note refers, not as of his own knowledge, but quoting the "Imperial Gazeteer," to the pollution distance of 64 ft. for a pariah. Do you know any part of the British territory in the Madras Presidency in which these pollution distances are observed?—Well, I think it would be correct to say that attempts have been made to enforce those pollution distances, not by the Brahmin community, but by the higher non-Brahmin community. Cases have arisen in the Law Courts recently in which a Brahmin has attempted to bring a person within the polluting distance in order to test the validity and the ultimate legal sanction of such rules.

1649. Has there been a rapid democratic advance in the Madras Presidency during the last five years and the five years preceding the war?—Most perceptible.

1650. Would you say that the development had an altogether characteristically eastern character, or has

Sir *J. D. Rees*—continued.

it partaken very much of a western character?—I would say it has partaken of the general democratic impulse which is observable in the world, and which has, very largely, Western origin.

1651. You were asked a question with regard to conditions in native States. I will ask you one question, with Lord Selborne's permission, regarding the only three in which I have myself served. Taking the States of Mysore, Travancore, and Cochin, are there not bodies of a Parliamentary nature—let me say representative bodies—which really largely colour the administration? Can you say there is anything autocratic in the Governments of those States now?—In legal theory, each of those Governments is autocratic; but in practice, even before the introduction of the Legislative Councils, the Rajahs of those three native States were naturally subject to what may be called the popular opinion, reflected through his Indian Councillors; but more recently an attempt has been made—and is being successfully inaugurated— of popular assemblies, where all questions of public importance are discussed.

1652. And they do leaven public opinion, I presume?—Yes.

1653. With regard to the transferred and the reserved subjects. I want to ask whether the provision of a separate purse would not really deprive Indian public opinion of any control over taxation?—Yes.

1654. Because in that case the initiative for taxation to meet the needs of the transferred subjects would not rest with the Minister. Is that so?—I would say so; yes.

1655. As regards the India Office, you said you were in favour of the abolishing of the Indian Council. Whether that Council be abolished, or whether it be supplanted by an Advisory Committee, do you think it is a good thing to provide that members of Parliament should not be on it?—No; on the other hand, having the ultimate objects in view, namely, the introduction of democratic institutions into the country, it would be advisable to have, as expert advisers of the Secretary of State, not only persons conversant with Indian conditions, but also with Parliamentary procedure.

1656. Is the opinion held, so far as you know, that British Parliamentary experience is very good for men and Civil Servants and future Governors? Is not that view strongly held?—Very strongly.

1657. As regards the present Legislative Councils, you were asked whether they had the respect and affection of the people?—I am afraid I do not know.

1658. If they have—I do not understand that you deny it, at any rate—why should a Grand Committee (which is formed out of that Council), and a Council of State (which is to be formed in the same manner), not possess equally the respect and affection of the people?—They might, under very altered circumtsances; but if they are formed—as has been suggested—merely with the object, and so as to preserve the appearance, of being registered bodies of the will of the Government, they will not possess their respect and affection.

1659. You heard the evidence of Mrs. Besant. Do you think that the ancient Guilds which exist in India which still subsist have any correspondence with trades unions in England, or have the same influence upon labour questions?—I am afraid not.

1660. As regards the Governor in Council constitution, you have some experience of that, having been on the Governor's Legislative Council: Have you been struck with the extent to which the Government of India really controls the administration of the Provinces which you know, or not?—Yes; it has been a frequent cause of complaint by the Madras Government. I have not been in the Council very long, but I have studied the history of the Madras administration sufficiently intimately to know.

1661. Is it an effective continual close check and interference?—Largely, it is felt that the Government of most Presidencies is the Government of India, excepting in a very few and limited matters.

1662. Is it the case that the Government of India is co-Governor with the Government of Madras? Do you feel it to be a great factor in the actual government?—Not having been within the Executive Government, I cannot say.

Sir *J. D. Rees*—continued.

1663. Then I leave that. Can you say what is the attitude of the people of Madras, the educated people or the uneducated people, or both, as regards the reform question, and could you say how far they are in accord with the attitude which the Government of Madras has adopted with regard to this reform question generally?—I am glad that that question has been put to me, because I think I can say something pertinent on the subject. It is generally regarded that the Government of Madras has adopted an attitude of indifference, if not of hostility, towards the whole question. I may at once say that general educated opinion, not only Brahmin or the intelligentsia opinion, but the general opinion throughout the Madras Presidency, is in favour of reforms tending to make democracy possible. The Madras Government has apparently taken the view that such an experiment is fraught with great danger, and the view has been very trenchantly put by Sir Alexander Cardew, who stated that so long as the Indian people believed in the transmigration of souls, so long would democracy be impossible; I am probably putting it in an extreme form, but that is the net result of his Minute. That is not an opinion in which the people of Madras share. As giving a further example, I would say that various resolutions of the non-Brahmin conferences which have been held after the controversy took an acute form, make it abundantly clear that they too want power and a transference of power —segregation of power if you like, but a transference all the same—showing that the Madras Government's view as adumbrated by Sir Alexander Cardew is not felt as the final solution of the problem.

Mr. *Spoor.*

1664. You are really a University representative, and I would like to ask you one or two questions regarding education and as to its being affected by this Bill. First of all, I would like to ask you regarding the peasant position. We hear of the enormous percentage of illiterates in India. Can you give us any idea how many people in India—what percentage, have an opportunity of education at all in any shape or form?—I may say this, that the present figures—I am speaking subject to correction—are, that of men, 106 out of 1,000 are literate, and amongst the women only about 12 or 13 out of 1,000 are literate. The total proportion, striking an average, is about 50 per 1,000 throughout the whole country. Now that state of things is produced, according to most persons who have given any attention to the subject, by the circumstance in the first place that there are not enough schools to which people can go. In the second place, it is felt in that country, as it has been felt in every country as a matter of history, that unless at the initial stage some element of compulsion is resorted to, you cannot introduce a system of education which will permeate the whole country. Taking those two factors into account, it must be stated that the facilities for improving the spread of education are extremely limited.

1665. Is there any feeling in India that education has been starved in past years?—Yes.

Chairman.] We are not inquiring into the Government of India.

Mr. *Spoor.*

1666. I am asking this question with a view of ascertaining the possible effect of this Bill so far as education is concerned. (*To the Witness.*) With regard to the future, do you believe that the passage of this Bill will lead to any material improvement?—I would not give an answer to that question. I would say if the passing of the Bill means that the Bill is passed exactly as it is at present drafted, with the possibility of the rules being also drafted so as to suit the Government of India's ideas, my answer would be no.

1667. You feel, apparently, that with the prospective revenue which you will have it will be impossible to make any real progress?—Yes, and with the taxation proposals of the Government of India.

1668. You agree, I suppose, that the real need in India, as probably of other countries at this moment, is education?—Yes.

1669. That

Mr. *Spoor*—continued.

1669. That it will improve the material conditions of the people?—That has been the universal experience, and there is no reason why it should be different in India.

1670. You agree also that it will go a long way towards the extinction of caste?—As a disintegrating factor.

1671. You think that what educational work is done should go more along Eastern lines—that is, there should be no attempt to impose our stereotype Western methods?—I would not restrict it by saying Eastern means or Western means. I would say we must evolve our own system of education.

1672. I have a question which was suggested by the question of my honourable friend Sir John Rees with regard to any correspondence between the ancient guilds in India and modern trade unions, but I gathered from Mrs. Besant's answers yesterday that whilst these ancient guilds did furnish some parallel, as a matter of fact there have been established during quite recent months unions which correspond with the unions existing in Europe?—And frankly modelled on them.

1673. You believe that they would continue to develop?—It depends on the way they are developed.

Lord *Sydenham.*

1674. I believe you represent the All India Home Rule League?—Yes.

1675. Are you also a member of the National Congress?—Yes, I was. I was Secretary of the Bombay Congress.

1676. You are still a member of the Congress?—Yes.

1677. In a paper which has been handed to us by the Secretary of the National Congress it is pointed out that that body has existed for 33 years, and it has during that time consistently followed its object. Its object is the attaining of self-government within the Empire on the lines of that now enjoyed by the self-governing dominions. Has the Home Rule League any different object from that?—No.

1678. Then what was the need of a fresh organisation if the National Congress was pressing forward the same object on constitutional lines?—I may at once give you the answer. The Home Rule League does not purport to be an opposition body to the National Congress at all. Propaganda was considered necessary in order to spread political ideas throughout the country, and for the purpose of the propaganda it was felt that a body which moved perhaps quicker, and which was not confined to what may be called annual sessions but would do the work throughout the country day in and day out, would be an essential adjunct of the activities of the Congress, which was the raison d'être of the Home Rule League.

1679. The raison d'être of the Home Rule League may be summed up by saying that it was a propaganda body for carrying out the objects of the Congress?—Yes.

1680. I think the Home Rule League was started in September, 1916?—Yes.

1681. Before that time had the Viceroy begged that controversial matters should be laid aside during the war?—Yes. Do you want me to answer the question in detail? The answer is yes, but it was felt that the Viceroy had disregarded his own advice.

1682. Can you say why it was decided at a moment when the Empire was fighting for its life and the issue was most uncertain that this fresh propaganda should be started throughout India?—For the purpose, as we honestly thought, of strengthening the hands of the Empire and India's connection with the Empire.

1683. Your contribution to the war was a movement of propaganda for home rule?—Certainly not. Speaking personally, I have done a great deal of war work. I offered to enlist myself, but my offer was not accepted. The same thing can be said of most of the prominent members of my League.

1684. You have said that this propaganda was directed to strengthening the hands of the Empire during the war?—Not only by agitation, but the members of the League in their various capacities took a great deal of part in war work. I have been a member of a number of organisations connected with war work.

1685. A very distinguished Mohammedan wrote to me complaining bitterly of the harm which had been done to students by bringing them into the Home Rule movement. Was that done?—It is an absolute untruth, for the reason that one of the rules prohibits students having anything to do with the work of the Home Rule League.

Lord *Sydenham*—continued.

1686. No sort of propaganda was carried on among students?—There were classes held in which students were taught politics. Those classes had nothing to do with the Home Rule League as such, but existed long before the Home Rule League came into existence. It would be false to say that the students were diverted into active politics by this League or any other organisation.

1687. Then I was wrongly informed?—I am afraid so.

1688. Not long after the agitation of the boycott movement in Bengal Sir Surendra Nath Banerjea wrote these words: "In all great movements boys and young men play a prominent part. The Divine message first comes to them, and they are persecuted, and they suffer for their faith. 'Suffer little children to come unto Me' are the words of the divinely inspired Founder of the Christian religion, and the faith that is inseparable from childhood is the faith which has built up great creeds and has diffused them through the world." Do you hold that doctrine?—I can answer that in this way. I hold the view that in India and every other country it is the young we touch with the spirit, but if more than that is meant by it—and I am sure the Honourable Mr. Banerjea would not mean that—if an implication is sought to be made, I ought to have notice of what is thought to be merged in those words.

1689. You entirely disapprove of using students for the purpose of political agitation?—Certainly; and, if I may say so, most persons who have thought about Indian politics do disapprove of students taking an active part in politics, though they must be instructed in politics.

1690. The orginal Home Rule League has recently been divided, has it not?—Yes.

1691. What are the differences between the two branches?—Does your Lordship want me to answer that question?

Chairman.] What exactly is the point, Lord Sydenham?

Lord *Sydenham.*] We now have a representative of one branch of the Home Rule League which has quite recently been split into two. I wanted to know what those two branches separately mean, or if they have really the same objects.

Chairman.] Mrs. Besant gave her account yesterday.

Lord *Sydenham.*] Then I will gladly withdraw that question.

Witness.] I do not entirely concur in the account which Mrs. Besant has given, but I consider that the work of this Committee does not involve an examination of the differences between the two Leagues.

Chairman.] If the witness does not agree with what Mrs. Besant said yesterday, I think you have a right to press your question.

Lord *Sydenham.*

1692. Will you explain the differences?—Mrs. Besant said yesterday it was because persons hated her on account of her participation in the Gandhi movement that the other League was formed. I do not think that was the psychology; it was really on account of a difference of opinion which rose with regard to the working of the Rowlatt Act.

1693. And the difference between the two branches is solely a difference of view upon the Rowlatt Act?—In the main I would say yes.

1694. The National Congress was split in 1907?—Yes, I was present at Surat myself, where the Congress took place which produced this so-called split.

1695. A split which at the time went so far as blows, did it not?—Yes.

1696. Was the Congress re-united during the war?—Yes.

1697. Is it fair to say that it has been again divided in the later months?—I do not think so. There have been differences of opinion in regard to this particular measure

Lord *Sydenham*—continued.

measure which is now on the tapis, but I would still hold that every political thinker in India holds himself in allegiance to the Congress.

1698. We may regard the Congress as one solid body speaking with one voice?—Not on this particular Bill, because opinions have differed on this Bill, and those opinions have differed with reference to what may be called compromise matters and what may be called questions of immediate practicability and so forth, not on any fundamental difference in the political programme in India.

1699. I think you spoke of the disappearance of caste, and I hope we shall get some more evidence on that point. Is it the fact that the Inter-caste Marriages Bill has aroused rather strong resentment amongst orthodox Hindoos who form the majority of Hindoos?—It has aroused opposition, there is no doubt.

1700. It aroused rather bitter opposition among the Hindoos?—I am afraid it was a somewhat artificially engineered opposition, playing upon ignorance.

1701. You think they did not understand it?—Yes. It has been given out that the Bill in some mysterious way compels people to marry outside their caste. At any rate that is one of the general popular superstitions that exist in India. Many people forgot in the course of the discussion that the Bill is only an enabling one.

1702. And it has been represented that the Bill compels people to marry people they do not want to?—Something of that kind.

1703. You spoke of the popular Assemblies in Mysore and other places. Have they any legislative power of any kind?—The representative Assembly at Mysore is advisory in its character.

1704. Is there any movement in any native State that you know of in the direction of giving legislative powers to those assemblies?—Yes. I was recently consulted by a number of members of the Travancore Legislative Assembly with regard to this matter, and I believe a step is being taken in that assembly. How far it will receive the sanction of the Maharajah or the Imperial Government is a matter of the future.

Chairman.

1705. Why do you say of the Imperial Government?—Because I believe the Government of India reserves to itself the right of what may be called a scrutiny of the policy generally pursued in the native States. It may be that I am wrong, but that is what I am informed.

Mr. *Montagu.*

1706. I think, Lord Selborne, if we are going into the relations between the native States we had better have expert evidence on it?—I am entirely ignorant on that.

Lord *Sydenham.*] The question of the native States has been introduced or I should not have introduced it.

Chairman.] I am not in the least objecting to the question, but I think the witness gave a completely erroneous answer, in error, and I should not like the Indian Princes to think that his answer was correct.

Lord *Sydenham.*

1707. (*To the Witness.*) Going back to what I was going to say I think you spoke of the great restraint exercised by the Government of India over Provincial Governments in the past. If that restraint is removed to a very great extent, and if the Legislative Councils are in future dominated by elected members and all legislation has to pass those Councils, would not you say that considerable increase of power has been given into Indian hands, taking those two things together.

1708. You will not go so far as to say that it is a good deal of power?—I would not call it effective power.

1709. It is not nearly as much power as you would like to see?—No.

1710. I think you gave some answer which seemed to show that you wish all financial control to be entirely in the hands of the Legislative Council?—Yes.

1711. In that case what would become of the reserved subjects?—I think my answer was this, that the Legislative Council should have an opportunity of discussing, and with some effect, the financial proposals of the Government. I was not for the moment thinking or predicating anything with reference to the reserved subjects, because I take it that the discussion proceeded on the basis of the joint purse as recommended, and of which I am in favour. All the safeguards and limitations demanded by the joint purse system would exist, and it is with reference to that particular state of things that I spoke.

1712. You would admit that if complete financial control passes into the hands of the Legislative Council, the reserved subjects could not be financed at all, or might not be able to be financed at all?—I would not say that at all, because I take it the Legislative Councils in any case would be reasonable enough to say that the reserved subjects are as much the objects of care as the transferred subjects.

Mr. *Montagu.*

1713. Is it your experience generally that the Local Governments if left to themselves would be more liberally inclined than the Government of India?—It is very difficult for me to answer the question, but my restricted experience of the Madras Government would not enable me to answer it in the affirmative.

1714. With regard to your remarks in answer to Mr. Spoor, he asked you whether you thought there would be any material advantage from the passing of this Bill. I understood him to mean would the material conditions of the people of India be improved?

Mr. *Spoor.*] My point was this, that if we got improved educational facilities as the result of this Bill, would the material conditions of the people be improved?

Mr. *Montagu.*

1715. I think you and the witness were at cross purposes, because the witness's answer was that the Bill wanted amendments. The amendment you suggest has no effect upon the material condition of the Indian people?—No. No legislation by itself would have any effect on the material condition unless and until the Legislature applied themselves to that condition.

1716. One of the things that you suggest should be incorporated in the Bill is the salary of the Minister?—I am afraid that would not be describing it accurately. What I said was that the fact that his salary was equal to that of the Executive Council member ought to be indicated in the Bill itself, and in answer to the question from Lord Sinha I stated that the amount of the salary was not the material point, and it may be that the salary might not be the same in all Provinces, but in each Province the status and position of the Minister in that Province ought to be exactly the same as the status and position and salary of the Executive Council member.

1717. I do not gather from you that you want the salary so fixed in the Bill that it should not be altered or reduced by the Legislative Council?—Not at all.

1718. Now I want to ask you a question about taxation under the joint purse. Has it ever occurred to you that there may be some difficulty about requiring a Minister always to make the proposals for taxation?—With the safeguards contemplated I should not think that any difficulties would arise, because I take it that taxation, being a transferred subject—I am speaking on that basis—before the Minister makes his taxation proposals, the consultation that is contemplated would have taken place, namely, the needs of the reserved subjects would have been brought forward, and the needs of the transferred subjects emphasised. As the result of that, and in spite of the adjustment that may be effected *pro tanto*, if it is found that any taxation were necessary, it would fall upon the Minister in charge of that transferred subject.

1719. Supposing there was enough money in the joint purse for both the reserved and transferred subjects, but the expenditure upon a particular reserved subject was increased, and therefore the need for taxation was due to the expansion of a particular reserved subject, would it be fair to ask the Minister to propose that taxation?—I would answer the question in this manner. If the Minister, after the review of the necessities of the transferred subjects as a whole, and

of

Mr. *Montagu*—continued.

of the necessary expansion of a reserved subject, persuaded himself that further taxation was necessary, I think it would not only be the right thing, but advantageous to the future development of the country that the Minister should go to the House and say: "I am convinced that the reserved subject needs expansion, and I therefore advocate taxation."

1720. You heard those who were arguing against the joint purse explaining the dangers of friction which might arise if neither side were satisfied with the Budget provision in any year for the other side?—Yes.

1721. Has it ever occurred to you that if such fears materialise, it might be a good thing to provide for some Board of Arbitration or Appeal Court to settle the difference for a term of years?—Yes. That is already referred to in answer to one of the questions before this Committee. Speaking for myself, it seems to me that that would be a very good expedient to solve any matters that might arise in controversy between the two branches.

1722. Now I come to the Central Government. You, like almost every other Indian witness who has communicated with us or been in the witness chair, want something more than the Bill proposes in the Central Government?—Yes.

1723. And the usual demand is for some beginning of responsibility?—Yes.

1724. Would you mind defining that from your point of view a little bit more closely. What I mean is this: Am I to understand that that means that you would wish for diarchy in the Central Government?—Yes.

1725. A Minister holding office at pleasure with the understanding that he would resign if he lost the confidence of the Legislative Assembly?—Yes.

1726. You have heard very serious doubts expressed by many people in India and in England about the advantages of diarchy at all?—Yes. I am also of the opinion that diarchy is a transitional expedient. I do not regard it as a perfect system, but I regard it as the best that could be devised in view of the conditions which have been postulated.

1727. But you have sufficient belief in it to think that you would advocate it to this Committee both for the Local Governments and for the Central Government?—As I said, so far as the Local Government is concerned, I have indicated in my answer the reasons why I am in favour of diarchy personally. So far as the Central Government is concerned, having regard to the principles of the pronouncement, I hold that some power and responsibility to be transferred to popular representatives is of the essence of the pronouncement itself. Holding that view, it seems to me that the only method by which to carry out that object would be to transfer responsibility in certain selected subjects.

1728. My last question is this. I think you have suggested arguments against the Council of State as a mere registering body?—Yes.

Mr. *Montagu*—continued.

1729. Supposing it were not a registering body, have you ever considered the possibility that the members of it should be nominated?—Yes. I would say that the election by suitably devised constituencies, devised so as to procure the inclusion in the Council of State of elements which may not be present in the Legislative Assembly, would be a preferable method; but before I go further from the subject, I would say that if that would involve that deliberation and consultation with the local governments and all the correspondence foreseen by the Government of India, that elaborate experimentation would be unnecessary, and in fact productive of harmful results.

Lord *Islington.*

1730. Does not the whole reason for the establishment of a reserved subject fall to the ground and vanish if you remove from those who are to administer those reserved subjects the power of taxation for their maintenance?—I do not concede the possibility of the power of taxation being denied to men in charge of the reserved subjects, because I take it that the object of the joint purse system is to secure that the needs of both the departments will be considered in consultation between the Ministry on the one hand and the Governor and the Executive Council on the other, and that, the necessity for taxation being once established, taxation forthwith will be begun.

1731. But the necessity for taxation having been once established, how are you to arrive at that in favour of extra revenue for a reserved subject if you confine the power of taxation to a Minister?—The Minister will be the exponent of the policy of the Government with regard to taxation whether in reference to a reserved subject or a transferred subject. If it is once decided that a reserved subject needs further revenue in order to augment its resources or to expand them, the whole body, that is the Ministers and the Executive Councils, sitting with the assistance of the Governor as mediator, will arrive at a particular result. That result having been arrived at, then taxation will be started.

1732. I understand from that answer that you would accept power on the part of the Executive Council to determine extra taxation, and you would only ask the Minister to be the exponent of it in the Legislative Council?—I am afraid I did not make myself clear. There will be a discussion between the one branch of the Government and the other as to the necessities for taxation. All the arguments pro and con will be advanced.

1733. It is the decision I want to get at?—If there is an irreconcilable conflict between the Executive Council on the one hand and the corporate body of Ministers on the other, the final decision would rest on the Governor whether on the one scheme or the other.

Chairman.] Thank you.

(*The Witness is directed to withdraw.*)

Die Martis, 5° *Augusti* 1919.

MEMBERS PRESENT:

Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

The Hon. Mr. V. J. PATEL and DEWAN V. P. MADHAVA RAO, C.I.E., called; and Examined.

Chairman.

1734. Mr. Patel, you and Mr. Madhava Rao are representing the National Congress?—(Mr. *Patel.*) We represent the Indian National Congress

1735. You have sent us a general memorandum and also answers to the questions?—Yes, my Lord. (For Memorandum, see Appendix C.)

Chairman—continued.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition

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Chairman—continued.

tion contained in the Preamble?—While maintaining that the people of India are fit for full responsible government, which it would be desirable, therefore, to introduce at once, the Indian National Congress, in order to facilitate the passage of reforms and save time which might otherwise have been lost in controversy, has welcomed the announcement of August 20, 1917, that the establishment of responsible government in India is the goal of British policy. But it holds that Indians should be the judges of the time and measure of the advances to be made, and has demanded (by resolution passed at its session at Calcutta in 1917) that the realisation of full responsible government should be guaranteed to India, within a period not exceeding fifteen years, in the proposed Statute of Reforms. Responsible government is a system of government in which the Executive is responsible to a popularly elected Legislature, and therefore holding office while it enjoys the confidence of that Legislature. The aim of the Congress is the establishment of such government in the whole of British India to the extent it has been introduced in the self-governing Dominions. In other words, the Congress demands Dominion Responsible Government or Dominion Home Rule. The Congress does not accept the terms of the Preamble as they stand, and urges that the whole of the Preamble should be amended as proposed in Part II. of the Memorandum of Evidence submitted on behalf of the Congress to the Committee. The effect of these proposed amendments would be to guarantee the establishment, within a period not exceeding fifteen years, of full responsible government in British India, and to ensure that the devolution of powers and responsibility as between Parliament and the Government of India on the one hand, and the Government of India and the Provincial Governments on the other, should depend upon a corresponding devolution of powers and responsibility to the popular Legislature, as well as an increasing association of Indians in every branch of administration.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—We think that it involves the establishment of fully elective Councils. The Congress urges, however, that to begin with, at least four-fifths of the members should be elected.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—It is necessary that they should. At present they possess no such power.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—We do not think so. The Congress asks for full responsible government in the Provinces.

5. If you accept the propositions stated under questions 1 to 4 do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—As the Congress does not accept the propositions stated in questions 1 to 4 in their entirety, it is not in favour of the dual form of government embodied in the Bill. Its objections are explained generally in the Memorandum of Evidence already submitted to the Committee. Briefly, they are as follows:—(1) That the Congress holds that India is fit for responsible government, and that anything less than full responsible government in the Provinces could not satisfy the people, even as a first step. (2) That the scheme embodied in the Bill is not calculated to achieve the goal aimed at in the Declaration of Policy contained in the Announcement of August, 1917. The means proposed by the Congress are contained in its resolutions printed as Appendix I. in the Memorandum already submitted.

Chairman—continued.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and if it does, in what way (Clause 2, 3, etc.), and (ii) does it afford means of judgment, (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—The method proposed by the Indian National Congress does provide for advance by stages. According to the resolutions of the Congress, all matters affecting peace and war, the Navy, the Army and the Air Force, treaties and foreign relations (other than commercial treaties), relations with Indian ruling princes, and all matters directly affecting the peace, tranquility and defence of the country (subject to the Declaration of Rights set out on page 4 of the Memorandum), would be left at the first stage to be dealt with by the Executive uncontrolled by the Legislature, and some of them would be transferred to popular control in course of time after providing all necessary safeguards for the maintenance of India's connection with the British Empire. The resolutions of the Congress also fall short of responsible government on other matters. To mention a few of them, (1) financial autonomy is subject to a serious qualification enabling the Governor-General to over-ride the decision of the Legislature. (2) The Executive in the Government of India need not command the confidence of the Legislature, and will not be bound to go out of office by reason of an adverse vote. (3) There will be no one corresponding to the Premier in the British system and, therefore, the head of the Government will be the real, and not merely the nominal, head of the Executive. (4) The Legislature will not be wholly elective. These and other similar matters in which the resolutions of the Congress fall short of the essentials of full responsible government also provide scope for advance by stages. In our view, the Congress scheme is the only one yet put forward which will facilitate the progressive realisation of responsible government in India, if such realisation of the goal is seriously intended to be attained as early as possible and is not to remain an expression of a mere pious wish. (ii) We welcome the assumption contained in the first part of this question that the electors are to be judges of the success or failure of this experiment. The Congress does not admit the claim of otthers to be the judges. Our views in regard to the proposed Statutory Commission are expressed in our answer to question 17.

7. If you consider a dual form of government, acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—We are not in favour of a dual form of government in the Provinces. We propose full responsible government in the Provinces.

8. In particular, do you think (i) that Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii) that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) that the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—An answer to this question, to be strictly relevant, would be based on the assumption of our acceptance of the scheme embodied in the Bill. That scheme, we have already stated, we do not accept, but we think it is desirable to state our view of what should be the position in the matters referred to in the question under the Congress scheme. (i) Ministers should hold office "during pleasure," using the phrase in its Constitutional

Chairman—continued.

stitutional sense. In practice it follows that Ministers who are responsible to the Legislature would have to resign if they fail to retain the confidence of that body. (ii) We consider that the Governor should have no power to disregard the opinions of his Ministers beyond that already contained in Sec. 50 of the prinicpal Act. (iii) According to Congress proposals the Executive Council would consist entirely of Ministers appointed from the elected members of the Legislative Council. We make no distinction between Europeans and Indians. (iv) The Governor should have power to dissolve his Legislative Council provided that he shall appoint a date not more than three months after the date of the dissolution for the next sessions of the Council.

9. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—As the Congress disapproves of diarchy in the Provinces and proposes full responsible government, any limitation on the powers of control of the Provincial Legislature, except as regards the emergency power of the Governor, are unnecessary and undesirable.

10. In particular, (i) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—It follows from the foregoing that we consider that the Legislature must have power without limitation to vote supplies. We do not accept the plan of the Grand Committee, nor is any such limitation necessary under the scheme we propose.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—We do not accept the position. We regard it as incompatible with the announcement of August 20th, 1917. We have already indicated the extent to which the Congress demands that the Indian Legislature should control the Central Government at the present stage.

12. Do you agree that it is advisable, none the less, to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—We think that in any case at least four-fifths of the Indian Legislature should be elected members.

13. Do you accept the plan of a bi-cameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—We do not accept the plan of a bi-cameral Legislature. In our view, a Council of State such as is proposed in the Bill would act only as a barrier to the expression of the popular will. The Congress in its resolution urges, however, that if the Council of State is to be established at least one-half of its members should be elected.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4)? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—As already stated, we are opposed to the establishment of the Second Chamber proposed by the Bill. The form of the Indian Legislature which we advocate is outlined in the Congress resolutions under the heading "Government of India" (see Memorandum of Evidence, page 15). We regard the provisions of the Bill in this respect as undoubtedly unnecessarily and, we think, dangerously, restrictive of the popular will, and also as providing more than adequate, and, therefore, undesirable means of ensuring to the Governor-General in Council the discharge of his responsibility. Under the scheme we propose, all subjects except Army Navy, foreign relations, relations with ruling princes, peace, tranquility and defence of the country would be transferred to Ministers appointed from the elected members of the Assembly. In the event of the Legislative Assembly refusing to pass any measure which the Governor-General in Council may consider essential for the safety, tranquillity or defence of British India, we propose that he should have power to pass such law without the assent of the Legislative Assembly for one year and that the law should only be renewed after that period if 40 per cent. of the members of the Assemby present and voting are in favour of it. We consider t this provision will afford adequate means to the Governor-General in Council to secure the passage of a measure which he may consider so urgently necessary to the discharge of his responsibility as to justify him in over-riding for the time being the will of the Assembly. It appears to us, however, obviously undesirable that a measure enacted against the wishes of the popular representatives should be of a permanent character, and we consider that a year should be a sufficient period in which public opinion may be brought to realise, either that the measure is of an essential character or that it is not dangerous to the liberties or interests of the people.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—We have adopted in regard to the Government of India the dual form of an Executive Council proposed in the Bill for the Provinces, in order to secure in the Government of India adequate popular control in all matters not "reserved" as previously indicated. We ask that half the members of the Executive Council, in charge of "reserved" subjects, if there is more than one, shall be Indians, and that Ministers, who shall be elected members of the Assembly, shall be appointed to administer all non-reserved subjects, such Ministers to be on an equality in pay and status with the members of the Executive Council. We are not in favour of ten years' service of the Crown in India being made a condition of membership of the Executive Council for any of its members. The practice of having permanent officials as heads of Departments contributes, in our opinion, more than anything else to the maintenance of woodenness and inelasticity and an inadequate sense of responsibility in the Government of India.

16. Do you think that the development of Provinical autonomy on the one hand, and of self-government in the Provinces on the other, involves any modifications of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—We should regard with great suspicion all modifications of the power of control over the Governments in India by the Secretary of State and Parliament, except where the measure of control that is relinquished by Parliament or the Secretary of State passes definitely into the hands of the representatives of the people. Any deviation from this principle, which we consider essential for the protection of the people against the admitted dangers of the existence of an imperfectly or inadequately controlled bureaucracy, would tend to lessen the sense of responsibility in the Government. We should be in favour of wide relaxation of control by the Secretary of State, if our proposals for full responsibility in the Provinces and partial responsibility in the Central Government were accepted, to the extent to which control is transferred to the popular Assemblies.

17. Do you agree that the gradual realisation of responsible government involves periodical examination

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tion of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—We do not agree that the proposed Statutory Commission at the end of ten years should have power to suggest or recommend or report on the desirability of modification of the degree of responsibility then existing in any Province. The Commission should inquire and report only as to whether the ten years' experiment does not justify the immediate grant of full responsible government in the whole of British India, or whether another period of five years should be allowed to pass before doing so.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—Yes. They are indicated in the proposed amendments to the Bill (Part II., page 8, of the Memorandum of Evidence).

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—Our observations on the Report of Lord Southborough's Committee are contained in Part III. of our Memorandum of Evidence (page 12). Regarding the Report of the Committee on the Home Administration of Indian Affairs, the Congress is strongly in favour of the abolition of the India Council and is not in favour of the substitution of any other body for it. We recommend that there should be two permanent Under-Secretaries at the India Office, one of whom should be an Indian. The Congress considers that all the charges in respect to the India Office establishment should be placed on the British Estimates.

1736. Have you anything you wish to say in supplement to those two documents?—I should like to explain the position of the Indian National Congress in regard to the Reform Bill. Before I do so I must express my gratitude to your Lordship's Committee for inquiring of me whether I would like to give evidence in camera. So far as that is concerned, the Congress has nothing to say in private. Our proceedings and our programme are open to public criticism, and there is nothing of which we are afraid. I must introduce myself in the first instance to your Lordship's Committee. I am the General Secretary of the Indian National Congress and the Secretary of the Bombay Provincial Congress Committee. I am also an elected member of the Imperial or rather Indian Legislative Council, as it is called, and have served for six years as a member of the Bombay Legislative Council. I may add that I was Chairman of the Reception Committee of the Special Sessions of the Congress held at Bombay to consider the Reform Report. The object of the Indian National Congress is the attainment by the people of India of Dominion Home Rule, or, to put it in the words of the Announcement, responsible Government as an integral part of the British Empire.

1737. That is all very clearly stated in your Memorandum?—Quite right.

1738. I would suggest that you should not repeat anything which is in your Memorandum, only supplement it, please?—By way of explaining the Memorandum I may have to refer to some statements in it, with your Lordship's permission.

1739. In elucidation?—Yes. I should like to make it perfectly clear that the Congress does not demand or even desire for one single moment separation from the British Empire. We are all anxious to remain part of the Empire, not as we are, but as a self-governing part as other self-governing parts are. That is our position. The Congress holds that the people of India are ripe and fit for responsible government now. That is the position of the Congress. But the question naturally arises: If the people are fit, why do not we ask for it—why do not we ask for full responsible government? It is true we have not asked for full responsible government, and my reasons are these: The announcement regarding His Majesty's policy in British India was made on the 20th August, 1917. After that announcement was made we met in the Indian National Congress which was held at Calcutta, and we considered the announcement in all its aspects; we considered it very carefully. The announcement, as your Lordship knows very well, pledges His Majesty's Government to a policy of progressive realisation of responsible government, and it pledges His Majesty's Government to take substantial steps in that direction without delay. In this connection I may state that in making that announcement the Secretary of State explained that progress in this policy can only be achieved by successive stages, and that the British Government and the Government of India must be the judges of the time and measure of each advance. We considered the announcement and the cautious explanatory phrases of the Secretary of State in making that announcement. The Indian National Congress does not regard those phrases as part of His Majesty's announcement.

1740. But as a matter of fact they were?—If your Lordship will turn to page 5 of the Report the Secretary of State says: "I would *add* that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance."

1741. You may take it from me, in the presence of the Secretary of State, that that is a part of the announcement, and was always so intended to be?—That may be your Lordship's view; that is not the view of the Congress. The Congress holds that it is not part of the announcement.

1742. It is not for me, or you, or the Congress; it is for His Majesty's Government, and they say so?—I am very sorry to hear that. When we met in the Indian National Congress to consider this announcement we passed a certain resolution, and in order to avoid any misunderstanding I will read that resolution to your Lordship's Committee: "This Congress expresses its grateful satisfaction over the pronouncement made by His Majesty's Secretary of State for India on behalf of the Imperial Government, that its object is the establishment of responsible government in India. This Congress strongly urges the necessity for the immediate enactment of a Parliamentary Statute providing for the establishment of reponsible government in India, the full measure to be attained within a time limit to be fixed in the Statute itself at an early date. This Congress is emphatically of opinion that the Congress-League Scheme of Reforms ought to be immediately introduced by the Statute as the first step in the process."

In this resolution we clearly set out what the substantial steps towards the realisation of responsible government should be, and we made it clear that we were not prepared to accept undefined stages, and that a time limit should be laid down in the Statute itself for the realisation of responsible government; and in moving that resolution the Hon. Mr. Surendranath Banerjea said: "I have no hesitation in saying that this Proclamation is a memorable triumph of the Congress, and it adds one to the series of such triumphs, and you have rightly embodied it in the resolution. But there is a rift in the lute. The message says that the measure of self-government and the time for its introduction are to be determined by the Government of India and the British democracy. We are the people who are most concerned in the matter—concerned far more closely than either the Government of India or the British democracy. We claim the right to have a voice in the matter, and here we take our stand on the dictum of the Prime Minister himself. He said, in the course of one of his recent speeches, that when, after the war, the question of resettlement was to be considered—mark the words —'the wishes of the people are to be the supreme consideration.' I am grateful to him for the admission, and the Congress should be grateful for it—but he also added that the formula is not to be fettered by considerations of lattitude and longitude, and that it is equally applicable to the tropical climates. We, therefore take our stand upon this dictum, and press for the recognition of this formula in the coming readjustment of the Government of India." Then the Secretary of State and the Viceroy made certain inquiries as to the substantial steps to be taken in the direction suggested in the announcement. They made the inquiry and submitted their report to Parliament in June or July, 1918. After that report was published, the Indian

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Indian National Congress met as previously determined, specially to consider the recommendations contained in it. It met at Bombay, and I had, as I have already mentioned, the honour to be the Chairman of the Reception Committee. We considered the recommendations of the Report, and we held that those recommendations were unsatisfactory and disappointing, and, further, we emphasised the stand that we had taken at our Calcutta Sessions. It is a small resolution. I will not read the modifications suggested, but refer only to the main resolution: "That this Congress reaffirms the principles of Reform contained in the resolutions relating to self-government adopted in the Indian National Congress and the All-India Muslim League, held at Lucknow in December, 1916, and at Calcutta in December, 1917, and declares that nothing less than self-government within the Empire can satisfy the Indian people, and by enabling it to take its rightful place as a free and self-governing nation in the British Commonwealth, strengthen the connection between Great Britain and India." "That this Congress declares that the people of India are fit for responsible government, and repudiates the assumption to the contrary contained in the Report on Indian Constitutional Reforms." "That this Congress appreciates the earnest attempt on the part of the Right Honourable the Secretary of State and His Excellency the Viceroy to inaugurate a system of responsible government in India, and while it recognises that some of the proposals constitute an advance on the present conditions in some directions, it is of opinion that the proposals, as a whole, are disappointing and unsatisfactory, and suggests the following modifications as absolutely necessary to constitute a substantial step towards responsible government." Then it goes on to suggest the modifications. That was at the Special Sessions held at Bombay two or three months after the Reform Report was published. We then met in our ordinary annual Sessions at Delhi in December, and again considered the recommendations in the Report in the light of the public criticisms in regard to them, and in regard to the resolutions we had passed at Bombay, and we re-emphasised the stand we had taken at Calcutta and also at Bombay. We re-affirmed those resolutions, and added one important resolution. That was in regard to self-determination: "In view of the pronouncement of President Wilson, Mr. Lloyd George, and other British statesmen, that to ensure the future peace of the world the principle of self-determination should be applied to all progressive nations, be it resolved (1) that this Congress claims the recognition of India by the British Parliament and by the Peace Conference as one of the progressive nations to whom the principle of self-determination should be applied." So your Lordship will see what the position of the Congress is To put it in two words, we accept the announcement of August 20th in favour of the progressive realisation of responsible government, but within the limit of that memorable announcement we claim the right to determine for ourselves the time and measure of each advance. That, to put it shortly, is our position. The modifications I am not going to deal with in detail. The modifications suggested by the Congress are, briefly speaking, as follows:—First, we say that there should be full Provincial autonomy, or, to be strictly correct, full responsible government in the Provinces. The Reform Report proposes to transfer only a few subjects in the Provinces. We demand that all the subjects should be transferred. Secondly, the Reform Report proposes no responsibility in the Government of India. We claim that in the Government of India there should be introduced some measure of responsibility, and we have defined what that measure should be. We say that the Army, the Navy, the Air Force, the Peace and Treaty, foreign affairs, relations with Ruling Princes, and subjects affecting the peace, tranquillity, and defence of the country—subject to what we call the declaration of rights, and about which I shall have to say something later on—all these subjects should be reserved to the Executive, and the remaining subjects, which practically are all the subjects regarding internal affairs, should be handed over to the representatives of the people. That is the responsibility that we ask for in the Government of India. Then thirdly, we

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ask for fiscal autonomy. We lay particular stress on it in view of our industrial conditions in India. Fourthly, we say that a time limit must be fixed in the Statute, a time limit of fifteen years, within which full responsible government should be introduced in the whole of British India. Fifthly, we want the abolition of the Council of State. These are briefly the demands of the Indian National Congress.

1743. We have them all fully set forth in the memorandum?—Yes, we have them fully set forth in detail in the memorandum of evidence. I should very much like to amplify what I have stated so far by reference to the memorandum of evidence which we have submitted. In the first three pages of our memorandum we have stated our position quite clearly, and if your Lordship permits me to read that part of the memorandum, and that part only, to your Lordship's Committee, I should be much obliged.

1744. Do not read more than you need?—No. In the first three pages we say:—

"The Indian National Congress was founded in 1885 to advocate reforms in the government and administration of the country and to bring about an adequate measure of popular representation and control over the legislative and administrative machinery. It has for the past thirty-three years at its annual sessions and through its provincial and district affiliated bodies, which hold frequent public conferences and in other ways provide scope for public discussion and development of political opinion, steadily and with increasing force pressed for reforms of such a character. Its object is the attainment of self-government within the Empire on the lines of that now enjoyed by the self-governing Dominions. It represents to-day the overwhelming body of opinion among the people of India. Its constitution and organisation are of the widest democratic kind. Its delegates are elected throughout the country by or through the various affiliated bodies and at public meetings, and membership is open to every British subject in India of either sex, and of any class, creed, or race, who is willing to attend its session, provided he or she is 21 years of age and has formally subscribed to its constitution. The session at Delhi was attended by about 5,400 delegates, who included a large number of cultivators. The resolutions passed at the Delhi session are almost identical with those passed at the meeting of the All-India Moslim League held at the same time, the two bodies having been in consultation through their committees with a view to working on a common ground with a common object.

"We venture to impress upon the Committee, therefore, that the Resolutions of the Congress, which we are here to press for the acceptance of Parliament by embodiment in amendments to the Bill under consideration, represent the considered opinion, in an overwhelming measure, of the people of India, after the fullest public discussion of the proposals contained in the Report of Mr. Montagu and Lord Chelmsford on Indian reforms; and we feel that we should be failing in our responsibility to the great interests we represent and the trust confided to us if we were not to point out that, so far as public opinion in India is concerned, we speak with an authority which is indisputable; that we are putting forward demands in the form of amendments to the Bill which are the least that can satisfy the people of the country as a fulfilment, in the popular view, of the terms of the announcement of August 20th, 1917, and lead to the acceptance of the Reform Bill as a measure which would help to restore peace and contentment in the country, and provide the opportunities for self-realisation and national development which are as essential to the interests of Great Britain and the whole Empire as they are vital to those of India. We urge most earnestly the full acceptance by the Committee, having regard to the foregoing considerations, of the amendments to the Bill which we have ventured to propose, to give effect to the demands of the Congress. These are explained as briefly as possible hereunder.

"We desire, first, however, to state without reservation, that the Indian National Congress

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cannot accept the assumption contained in the Report on Indian Constitutional Reforms that the people of India are as yet unfit for full responsible government. The principle of Self-Determination has been accepted by the British Government and its Allies as the essential principle to be applied to all civilised peoples. In the case of India, the immediate grant of responsible government, qualified only by the reservations necessary to its position as an integral part of the British Empire (inclusion in which is a cardinal point in the constitution of the Congress, and is fully adhered to, with insignificant exceptions, by every shade of Indian opinion), is the logical expression of that principle. The question of the fitness of a people to manage their own affairs is not to be decided by such specious considerations as are put forward in the Report on Indian Constitutional Reforms. The principle of the right of every people to govern themselves is the basic fact which must be assaulted, if that right is to be withheld; and, while there may be reasons sufficiently strong to remove it from consideration, if attempt is made to apply it to a barbaric or semi-civilised peoples or races which may be considered to be otherwise disqualified or unequal to such responsibility, these cannot be advanced with regard to a people whose civilisation is the oldest existing in the world, who managed their own kingdoms and empires as large as the British Empire in India long before the establishment of British rule in the country, who possess ancient traditions of democratic government, among whom municipal institutions of an essentially democratic character only ceased to exist after the advent of British rule, whose country is economically in so large a measure self-contained and in need only of free development, and whose claim to the same Imperial protection as that so long enjoyed by the self-governing Dominions is based on the indisputable ground of the immensity of their past and present contributions to the military power and economic welfare of the Empire.

"But apart from these broad and unassailable considerations, it is impossible to accept the reason which prevented the authors of the Report on Indian Constitutional Reforms from proposing a scheme of immediate, full, responsible government for India and resulted in the embodiment in this Bill of the meagre and unsatisfying proposals now under consideration by the Committee. Briefly these reasons are:—1. The absence of trained electorates of sufficient dimensions. 2. The setting-up of an oligarchy of educated classes to govern the illiterate masses whose interests they would not be so well fitted to represent as an alien bureaucracy. 3. Racial diversities and religious animosities.

"These are reasons which have not stood in the way of the achievements of responsible government by any modern State. Under the very limited franchise proposals of the Southborough Committee about 2½ per cent. of the population in the provinces of British India would be enfrachised. In Bombay, Bengal and the United Provinces the proportion is about 3 per cent. Even in the United Kingdom, three years after the passing of the great Reform Bill of 1832, only 3.3 of the total population enjoyed the franchise, and as late as 1881 the proportion had only grown to 8.9 per cent. In 1880 only 1 per cent. of the poulation could exercise the vote in Sweden, and until 1882 the Chamber of Deputies in Italy was elected by 2½ per cent. of the population. Large electorates in most self-governing countries have only grown up in recent years. It was not until after the Reform Bill of 1884 was passed in the United Kingdom that 15 per cent. of the population became enfranchised, and in the United States as late as 1888 only 17.6 per cent. of the people enjoyed the right to vote. In all countries responsibility in the beginning has been entrusted to a very small section of the people, and government has been in the hands of a small educated minority, who have naturally cared for the interests of the uneducated masses pending the spread of education and the consequent extension of the franchise. The

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suggestion that the educated leaders of Indian opinion could not similarly be safely entrusted with the welfare of the masses is entirely falsified by the history of the last fifty years, which has been one of constant struggle between them and the bureaucratic administration for redress of the grievances and extension of the rights of the masses. The extent to which this has been the case is amply borne out in the remarkable memorandum which was presented to Mr. Montagu and Lord Chelmsford by Sir Dinshah Wacha and other leaders of the 'Moderate' party in 1918, and in the dissenting Minute of Sir C. Sankaran Nair, annexed to the Despatch of the Government of India of March 5th (East India Constitutional Reforms Cmd. 123). But there can be no possible danger of an educated oligarchy coming into power because the Constitution would be democratic from the beginning, and, as the franchise is extended, as it is sure to be in course of time, there would be no danger of a small minority ever assuming or usurping power. Nor have racial diversity or religious animosities ever been a bar to the achievement and successful working of self-governing institutions in other countries This was notably the case in some of the self-governing Dominions of the British Empire. Canada was granted full responsibility at a time when racial and religious animosities were at the most acute stage, and when the population was certainly far below the standard, in respect of education and training, laid down for India in the Report on Indian Constitutional Reforms; yet what is now held to be a bar in the case of India was regarded, and, as it proved, rightly so, as a solvent in the case of Canada. We believe that equally in India the grant of full responsibilty and the removal of all her political fetters would prove the surest solvent of all such problems. At the same time we would point out that the difficulties of this kind, to which reference is made in the Report, have been greatly exaggerated. Hindus and Moslems have lived for centuries side by side in socal intercourse and mutually helpful brotherhood. Nothing has been more striking in the past few years, and is more evident to-day, than their recognition of and devotion to a common nationhood. This was evidenced by the agreement reached at Lucknow in 1917 on the much-vexed problem of Mahomedan representation. Hindu and Moslem leaders sitting round a table found a solution of a question which bristled with difficulties, and in regard to which it would have been easy to excite jealousies and animosity had not the determination existed on both sides to place the interests of India and the Indian people as a nation above everything. The Lucknow Compact has been accepted by the Southborough Committee. Religious disputes and consequent disturbances are only spasmodic and local, as they are in other countries; moreover, they are conspicuous by their absence in the States under Indian rule, and they are infrequently provoked and aggravated in British India by external causes and interference, which need not be described here.

"The delegates of the Congress are thus unable to understand why special and peculiar standards of fitness for responsibility, which have never been applied to other countries, should be erected as a barrier against the immediate grant to the people of India of that right to a government set up by and answerable to the people, which has been so uncompromisingly asserted during the past few years by British statesmen, of every shade of opinion, to be the inalienable right of all civilised peoples.

"In accepting, with satisfaction, the declaration in the Announcement of August 20th, 1917, that self-government is the goal of British policy in India, the National Congress, at its Session in Calcutta in the following December, repudiated the claim of others to decide for India the time and measure of the stages by which it should be achieved, as a negation of the recognised principle of self-determination. And when it came to consider, at its special Session called for the purpose at Bombay in August, 1918, the proposals contained in the Report on Indian Constitutional Reforms, while adhering to the principles

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ciples of reform contained in the Congress-League scheme and regarding the proposals in the Report as 'unsatisfactory and disappointing,' it drew up resolutions for the modification of those proposals and abandoned its own scheme, only in order to facilitate the passage of reforms. But even so, it was found that opinion in the country, subsequently very strongly manifested through Provincial and District Conferences, public meetings, and even the Legislative Councils, was so definitely and emphatically determined upon the immediate achievement of full responsibility in the Provinces, that, at the following session at Delhi, in December of last year, an amending resolution, calling for full responsible government in the Provinces at once, without prejudice to the claim for a substantial measure of responsibility in the Central Government, was passed by an overwhelming majority, only a few delegates out of over 5,000 voting in favour of the retention of the Bombay Resolution.

"We now put the Congress demands before the Committee in the form of suggested amendments to the Bill. Before proceeding to explain them in detail, we would again urge upon the Committee the representative character in which we appear before them as the accredited delegates of the most representative popular institution in India, with a definite mandate to urge upon the Parliament of the United Kingdom that the Indian people cannot be satisfied with anything else." . . .

"We wish again to emphasise one important fact, to which we have already referred in connection with these demands. The Bombay Special Congress, which met to consider the Reform proposals of the Joint Report, resolved that the subjects of law, justice, and police should, for a period of six years, be reserved and administered by the Executive Government of each Province. This resolution did not find favour with the people; they pressed for full responsible government immediately in the Provinces, through the Legislative Councils, political associations, and public meetings. In response to public opinion, so emphatically expressed throughout the country, the Delhi Congress in December last resolved, in modification of the Bombay Congress Resolution on the subject, that, 'in view of the expression of opinion in the country since the sitting of the said special Session, this Congress is of opinion that, so far as the Provinces are concerned, full responsible government should be granted at once.' The feeling among the delegates of the Congress was so strong that they, in order to guard against the possible danger of any attempt to minimise their demands on this question, further resolved that the deputation proceeding to England should advocate and press the demands of the Congress as contained in the resolutions of the Congress.

"We submit that the proposals of the Joint Report, intended to solve the political problems of India, have failed to satisfy the aspirations of India as expressed in the Congress resolutions. The authors of the Report have not carried out substantially the spirit of the Declaration of the 20th August. They have put too narrow and too strict a construction on the wording of that announcement. They have declined to grant full responsible government to any Province, and they propose to maintain the Central Government in as bureaucratic a form as ever. The authors of the Report, in taking this course, have altogether missed the real issue, for the solution of which their task of proposing constitutional reforms for India was undertaken. They do not propose to solve the greatest of all problems in India —viz., Fiscal Autonomy, without which all other reforms are almost valueless. We do not find any recommendation in this Report for the abolition of the India Council, which is left untouched in the Bill. They do not even suggest the probable period within which the goal of full responsibility can be reached, much less do they recommend the fixing of any such time limit in the Statute to be passed.

"The demand of the Congress for a declaration of the rights of the people of India as British citizens—viz., that all Indians are equal before the law, equally entitled to a licence to bear arms and to enjoy freedom of speech, writing, and meeting, and also the freedom of the Press, and that no one should be punished or deprived of his liberty except by a sentence of a court of justice, has been met by the Rowlatt Act, passed in the teeth of the unanimous Indian opinion of the country both in and outside the Legislative Council.

"Coming to the Bill itself, we regret to say that the proposals contained therein are even less acceptable than the unsatisfactory and disappointing recommendations of the Joint Report. We have carefully gone through its provisions and compared them with the recommendations of the Joint Report. A list of points in which the Bill goes back on this Report is attached herewith, and marked Appendix II. We invite the special attention of the Joint Committee to a few of the more important of them; they are points Nos. 7, 10, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 29, 32, 33, 44, 47, 48, 49, 50 in the list.

"In concluding this portion of our Memorandum we desire to impress upon the Committee the danger of allowing the Bill as it stands to pass into law. The salvation of India at this supremely critical juncture, both as regards its individual existence and its position as one of the basic foundations of the British Empire, lies in the transfer of responsibility and control in the government and administration of the country from the hands of the bureaucracy to those of the representatives of the people. The Bill makes generous provision for the transfer of control, not from the bureaucracy to the people, but from Parliament to the bureaucracy, while allowing only a very limited and tentative experiment in 'responsible administration' in order that the people of the country may undergo a training in 'responsibility,' to be carried out by instructors who have had no such training themselves, but whose mental equipment and experience in the working of forms of government and administration make them singularly ill-fitted to be entrusted with such a task. The limited powers to be granted to the popular representatives are to be surrounded by such an effective entanglement of barbed wire, in the form of checks, safeguards, and saving clauses as to leave the Governor of a Province, as Sir Donald McLean aptly pointed out in the debate on the second reading, still in the possession of 'almost despotic powers.' If this is to be the effect of a Bill which, at the same time, removes to a large extent the control of the Secretary of State and Parliament over executive authority in India, the Indian people will have little for which to be grateful. The speech of the Secretary of State on the second reading was the strongest justification of the demand of India for the fullest possible measure of responsible government. The Bill gives little more than limited responsibility in municipal affairs, and leaves the people still at the mercy of executive authority in all the departments which vitally affect their interests, and without the right to the final voice in the spending of the revenues of the country.

"The Government of Bombay make alternative proposals to those of the Joint Report, which show that they are in favour of a scheme for the Provinces which approximates more closely to the demands which we put forward than the proposals of the Bill. In view of the accusation that has been freely made in this country that the Congress has made extreme demands at the bidding of 'extremist' leaders, we would emphasise that the Congress, generally speaking, is asking for little more than is proposed by the Government of Bombay under Lord Willingdon. However that may be, we urge that our demands are the least which can be described as a 'substantial step' of the kind intended by the terms of the Announcement of 1917, or which can be accepted by the people of India as an adequate measure of justice to them."

Having made these preliminary observations I should now like to explain to this Committee one point on which much stress has been laid by some people; I mean the point regarding the differences in our camp—the differences on the question of Indian Constitutional Reforms. We have in India the Indian National Congress and the Muslim League, and we have three Home Rule Leagues, the All-India Home

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Rule League, the Indian Home Rule League, and the National Home Rule League, and we have the All-India Moderate Conference. These are practically the more important political institutions in the whole of India. The differences, of course, are mostly on matters of detail. On matters of principle we differ on one point only, and that is in regard to diarchy. The Congress holds that there should be no diarchy in the Provinces; the Home Rule Leagues hold that there should be no diarchy; at any rate I know that the two Home Rule Leagues, the Indian Home Rule League and the All-India Home Rule League, and also the Moslim League agree in holding that all the subjects in the Provinces should be transferred. I may say here that the third Home Rule League, that represented by Mrs. Besant here, holds that there should be diarchy also in the Provinces, but the diarchy which the National Home Rule League proposes is not the diarchy which the Report proposes. They say——

1745. We cannot have your evidence about Mrs. Besant's Home Rule League. You can state the difference between your League and the Conference; that is all you can say?—I do not want to go into that question I merely want to point out that the difference between the Indian National Congress and the Moslim League on the one hand, and Mrs. Besant's Home Rule League on the other is this: They want that the subjects of law, justice, and police should be with the Executive Government for six years, and that those subjects must automatically go to the representatives of the people at the end of six years, while the Congress holds that we must have them now. That is the only difference between them and us. Then, as regards the Moderate Conference, the resolution passed at their meeting is quite clear. They want as many subjects as possible to be transferred to the popular representatives in the Provinces. That is the main difference.

1746. Speak for your own Congress, please?—I am supported by the resolutions of the Moderate Conference passed at its first session.

1747. It is my business to prevent the duplication of evidence. We have had the evidence of all those bodies?—I bow to your Lordship's ruling. Will I be in order in pointing out to your Lordship's Committee the points on which all the deputations agree? If your Lordship permits me I should like to shortly put before your Lordship the points on which the entire Indian opinion is agreed. If your Lordships permit me I should like to mention them.

1748. I cannot tell what you are going to say till you say it?—We are all agreed that the principle of responsible government should be introduced into the Government of India. There is no difference of opinion on this point anywhere in the whole of India. If we are agreed on any one point more than another, it is the point that there should be responsible government in the Government of India. We are also agreed as to the extent to which that responsible government should be introduced in the Government of India. We all say that the power of certification of the Governor-General should be limited to legislation regarding the Army, Navy, Foreign Affairs, and relations with Ruling Princes and the subject of peace, tranquillity, and the defence of the country.

1749. I take that as your opinion of the views of those bodies?—Yes.

1750. You will pardon me if I myself prefer their own evidence as the first authority?—I take it that you regard it as my own opinion on the question of differences.

1751. Your opinion?—Yes, what I hold to be the common points in regard to all the deputations and in regard to the public opinion in India. Then, regarding the Budget in the Government of India, we are all agreed that we should have control over the Budget except in respect of the subjects that I have just mentioned. Then we are also ageed that half the members of the Executive Council of the Government of India should be Indians. We are all agreed that the President of the Legislative Assembly should be elected. We are also agreed that four-fifths of the Legislative Assembly should be elected, and not two-thirds, as is suggested in Lord Southborough's Report. Coming down to the Provinces, we are all agreed that the status and emoluments of the Ministers should be identical with those of Executive Councillors. We are also agreed that the Government of India should not have greater powers over Ministers than over the Executive Council. We are also agreed that the heads of the Government should be ordinarily selected from the ranks of public men in England. We are also agreed that the largest possible number of subjects should be transferred, and we are agreed that the Muslim compact should be preserved intact. With regard to the Council of India, the opinion is unanimous that it should be abolished. Your Lordship's Committee has heard Mrs. Besant and Mr. Aiyar and Mr. Banerjea and they have all agreed that if possible it should be abolished. These are principally the changes on which we are agreed. The only point on which we disagree is the point relating to Provincial autonomy.

In the Memorandum which we have submitted we have given in the second part the amendments which we propose should be embodied in this Bill. I do not wish to take up the time of the Committee by reading those amendments; I shall be glad to explain any of the amendments if any of the members of the Committee will be pleased to ask me questions upon them. But I must make it clear that those amendments are not amendments from a draftsman's point of view; they are merely suggestions, and if the principle of any amendment is agreed upon it may be put in a proper form.

Then I come to Part 3 of our Memorandum, which deals with our views on the Reports of the Functions and the Franchise Committees. With regard to the recommendations of the Functions Committee, there is one point which I should like to emphasise. As the Committee is very well aware, the recommendations propose to transfer to the popular control, or the so-called popular control, as I should like to put it, one-fourth, roughly speaking, of the Revenue of each Province. The Committee recommends the retention of three-fourths of the Revenue to be administered by the Executive Government in each Province as it is. Now under those circumstances the Report could not certainly come anywhere near to the expectations of the people; but what is more striking is that the Report ignores, in some cases at any rate, the recommendations even of the local Governments. I make myself bold to say it ignores altogether the evidence recorded by the Functions Committee. I know it is a very sweeping statement to make, but, as I will shortly show, that is so. When I say that the Report ignores the recommendation of the Local Governments, I will refer your Lordship's Committee to the recommendation of the Bombay Government. I have not been able to get a copy of the Report of the Bombay Government, and, so far as I understand, it is not even included in the letter of the Government of India, dated 5th March, which is before your Lordship's Committee, and I do not know why it is not included. That Report clearly says that if diarchy is to be introduced all subjects except law, justice and police, and perhaps, if I mistake not, political, should be transferred to the representatives of the people. The Bombay Government is clearly of opinion that the representatives of the people should control all subjects except those that I have mentioned.

Now, if you look at the Functions Committee's Report, they have made no distinction between Province and Province. Bombay is treated as Madras, Madras is treated as the United Provinces, the United Provinces are treated as Assam, so far as the transfer of subjects is concerned except in one respect, namely, Forest, which is very unimportant in Bombay. The subjects transferred in Assam are the subjects transferred practically in Bombay; the subjects transferred in Bombay are the subjects transferred in the United Provinces, and out of the long list of subjects, which are called Provincial subjects, only a few are transferred. I do not understand why the Functions Committee should not have accepted the recommendation of the Local Governments when it chooses to accept the recommendation of the Local Governments in regard to Franchise. I was present when Lord Southborough was examined, and Lord Southborough clearly gave me the impression that he was very anxious to accept as far as possible the recommendations of the Local Governments

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ments on the question of Franchise. If that were so, why, on so important a matter as the transfer of subjects to the popular representatives, should not the recommendation of the Government of Bombay have been accepted?

I said that the Report ignored the evidence in the case. Well, of course, so far as that is concerned. I speak from my own experience. I gave evidence before the Functions Committee when it met in Bombay, and I know the witnesses—almost all the witnesses—who gave evidence before that Committee. In fact I know the views of all the witnesses, and in fact they told me what they had stated to the Committee. It is very unfortunate that the evidence recorded by the Functions Committee on this most important question—or on any question—is not before this Joint Committee. I am asked to give evidence on the findings of the Functions Committee without having the advantage of reading the evidence which was recorded by the Functions Committee. I cannot understand how it could be, but that is so, that the evidence before the Functions Committee is not before this Joint Committee, and this Joint Committee is asked to say whether the findings of the Committee are correct or incorrect. However that may be, all I know is that in Bombay the view strongly pressed upon the attention of the Joint Committee was that within the limits of reference to the Functions Committee, namely, that their function was to divide the subjects into reserved and transferred, they should transfer all the subjects except law, justice and police to the representatives of the people. That was the unanimous opinion.

1752. According to the information you have received that was the evidence given?—Yes, that was the evidence given according to what the witnesses who gave evidence before the Committee told me.

1753. But you will remember that is second-hand evidence?—Yes, and that was the evidence I gave myself. The fact is that after the Joint Report we had the Provincial Conference, the District Congress Committees, the Provinical Congress Committees and various associations passing resolutions asking the Functions Committee to transfer so many subjects to the representatives of the people.

1754. It is not evidence what you heard somebody else say. Please confine yourself to your own view of what these function should be?—I do not want to say anything hearsay except where I could not help it. Here we have not got the evidence actually recorded by the Functions Committee—that is my great difficulty—otherwise I should have quoted chapter and verse to show that the Report of the Functions Committee is not based on any evidence before them.

1755. That, again, is in your opinion. I cannot accept that as a statement of facts for one moment?—Of course that is so, in the absence of evidence. That is one matter on which I lay great emphasis with regard to the Report of the Functions Committee. The other matters have been briefly touched upon in part 3 of our Memorandum.

Now, coming to the question of Franchise, the Franchise and the Electoral law has been referred to by the Committee as a Provincial subject. It is not mentioned as a transferred subject, but it is mentioned as a Provincial subject. My deputation thinks that unless the Bill provides that the Legislature will have power to make rules in regard to the franchise and elections the mere transferring of that subject to the Province would mean nothing.

1756. You do not mean make rules; you mean amend the law?—They should have power to make the law.

1757. You said to make rules?—I beg your Lordship's pardon. Then I go to Women's Franchise. Now on that question, personally I hold very strong views, and I do not wish to keep back from the Committee that I am a member of the Women's Deputation in England to press the Women's Franchise before this Committee. And your Lordship's Committee will excuse me if I take two or three minutes over this question. It has been generally contended that there has been no very powerful demand on the part of the women of India for the franchise. That is not so. The National Congress which met at Bombay, and the Congress which met at Delhi, have passed resolutions in favour of Women's Franchise, and they were passed not without a demand on the part of the women of India. We were, in fact, flooded with requisitions from different parts of India, and the National Congress had before it the opinions of its affiliated bodies, of the Provincial Congress Committees, and of the Provincial Conferences. Just before the Congress met in Bombay, in 1917, there was a Provincial Conference held at Bajapur, in the Bombay Presidency. Now I happened to be the President of that Bombay Provincial Conference, and I received numerous requisitions from different parts of the Bombay Presidency, from women, asking me to allow the consideration of the subject of Women's Franchise in the Subjects Committee of the Conference. I did so, with the result that the Subjects Committee unanimously agreed to recommend a resolution in favour of Women's Franchise, and the Conference adopted a resolution in accordance with the recommendation of the Subjects Committee. The Madras Provincial Conference, under the presidency of Mrs. Naidu, also passed a similar resolution. Several conferences and Provincial Congress Committees have passed resolutions in favour of Women's Franchise, and it is not true to say that there is no powerful demand on the part of women. Unless they threw bricks, to say that it is not a powerful or vigorous demand is absurd. We shall be forcing the women of India to take up an undesirable agitation if we do not at the start concede them this right. I notice with satisfaction that one of the members of the Committee, Mr. Hogge, is strongly of opinion that we should grant the franchise to women. At the same time my friend, Sir Sankaran Nair, who recently resigned from the Executive Council of the Government of India, is also of the same opinion. In his minute of dissent he clearly states his view on the question.

Coming again to the question of the Presidency of Bombay, of which I know more than of any other Province, I may say that only very recently a resolution was brought in the Bombay Council recommending that women should be made eligible to stand as candidates for municipal elections. Of course, they have been voters for the last forty years, but as yet the seats are not thrown open to them. They cannot be candidates; they cannot sit as members of municipalities. A friend of mine brought forward a resolution of the Bombay Council only last year recommending the Government to amend the Municipal Act so as to enable women of the Bombay Presidency to stand as candidates in the municipalities. That resolution, I am very glad to say, in spite of the opposition of the Government, was carried by a majority, but I am sorry to say it has not been given effect to yet. As I have already stated, women in the Bombay Presidency have been exercising franchise for the last forty years, and, as I told the Franchise Committee in Bombay, I have several times attended the polling stations, and I have seen a number of women coming to the polling stations and voting as we men do. Some people think that there is some such thing as purdah in some parts of India. It is true that there is in some communities in northern India, not in all communities. But because some communities in the northern part of India have the system of purdah, and because those ladies will not exercise their franchise, is that a justification to deprive all the women of India of this right? We have, again, women graduates, we have women Fellows in Bombay, and there is absolutely no justification for imposing this sex disqualification on the women of India. We must start with their co-operation, and in this year of 1919 it is ridiculous to say that half the population of India should go without a vote. So far with regard to sex disqualification mentioned in Lord Southborough's Report.

Now I come to the Franchise generally as proposed by Lord Southborough's Committee. I am of opinion that the Franchise should and could have been made much wider. There is no reason why the property qualification should have been pitched so high. As a matter of fact, the Bombay Government had collected figures of people paying an annual assessment of 16 rupees and of people who earned 250 rupees annually—that made up a million voters in Bombay. There is absolutely no reason why those figures should not have been accepted by

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by the Franchise Committee. In the Punjab and in Bombay and in Madras my deputation feels that the recommendations of the Franchise Committee are very unsatisfactory. Take for instance, in the united Provinces the literates are 11 lacs, while voters are 14 lacs, while in the Punjab the literates are 6 lacs and the voters are 2 lacs. One point that I do think this Committee ought to take into consideration is the point regarding the fixing of qualification for voting on the earning capacity of a man. It is said that under the property qualification many people of the working class will come in. I beg to differ. The Franchise as it is based, is on landed property; a person paying so much land revenue to the Government annually is entitled to vote; but somehow or other in India the people do not like to leave their lands so long as they have got lands; they do not go to work outside leaving their land; they will stick to it like anything, and most of the working classes have very little land to talk of. They will not come in under this property qualification at all, and I therefore respectfully submit that you must fix the earning capacity as the basis of qualification. Lord Southborough's Committee thinks it is impracticable, and very difficult to collect figures, but that is not so; that statement I respectfully submit is not correct. The Bombay Government had collected figures of people earning 250 rupees a year for the purposes of that Commttee; where is the difficulty? As a matter of fact, under the Local Boards Act, you have got earning capacity as a qualification already. A person earning 500 rupees a year is entitled to vote, and the registers are ready of persons earning 500 rupees. Where is the difficulty? Again, Lord Southborough's Committee recommends that all persons paying income tax should be entitled to vote. Now, what is the earning on which income tax is assessable in India? A person earning 2,000 rupees a year is liable to assessment for income tax. There is one thing in this connection I should like to bring to the notice of the Committee. At the time Lord Southborough's Committee made its Report, we had this rule that a person earning 1,000 rupees was liable to income tax, but after that Report the Government of India have ruled that the income tax limit should be raised, and they have resolved that a person earning 2,000 rupees annually should be assessed to income tax. So very few people will come under this qualification of earning capacity. So much with regard to Franchise in general.

Then, with regard to recommendations as to some kinds of military service entitling people to vote. The Southborough Committee merely recommends that certain retired military officials should be entitled to vote. Our deputation feels every Sepoy should be given the Franchise. His services in the war, if there is any way to recompense or reward them, this is the one way to do it. I strongly press upon this Committee to consider whether it would not be wise to give votes to the Sepoys. There is an insistent demand in the Punjab in the matter, and it is not politic to ignore that demand. I can see the fear underlying the opposition of the Government of India. They want to keep the military as far apart from politics as possible. But I should think, as human beings, they are entitled to take an interest in the politics of their country, and there is absolutely no reason why we should treat them in the manner in which the Government of India and Lord Southborough's Committee choose to treat them.

With regard to the recommendation as to the constitution of the Council, Lord Southborough's Committee recommends that two-thirds of the Indian Legislative Assembly should be elected members. Our deputation very strongly feels that where there is a Second Chamber the First Chamber should be elected entirely; but at least we suggest that four-fifths of the body should be elected to start with, whether there is a Second Chamber or not. Then as regards indirect election, we say we wholly disapprove of it. We do not at all like it. We say that the election to the Legislative Assembly should be direct. Of course, Lord Southborough's Committee has pointed out certain difficulties in the situation—difficulties as to how to get at a system of direct election. From our point of view we find no difficulty whatever. You have here the electorate for the Provincial Councils ready at hand. All these voters are to vote once, at any rate, in three years for the Provincial Council. Why not

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then at the same time simultaneously ask them to vote also for the Legislative Assembly? It is very easy; you have not to find another electorate; there is the electorate ready; there are the polling stations and there is the machinery ready. When a man goes to vote for A for the Provincial Council let him also record his vote as to whether B, in his opinion, is fit to sit in the Legislative Assembly. There is no difficulty absolutely. We do not feel any difficulty about it at all, and we strongly feel the election should be direct for the Legislative Assembly. There will be no delay involved in the course suggested by my deputation if it is accepted by this Committee.

Then with regard to the number of seats allotted to communal and special electorates. There I invite attention to page 13 of our Memorandum, point No. 7: "The number of seats allotted to communal and special electorates is more than the necessities of the situation justify. We desire, particularly, to protest against the exaggerated representation proposed to be given to capitalistic and trade interests, chiefly European. We cannot understand why the Calcutta Trades Association, an association of shopkeepers not confined to British subjects, should be entitled to elect two representatives to the Bengal Provincial Council. We do not know what reasonable claim can be advanced for their representation outside the general European electorate. The Bengal Chamber of Commerce is to have four members, "jute interests" two members, and the Indian Mining Association, Indian Tea Association and Tea Planters one member each on the Provincial Council! The absurdity of this is illustrated when it is seen that the people of the Province through their general and communal electorates, representing a population of 45 millions, will return only 78 members, while 11 members will represent foreign trade and capitalistic interests through a handful of commercial and trading firms; while the representation of capitalistic interests in other Provinces, if not on so large a scale, is equally objectionable." That is a position which my deputation considers is intolerable and for which my deputation thinks no parallel exists in any country in the world.

Now I come to the University seats. The franchise is restricted to Fellows of the University. My deputation thinks that the franchise should be extended to all the graduates of the University. In the first place, 80 per cent. of the Fellows are nominated by Government—talking about Bombay, for instance—and only 20 are elected. So the nominated Fellows will naturally elect a member to the Legislative Council on behalf of the University. But, apart from this, consideration there is absolutely no reason why only 100 or 150 people should be given a right to return one member when, as a matter of fact, you have got about 1,000 or 2,000 graduates who can be trusted to exercise their vote properly. They are all graduates of the particular University. They have as much interest in the University as any Fellow has, and there is absolutely no reason why this should be what I call a pocket seat or a pocket borough. All the graduates of the University should be allowed to vote. Lord Southborough's Committee says that this recommendation is not based on any evidence. The fact is, the evidence is against the recommendation that it should be restricted to the Fellows; indeed, the evidence before the Committee is perfectly clear and unambiguous. All press for the claims of graduates to be included in the franchise for the University seat.

Then, coming to landholders, we think that if landholders are to have a special representation a standard of land revenue should be prescribed as entitling them to vote. I find that in Bombay the Sirdars of Gujerat and the Sirdars of the Deccan are entitled to return one member each between them. Now who are these Sirdars? Are they landlords? Who creates Sirdars? It is the Government, who, under some resolution passed by them, have the right to say a particular man is a Sirdar. The Government is not restricted, in the creation of a Sirdar, to the question whether the man holds land or not. If a man is, in the opinion of the Government, a respectable man, and, either from industry, commerce, or from some other source earns a decent amount, the Government can always say, "We create you a Sirdar," and those Sirdars have been specially given the right to return one member under the

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the guise of a seat to landholders. If this Committee comes to the conclusion that landholders should have a special representation, by all means give it; but fix the qualification that a person paying 500 rupees as Government assessment should be entitled to vote, and should be entitled to stand as a candidate, but not any and every person whom the Government chooses to call Sirdar.

There is one more point on the question of Franchise, and that is the point of dismissal from Government service. We feel that dismissal from Government service should not operate as a disqualification. I am glad to see that I am supported in this view by three members of the Functions Committee—Lord Southborough himself, Mr. Banerjea, and Mr. Sastri. They all feel that dismissal from Government service should not operate as a disqualification. But my deputation goes further, and holds that conviction for an offence should not also operate as a disqualification. A man should not be punished twice for the same offence. If a man has committed an offence and is tried and found guilty, he is punished, and there is an end of the matter. He is punished for it; why should the law impose certain disabilities on a man convicted of an offence and already punished, and who has already suffered for that offence? I do not suppose in this country the conviction for an offence is a disqualification. No doubt Lord Southborough's Committee suggests that the Governor in Council should be allowed to decide whether a person has been guilty of an offence involving moral turpitude, and then he should be disqualified, and not otherwise. Who is to decide? The Governor in Council will decide whether the offence involves moral turpitude or not. But my deputation is clearly of opinion that a man convicted should not be disqualified because of his past conviction.

With regard to residential qualification, we feel that there should be no residential qualification. A man who is a voter in one constituency should be allowed to stand in another constituency, for instance, provided he lives in the Presidency itself. No other residential qualification should be required from him. If the electors choose to elect him as their man no artificial barrier should be erected in their way. They should be left free to choose. As a matter of fact, it is restricting the Franchise itself. You give the Franchise, and you say: "You shall elect such and such a person." That is no Franchise at all. A man must be free to choose what candidates he likes. Lord Southborough's Committee recommends residential qualification only for three Provinces—I understand they are Bombay, Central Provinces, and the Punjab, and for the remaining five Provinces the Committee says no residential qualification is required. I cannot understand why there should be any distinction in this matter between one Province and another. The Punjab Government recommends residential qualification; therefore, Lord Southborough's Committee says, "We accept the Government's recommendation," and because the Madras Government does not insist on residential qualifications, Lord Southborough's Committee says, "All right, we will accept that too." This is a matter on which there should be unanimity in all the Provinces. If there should be a residential qualification it should be for all the Provinces; if there should be none, there should be none for all. So far with regard to these two Reports.

Now I take it that Appendix I. will be part of my evidence, and also Appedix II., wherein I have given important points in which the Bill falls short of the Montagu-Chelmsford Report. I do not know whether your Lordship would like me to explain to this Committee those points.

1758. No, I take it it is quite unnecessary; we quite understand?—If any member wants to know anything about the points which we have suggested I should be glad to explain them in my evidence. When I have put forward those points as points upon which the Bill goes back on the Montagu-Chelmsford Report, I should not be understood to suggest that if the Bill is improved on the lines suggested it will be in the slightest degree acceptable to my deputation.

1759. We quite understand that?—There is one point on which before I close I should like to lay special emphasis. My deputation has asked me strongly to urge

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to this Committee the desirability of the inclusion of what we call the declaration of right in the Bill now under consideration by the Committee. That Declaration of Right is set out on page 14 of my Memorandum. We say that the Statute to be passed by Parliament should include a Declaration of the Rights of the people of India as British citizens in these terms:—"(a) That all Indian subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal nor administrative law in force in this country, whether substantive or procedural, of a discriminative nature. (b) That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property, or in respect of free speech or writing, or of the right of association, except under sentence by an ordinary Court of Justice and as a result of lawful and open trial. (c) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary Court of Justice. (d) That the Press shall be free, and that no licence or security shall be demanded on the registration of a press or a newspaper. (e) That corporal punishment shall not be inflicted on any Indian subject of His Majesty save under conditions applying equally to all other British subjects." People in India used to believe that our fundamental rights as British subjects have been guaranteed by the Government of India Act, 1915, under Section 65, which curtails the powers of the Indian Legislature in certain respects. We always thought that we were British subjects, and had the elementary rights of British citizenship. But the Government of India thinks otherwise. In recent years they have passed certain laws——

1760. I cannot allow any points about those laws at all. We are not here and we have no authority to consider them, and I can allow no evidence about them?—I bow to your Lordship's ruling. That is the most important point upon which I have very strong feelings, but if your Lordship is not pleased to allow it——

1761. No; that goes on record, but nothing more?—I shall be pleased to answer any question.

1762. I think I will ask you and Mr. Madhava Rao to come back at half-past two. The Committee will now deliberate in private?—(Mr. *Madhava Rao.*) In connection with the taking of my evidence, I propose to confine myself to Provincial Councils and Provincial administration. I have come here specially at the invitation of the Congress to speak about the working of the electoral system in the Native States, and also the sentiments of the people in my own native district. Your Lordship was kind enough to suggest that if a witness did not like his statement to be made in public you would exclude the public and hear us *in camera.*

1763. Yes?—(Mr. *Madhava Rao.*) Though there is nothing to conceal or make a secret of as far as my evidence goes, it may bear upon the relations of the Native States to the paramount power, and so, differing from Mr. Patel, if I am to be cross-examined about the state of things in the Native States and on the statement I am going to make to the Committee, I would like the public to be excluded.

1764. I understand you are prepared to make your supplementary statement in public, but if there are any questions asked by us you would like them to be in private?—Yes.

1765. If you would be good enough to restrict your evidence supplementary to Mr. Patel's within the narrowest compass which is necessary for the purpose we shall be grateful?—That is my object in putting down my thoughts in writing. I am not a public speaker, so I have reduced it to writing, and I shall not take up more than a third or fourth of the time which Mr. Patel has taken.

(*The Committee sat* in camera.)

(*After a short adjournment.*)

Mr. *Bennett.*

1766. (To Mr. *Patel.*) I see that in answer No. 17 to the question put to you you speak as though you would like to restrict the inquiry of the Parliamentary Commission which is to enquire into the operations of the new system. Is it not the case that for at least thirty years some such Commission as that has been pressed for

Mr. *Bennett*—continued.

for by the Progressive Party in India?—We think that no Commission is necessary; but if one is going to be provided for its functions should be limited to the examination of the question whether, instead of in fifteen years the full responsible government should not be conceded to India in ten years. That is the only point to which we want the Commission to be restricted if it is appointed at all.

1767. It is the case, is it not, that for many years the leaders of the Progressive Party in India have pressed periodically for a Commission of Inquiry by Parliament?—Yes; that was some years ago.

1768. Was that not advocated by Mr. Hume and by Sir William Wedderburn for many years?—Yes; that was many years ago.

1769. You have abandoned that. I notice you say here that the Indians themselves should be the judges of the time and measure of the advance to be made. May I interpret that as meaning the sole judges?—I should think so.

1770. You are asking for a large measure—in fact, for the fullest measure of responsibility for the Government of India?—Not the fullest measure at present.

1771. You are asking for the immediate grant of responsible government?—We are asking for a portion of the responsible government in the Government of India, and a substantial portion, too.

1772. Assuming that the Indians themselves are to be the sole judges as to the time and measure of the responsibility, you would leave no responsibility whatever to the Parliament of England?—We want that all necessary safeguards to keep India as part of the British Empire should be provided for.

1773. That is scarcely an answer to my question, which is this: You say that the people of India are to be the sole judges. Now, if that is so, what remains of the responsibilities, which for many years have vested in the Government of this country for the Government of India?—I cannot quite follow.

1774. You say that the people of India should be the sole judges, but if that is so, what remains of the responsibility of the British Parliament?—When the full self-government is granted to India, whether in ten or fifteen years, no other responsibility rests with the British Parliament or the Government as constituted now in India, except such as is necessary for the purpose of keeping India as part of the British Empire.

1775. I do not think you have answered my question, but perhaps that is as near as you will get to it. You speak of "our responsibility," that is the responsibility of the people of India and the responsibility exercised by Parliament; can you find an equation between them?—The responsibility of Parliament and the responsibility of the people?

1776. Yes?—Can I find any equation that is any parallel? The colonies.

1777. No; I do not think you quite realise the question. The responsibility of the people of India which you ask for is the fullest measure of responsibility?—That is so in respect of internal affairs.

1778. What becomes of our responsibility when the full measure of responsibility is given to you?—In proportion as the responsibility is transferred to the people of India the responsibility of Parliament must lessen.

1779. How can it be a question of proportion when you speak of the sole judges as to time and measure being the Indian people?—The sole judges of the measure of advance and the time of advance. We have determined for ourselves that in fifteen years we want self-government.

1780. You try to fit a time at which full responsibility is to be given, but is the time measure the true measure in a problem of that kind? Are there not other considerations except that of time?—So far as India is concerned, I should think there is no other consideration, because we believe that we are fit for responsible Government at once; but for the purpose of facilitating those reforms, as a matter of practical politics, we say let us wait for fifteen years, because, after all, fifteen years is not a long time in the lifetime of a nation, and we should be satisfied if this substantial measure is granted at present and a guarantee is given that in fifteen years we shall have full Dominion responsible government.

Mr. *Bennett*—continued.

1781. Why do you not say five years or any other period than fifteen? Why do you fix a time at all?—We should be very glad to have it at once if you are prepared to give it.

1782. Does no other element enter into the consideration of the problem—efficiency and security? Are we to consider those elements or is it time only?—Those considerations do not arise, because we believe we are fit now.

1783. You admit that Parliament still have a responsibility?—Certainly.

Lord *Islington.*

1784. You said in your evidence, did you not, that you considered the franchise was too high?—Yes, the limit laid down by Lord Southborough's Committee is too high.

1785. You would like to see a wage-earning qualification?—Yes, or any other qualification of a similar kind.

1786. What amount would you put that at?—150 to 200 rupees a year.

1787. Have you calculated how many more that would add to the electorate?—I think, so far as the Bombay Presidency is concerned, on the basis of 250 rupees annual earning capacity, the voters do not amount to more than 1,000,000, and at present they come to 600,000.

1788. So that it would mean an addition of 400,000 in Bombay?—Yes.

1789. That is all you worked it out to?—Yes.

1790. Supposing this Bill were to pass on its present lines, would you and those you represent undertake to do your best to make it work successfully?—We shall try our best to see how it works, and at the same time we shall agitate for the rest. We are not going to be satisfied with this little thing.

1791. Will your efforts at work exceed your agitation or your agitation exceed your work?—Our efforts will of course be divided; in the first place we shall work, and in the second place we shall go on agitating

Mr. *Montagu.*

1792. You call it a little thing, Mr. Patel. What exactly do you mean by that?—We say that it is not at all satisfactory; it is highly disappointing that we should be given a few Departments in the Provinces to start with and nothing in the Government of India.

1793. You call that a little thing?—I do.

1794. I have not the least doubt that it is disappointing to you, but you say it is a little thing?—It is little, considering the announcement of the 20th August.

1795. When the Congress and Moslim League scheme was put forward were you a member of the committee that drew that up?—Yes.

1796. Did you ask then for the charge of any Department at all?—No.

1797. Did you ask for any responsibility at all?—We did not ask for any responsibility, but the whole Congress scheme is based on the fundamental principle that the control of the Budget shall be vested in the representatives of the people, and that the legislation also should be under the control of the representatives of the people. If these two things are granted nothing more is required. We also asked that the Indian members in the Executive Council should be elected by the Legislature. Very little remains; our present demands are much more moderate than the Congress League demands.

1798. I simply ask you whether you asked for the control of any Departments?—Not in the way that it is proposed to be given.

1799. And now you are asking for the control——?—Of all the Departments.

1800. You are asking for power to hold up the Government if you wanted to by the control of the purse through the Budget?—Control of the purse and control of legislation.

1801. But you never asked to be able to manage any of the Departments of Government at all?—If that is not management I do not know what management really is.

1802. The management I mean is by direction of the policy. For instance, in the matter of education?—When power is given to control the Government in the matter of the Budget and in the matter of legislation I think

Mr. *Montagu*—continued.

I think all the desired power is vested in the Legislature, i.e., in the representatives of the people. That is management as I understand it.

1803. You do not appreciate the fact that there is a difference between the control exercised by Parliament and the right to manage a Department?—I do not quite see that.

1804. The right to manage a Department and to choose your own Minister, or rather to dismiss the Minister in charge of a particular Department, is, according to you, a little thing?—As regards the question of the dismissal of a Minister, what is the power given by this Bill?—Under our original Congress League Scheme we could at any time have refused to vote his salary, or, supposing he continued for a term, the next term, we might not elect him. We had ample opportunities to compel a Minister to resign if he did not carry out the wishes of the Legislature.

1805. There is no power in this Bill to compel a Minister to resign?—Not as it is based; the salary is not to be voted.

1806. Where do you find that in the Bill?—There is nothing in the Bill authorising the Legislature to vote his salary to start with, of course.

1807. Are you familiar with the Constitution of the British Government and with the powers of control over them?—To some extent, not quite. I cannot profess to know everything.

1808. I did not ask that. It would be presumptuous on my part to attribute so much knowledge. I asked whether you knew a particular thing. You say, "We are ready for self-government at once"?—Yes.

1809. What would you say was the principal thing upon which self-government depended?—On the capacity to govern, I suppose.

1810. On the capacity of whom to govern?—The people.

1811. Which people?—The Indian people.

1812. Which of the Indian people?—Taken as a whole.

1813. How do people govern as a whole?—By choosing their representatives.

1814. Who chooses them?—The people.

1815. I put it to you it is the electors?—The electors.

1816. Now we have got it. Have you at the present moment an electorate in India?—I say that you could make a very good and a very strong electorate, according to the Southborough Committee, if you draw upon the people who at present vote for representatives in local government matters; but they have not judged from the point of view of the capacity of the people to be fit for choosing representatives.

1817. That is a very searching criticism of the Southborough Committee; but I was asking you if at the present moment there is in existence, apart from anything Lord Southborough recommends as a little thing in the improvement of the electorate—to-day in your Constitution a representative electorate in India?—All I can say is that the people are fit to exercise the vote if it is given to them. If it is not given to them how can they exercise it?

1818. May I ask you to answer my question? Do you agree or not that at the present moment there is not an electorate in India?—There is an electorate; take, for instance, the Bombay Presidency; we have between three and four lakhs of people enjoying the Franchise for the last forty years, both in the local boards and in the municipalities, and they could be readily transferred to the election of the legislature—there is no difficulty.

1819. At the present moment is there in existence an electorate for the Legislative Council?—It is a question of transfer at the moment; there is none there at the present moment, unless you give power to these people to elect.

1820. Do you think, therefore, that if self-government was given to-day to the Province of Bombay there is an electorate ready to dictate its wishes to the Minister?—I think so.

1821. A representative electorate?—Yes; both in the urban and rural areas.

1822. To-day?—Yes.

1823. Did Lord Southborough's recommendation improve that electorate or not?—To some extent.

1824. That improved it?—Yes.

1825. But you are not satisfied with it?—No.

1826. You do not think it goes far enough?—No.

Mr. *Montagu*—continued.

1827. And yet you say that to-day, without Lord Southborough's improvements, there is an electorate which can control?—I should think so.

1828. As you are satisfied with the unimproved electorate in its power to control its ministers if they had them, in pursuance of what you said to Mr. Bennet, would you mind telling me why you choose fifteen years as the time for you to get complete government?—There is no particular merit in choosing fifteen years, but we have considered all the circumstances, and, considering the announcement, we thought it was wise policy just to accept the announcement and demand time limit so that we may not be left in uncertainty and doubt as to the goal, and so that we should know definitely that we should be granted full responsible government in that reasonable period.

1829. There is no importance in the fifteen, and it might just as well have been twelve or thirteen, or twenty?—Yes, or ten, for the matter of that.

1830. You have no view as to a particular thing that is going to happen in fifteen years?—No.

1831. It was just a reasonable period to overcome the unreasonableness of those who were to give you this Constitution?—If you want to put it that way I should have no objection.

1832. Suppose there were in existence people misguided enough to think that an electorate did not exist at the present moment in proper form, would it be rational to fix a time in which to create such an electorate?—Considering that much time is not required in creating such an electorate, I should certainly put down a period, because it is not desirable to leave these things in uncertainty. You must satisfy the aspirations of the people; you can make them feel that here is a guarantee from Parliament that in fifteen years we shall get full responsible government. There is no difficulty in creating the electorate. The material is ready, and the only question is how to organise it or work it up.

1833-4. And you could do that at once?—It is a question of a few months.

1835. You could do it at once whether the electorate in Bombay was 600,000 or 1,000,000?—I go in for universal suffrage, and that should have been the ideal that Lord Southborough's Committee should have had in mind; but, unfortunately, they had not that in mind.

1836. Supposing you were to have universal suffrage to-morrow, how long would it take you in Bombay to make arrangements for dealing with that particular Province?—The question is not to be judged from the point of view of the difficulties there may be in managing the machine and creating the electorates. The question is whether the people are fit to have the right to exercise their Franchise or not. That is the consideration on which this question is to be judged.

1837. In the view you put forward you speak as the accredited representative of the Congress. I understand that the Congress determined what evidence you should give before you left India?—On the lines of the resolutions, and the deputation here met and considered on what points I should give evidence and what I should tell this Committee.

1838. Supposing you were speaking for yourself, have you any views to express as to the imperfections of the present Bill short of the very large demands you have made as the authoritative spokesman of Congress? Supposing, much to your regret, you found you were not going to get everything you have asked for to-day, is there any other alternative improvement in the Bill you can suggest?—I would, if your Lordship permits me, express very strongly the need for reforms in the Central Government, and the transfer of all subjects in all the Provinces except law, justice, and police. Provided, of course, the reforms suggested by the Congress in the Provinces are not going to be granted, and taking it that I am speaking in my personal capacity and not as a representative person, I would say that I strongly urge upon your Lordships' Committee to grant the reforms asked for in the Central Government, and to transfer all the subjects in the Provinces except law, justice, and police. With regard to the Central Government, again, if the reforms suggested by the Congress are not accepted by this Committee, I would ask the Committee to look to our original Congress scheme. There we did not ask for Ministers, as you now propose, in

Mr. *Montagu*—continued.

the Provinces. There we asked for the control by the Legislature of the Executive Government both in the matter of finance and in the matter of legislation. Supposing you give us that—that is, half the number of members of the Executive Council to be elected Indians—and supposing you at the same time concede the power of the purse and also provide that in legislation affecting subjects in the portfolios held by the Indian members of the Executive Council the will of the Legislature shall prevail, that is an advance. I would call it an advance, and I would suggest it on my own behalf, and not on behalf of the Congress, as an alternative which would do something, although it would not at all satisfy the people, who, I hold, are entitled to the full Congress demands at once.

1839. Did you expect to find all the recommendations of the Report embodied in the Bill?—No.

1840. In your Memorandum there is a long appendix: "Important points in which the Bill falls short of the Montagu-Chelmsford Report"?—Yes.

1841. Does that appendix contain all the things which you think ought to be in the Bill—at least all the things?—The most important of them ought to be in the Bill—not all. I do not mean to say that everything should form part of the Bill, but in some way or another it is necessary to make it clear to the people that these things will take place. The most important things must find a place in the Statute itself.

Lord *Brodrick* (Viscount *Midleton*).

1842. What number of delegates had you at the last Indian Congress?—5,400, including 800 cultivators.

1843. What was the electorate which sent them there?—I believe the whole of British India.

1844. What number of electors went to the poll to elect them?—They do not poll; they hold a meeting and elect delegates. We have got the Congress Provincial Congress Committees, and there are District Congress Committees, and people are entitled to elect delegates in public meeting, so that by these processes people send their representatives to the Indian National Congress, and in that way 5,400 people were elected as delegates to attend the Indian National Congress last year.

1845. You could not give any definite number of the electors?—It must be a very big number.

1846. You have given strong evidence with regard to your desire for further powers than those which have been placed in the Bill. Have you in your mind certain kinds of legislation which you want to carry as soon as the powers are given you?—We think the first thing to do is to introduce free and compulsory education all over the country.

1847. Apart from the principal control, does it occur to you that the form of legislation which you may require assumes rather that you would be checked in carrying measures which you think necessary, and therefore there must be a reconsideration of the powers even if you should find them adequate?—Will you kindly explain?

1848. Is it your view that if you should find your powers adequate to enable you to carry such legislation as you desire yet you would be dissatisfied?—No; if we get powers sufficient to pass what legislation we require we would be satisfied; that is all we want. We want powers to legislate for our own people, and we want the power of the purse; we do not want anything else. The only thing is we have no power to legislate at present, and all those Statutes and legislation that appear on the Statute Book are merely decrees of the bureaucracy. We have no voice whatever; that is the trouble.

1849. My question was designed to bring out this: Your evidence fixes entirely upon what powers you will have—not on whether you will be able to get such legislation as you wish for with the powers that are offered you—that is the point, and what I want to arrive at is—it is the question Lord Islington put to you: Do you intend to spend the next few years in thinking only of the powers you require, and not whether you can get what legislation you wish with the powers offered you. I gathered from your reply to Lord Islington that whatever happens you propose to go on agitating for further powers, even if the powers which are offered to you seem to be sufficient?—They are not sufficient; if we get sufficient powers we shall have no occasion to agitate. We shall agitate to reform ourselves and to organise ourselves for internal reforms, not for the purpose of getting more reforms in the way of powers if we get them as we want now.

Lord *Brodrick* (Viscount *Midleton*)—continued.

1850. You attach very little importance to the subjects which you will require to get settled, but entirely to the powers which are to be given to you; that is your point?—I do not quite understand the point.

1851. The powers are given in order to carry out certain legislation?—Yes.

1852. I am putting it to you that if the legislation you propose can be carried, with the powers offered to you, you would still not be satisfied?—We would be satisfied if the powers we ask for are given.

1853. It is a question entirely of the powers.

Sir *J. D. Rees.*

1854. Reading and hearing your evidence, I should infer that you thought the system of government in India was bad, and required abolition rather than reform. Is that your real opinion, or is there some party politics in the presentment of the case? Is the system of government in India bad or has it conferred great benefits on the country?—I say it is bad.

1854a. I understood you to admit, in answer to Lord Midleton and Lord Islington, that your own representative character is conjectural; it is not founded on any electorate?—There is an electorate, as I say, in almost every district; there is a District Congress Committee.

1855. I think all the Committee are perfectly familiar with that class of election. If you admit that your position is to that extent conjectural, are you aware that the present authorities make the most minute and widespread inquiries of the opinions of all classes in India before they sanction any legislation?—Not in all cases.

1856. At the time the Anti-Hindu legislation was proposed, like the Malaba Marriage Act and Inter-Caste Marriage Bill, these proposals were always from independent Hindu gentlemen?—You mean non-official members of the Legislative Council.

1857. I mean private Hindu gentlemen and not from the Government of India?—No; they did not proceed from the Government of India, certainly.

1858. Inasmuch as the system of Government in India is a joint system of Provincial Government and Central Government, do you hold that the concession of responsibility to the local Governments leavens the whole lump? Should you hold that it does not in any way liberalise the system of Government of India as a whole?—No; as a whole it does not. Unless reforms are granted in the Government of India, it is nothing.

Mr. *Spoor.*

1859. I would just like to ask a question with reference to a claim you make here in your memorandum, which has been already referred to by Lord Midleton and Sir John Rees regarding the representative character of your Congress. Are we to understand that throughout the length and breadth of India you have public meetings, and representatives are elected by the vote of those meetings?—Yes; you are perfectly right.

1860. There is no other form of election?—There are Committees affiliated to the Congress, Associations affiliated to the Congress. There are so many Associations all over the country affiliated to the Congress; there are District Taluka and Town Congress Committees and Provincial Congress Committees, and all those bodies send up representatives.

1861. You can give us no idea of the numerical strength of the electorate?—I should think it is very large, but I cannot give you the numbers.

1862. You referred to the Home Rule League this morning, and said that really the differences were only on points of detail, and that the only matter of principle on which you disagreed was with regard to diarchy. I take it from that that you do recognise the Home Rule League as the propaganda organiser?—We have recognised two Home Rule Leagues so far, but one has been started only yesterday, and they have not approached us for recognition.

1863. You have expressed a general opinion with regard to having a large and responsible share of the Central Government; but have you got any specific reason which you can give to us why you want that at the present moment?—Without any reform in the centre the responsibility in the Provinces does not mean

Mr. *Spoor*—continued.

mean much, and we want that the responsibility which is proposed to be given in the provinces should also be controlled asd guided by the responsible government in the centre. We do not want to leave our provincial affairs, which we handed over to our representatives, to be controlled by the bureaucracy.

1864. You have been asked a few questions this afternoon about this question of the time limit, and I would like to know if you can tell us how this idea of time limit arose and when it arose?—I can tell you that. What happened was this: When the announcement was published in India many people thought that it left us entirely in uncertainty, particularly in view of the observations of the Secretary of State in making his announcement, which I have already referred to in my examination in chief. We thought we did not know where we were, or whether we would under it at all reach the goal of responsible government or not, and therefore, when we met at Calcutta, two months after the announcement was made, the President of that Congress, Mrs. Besant, in her speech, suggested that we should ask the Parliament that a time limit should be fixed in the Bill. After that the matter was discussed thoroughly in the Subjects Committee of that Congress, and there we unanimously resolved that we should ask the Parliament for a time limit. The resolution was moved by my friend, Mr. Banerjea, and supported by my friend, Mr. Jinah, in the open Congress, and it was unanimously resolved by the Congress that we must ask the Parliament for a time limit.

1865 So that really the idea arose after the announcement of August?—That is so.

1866. I have found in your memorandum this extremely interesting declaration of rights. Do you think it is possible that that declaration could come into a bill of the kind we are now considering?—Certainly; there is no difficulty about it. You are giving us a constitution, and the fundamental rights of British citizenship must form part of that constitution Our growth, our national development, is impossible, in view of the recent happenings in India under present conditions, and whatever constitution you give us we will regard it as useless; we will not grow; we will not have national development unless and until you give us the rights of British citizenship. You have no idea of what is happening in India at the present moment; hundreds of people transported for life——

1867. My point is this: You do not think there is a sufficient declaration of rights implicit in the Bill itself without this detailed statement?—No, there is none whatever; no reference to it in the Bill.

1868. With reference to your statement this morning, when you were talking about fiscal autonomy, you rather stressed the point because of the industrial conditions in India. I would like you to be a little more explicit on that point—not at any length. You said that your reason for asking for it was the industrial conditions obtaining. Can you tell us something more explicit?—We want fiscal autonomy because we believe that the absence of fiscal autonomy is the negation of the principle of responsible government altogether. Our industrial regeneration is absolutely impossible without fiscal autonomy. Fiscal autonomy, we consider, is the most essential part of the reforms to be granted to India.

1869. There was a matter raised by one of the earlier witnesses with regard to the Marriage Bill which I believe you introduced?—That is the Inter-Caste Marriage Bill?

1870. Yes. Has there been much opposition to that Bill?—If you compare the opposition with the support, I would say that the support is greater than the opposition. There is no doubt that there is opposition, but let me assure this Committee that such laws, inter-caste marriage laws do exist in several native States, and when they were introduced there there was opposition in the beginning, and afterwards people took it, and there is no reason why this Bill also will not be received by the people as well. It is wrong to say that there is such a strong opposition to the Bill, and we have instances in native States at the present moment where such legislation exists.

1871. There are just one or two points here I would like to ask about, because, as a matter of fact, you relieved me of the necessity of asking many questions I intended to ask by your statement this morning. You say that you are not satisfied with the proposals of the Bill. Could a compromise in any way be effected? You object to diarchy. The suggestion has been made that it might be possible to try diarchy in some Provinces and full responsible government in other Provinces. Do you think that is practicable?—If the Parliament wants to do so it is not at all impracticable. You could very well try full responsible government in the four major Provinces—Bombay and Madras, Bengal and Oude—and you could give many of the transferred subjects to the remaining Provinces; but I want to emphasise that the demands of the country are quite different.

1872. You think a simultaneous experiment with the two systems side by side might be an advantage?—If diarchy is going to be thrust upon us I should certainly say that it is advisable to try diarchy in some Provinces and to try full responsible government in the other Provinces, in order to watch the results of both experiments. There are a good many constitutional lawyers who think that diarchy is impracticable, and that it would create friction, and that it will bring about a hopeless muddle. If you are wanting to go in for it there are very advanced Provinces in India where there is not the slightest question that you could start the full responsible government at once. There is no difficulty whatever, though at the present moment all the Provinces are quite fit.

Lord *Sydenham.*

1873. In the very important memorandum you have laid before us you say that the Congress to-day represents the overwhelming body of opinion among the people of India. Its constitution and organisation are of the widest democratic kind, and you go on to say: "We speak with an authority which is indisputable." I am afraid I must ask you a few questions about the constitution and procedure of the Congress. A very important meeting was held in Bombay in August last year?—Yes.

1874. Did not a large number of the original members of the Congress absent themselves from that meeting?—A very insignificant number.

1875. But some exceedingly distinguished men amongst them?—Some prominent men.

1876. You say that it was not a split, but only a fissure. A small partition, not a split?—It was not a split at all.

1877. Only some very prominent and, as you say, distinguished members were absent on that occasion. Those members did not set up a separate organisation; the District Committees you told us of did not set up another organisation?—No, these gentlemen joined the Conference.

1878. And they did not set up any machinery?—Not so far as I know. They represent their own personal views, and they do not claim to represent the country—certainly not.

1879. But they were returned, of course?—By whom? They came themselves. They were holding particular views, but they were not representative.

1880. At the previous Congress they were returned?—There was no previous conference.

1881. At the previous conference they arrived as delegates in the ordinary way?—In the previous National Congress, yes, some of them.

1882. And there is nothing to prevent them re-joining the Congress at any time—I am sure they would rejoin.

1883. This having happened, do you say that that Congress held at Bombay represented the overwhelming body of opinion among the people of India?—Excepting the 500 who held a separate view, the whole country supported the Congress.

1884 As a matter of fact that Congress did not even represent the united opinions, the unanimous opinions, of the original body of the Congress?—As I say, excepting the views of those 500 people, the National Congress represented the united opinion of the people of India.

1885. You say that each delegate at this Congress is elected, and I understand from you that they are elected at meetings or conferences in districts or Provinces. They are elected I suppose, by a show of hands at the meeting?—In the ordinary way that elections take place at public meetings.

1886 Are they elections on paper?—If there is any dispute.

1887. There

Lord *Sydenham*—continued.

1887. There is no dispute. The question is, are the gentlemen who are put up for election elected on paper or on a show of hands?—By a show of hands generally.

1888. You have no idea of the number of people who make this election of delegates by a show of hands?—No idea.

1889. But you say it is very large, Those people who are elected do not know what the particular Congress is going to do?—They know very well what the constitution of the Congress is and what its object is.

1890. They do not know on any particular occasion what will be brought before that Congress?—It is discussed in the papers every day as to what questions should come before the Congress; the questions are openly discussed from public platforms and in the public Press everywhere.

1891. What are the conditions of membership which give the right to the vote?—Any man who is of age is entitled to vote; there is no property qualification, and it is a sort of universal suffrage.

1892. There no subscription or anything of the sort?—There is a subscription, but it is very little.

1893. Therefore you know the number of subscribers?—There are hundreds and hundreds of bodies, and how can I tell the number of subscribers?

1894. You have no idea. At the Congress meeting at Bombay, do you know how many people came to Bombay from outside?—I suppose there were about 10,000 visitors and 5,000 delegates.

1895. Did those 5,000 delegates come in proportion to the population of the other Provinces?—No.

1896. Anyone who attends a Congress meeting becomes *ipso facto* a member of the Congress?—No; he must sign the first article of the Constitution; he must subscribe to the objects of the Congress.

1897. Which are in general terms of course, and the resolutions which come before the Congress are framed in secret. are they not?—No, that is done in the Subjects Committee, which consists of 500 people.

1898. They draw up the subjects?—Yes, they draw up the resolutions.

1899. Who elects the Subjects Committee?—Each Province elects its own members. Each Province is given a certain number of delegates, and the delegates from each Province in the Congress are asked to elect delegates to the Subjects Committee. They meet separately and elect their representatives separately to meet in the Subjects Committee.

1900. And India is proportionally represented by delegates to the Subjects Committee?—Yes, the whole of India.

1901. In due proportion to the population?—Yes, and importance.

Chairman.

1902. The whole of British India?—Yes, of course, the whole of British India.

Lord *Sydenham.*

1903. Who decides on the speakers?—The Subjects Committee decides who are to speak on the resolutions.

1904. The speakers deliver their speeches, but are not all the speeches, with very rare exceptions, delivered in English?—No, several times in all languages—in Hindi, in Gujerati, Mahratti and in English.

1905. Are all languages represented in the speeches at the Congress?—Yes; there are speakers who speak Mahratti, and speakers who speak Hindi and other languages, and there are speakers who speak in English.

1906. The resolutions are passed by acclamation?—It is put to the vote, and if anyone objects he has his say.

1907. Is every resolution read out in the vernacular?—Very likely.

1908. Is it so?—So far as I know it is.

1909. Always?—Formal resolutions come to be read out. The important resolutions are always translated.

1910. In this Bombay Congress were the resolutions read out in Mahratti, Gujerati, Scindi and Canarese?—I should think they were read out in Hindustani—the principal resolutions on self-government.

Lord *Sydenham*—continued.

1911. I am talking about all important resolutions?—That is the main resolution on self-government; it contains many headings.

1912. There are a good many resolution in the proceedings, and I have read them carefully?—The principal resolution regarding self-government was translated and published in vernacular languages.

1913. In all the four languages of Bombay?—Yes, it was published in all the principal languages in India.

1914. You say published, but was it read out at the Congress?—It was read out in Hindustani.

1915. Not in the four main languages of Bombay?—No, I should not think so.

1916. What guarantee have you that the whole of the audience which passed those resolutions by acclamation understood what they voted for?—The guarantee is that Hindustani is generally understood by all Indians.

1917. I think you are quite wrong there as far as Bombay is concerned?—I have some knowledge of Bombay.

1918. Where do the working classes come in?—They do not come in.

1919. Then you are not democratic, as Mr. Spoor has just asked you, in the organisation?—You mean in the Congress organisation? I am sorry to say that I misunderstood. You say that in the Congress organisation the working classes do not come in? They do come in; there is no difficulty about it. We had 800 cultivators, actually tillers of the soil, the last time as delegates on the Congress.

1920. I know about that. Until the Lucknow Compact was arranged there were no Mahommedan representatives at the Congress at all?—There were several Mahommedans on the Congress.

1921. Before the Compact?—Yes.

1922. Could you be said to represent Mahommedan opinion at all before the Compact?—Yes; several prominent Mahommedans had joined the Congress from the beginning.

1923. Are the Sikhs represented on the Congress as a class?—There are the District Congress Committees, of which they are members, and these committees elect delegates to the Indian National Congress; and in the Punjaub there is almost in every district a Congress Committee, and the Sikhs are residing in the Punjaub, I suppose.

1924. There is a certain number of organised bodies of the non-Brahmin classes of whom we have heard something; are they represented on the Congress?—Any number—I am a non-Brahmin myself.

1925. I know you are. You say that none of those are represented as bodies; they come in as individuals here and there in villages and district committees?—The principal Congress is open to anyone who cares to come in. We also hold public meetings, and Brahmin and non-Brahmin or anybody can come.

1926. They do not come in as organised bodies of their own?—I do not say so.

1927. You have said that India is now ready to have full responsible Government?—I say that.

1928. By full responsible Government I suppose you mean responsible Government as it has been developed in this country after centuries of evolution?—As it is developed in the Colonies.

1929. Which is borrowed from this country. Therefore you are entirely in favour of our form of responsible Government, and you realise that responsible Government differs considerably in some other countries—that is to say, the forms of responsible Government differ?—Yes, they do differ.

1930. You prefer our method?—We prefer our Congress League scheme.

1931. That is borrowed from our own?—No, the Lucknow Congress scheme.

1932. That is another form quite different from ours?—Yes.

1933. I thought you were following our line?—No, we would prefer our own; as we have accepted the announcement we say, "Very well, introduce this form of Government."

1934. Practically you maintain that your Congress system of responsible Government is a separate and new system, different from that which has been evolved in this country after many centuries?—Slightly different.

Lord *Sydenham*—continued.

1935. Do you know any country in the world in the condition India now is which has got full responsible Government?—The Colonies.

1936. Are there fifty different languages in any Colony?—I do not know how many languages there are in the Colonies, but in India one common language, Hindustani, is understood by all, and there is no difficulty.

Chairman.

1937. I should like to ask a question upon that: Do you assert that Hindustani is known all over Southern India?—It is understood.

1938. Is it spoken throughout Southern India?—Well, if a person not knowing the Southern Indian language goes to that part he is always addressed in Hindustani.

1939. Or in English—which?—If we know English we talk in English, but those who do not know English talk in Hindustani. If one does not know Mahratti or Gujerati or any other language he picks up some words of Hindustani, and we talk to him in Hindustani. All the people talk in Hindustani that way.

Lord *Sydenham.*

1940. Would it not be much simpler to hold your Congress meetings in Hindustani?—I wish that time came; I should like it to come.

(*Mr. Patel is directed to withdraw.*)

Chairman.

1941. (To Mr. *Madhava Rao.*) You also come from the National Congress?—Yes.

1942. Which is your own part of India —I am a native of British India, the Madras Presidency, Tanjore District, but I have spent the best part of my life in the service of the Native States, particularly Mysore—three years as Prime Minister of that State, two years and some months in Baroda, and two years in Travancore.

1943. You wish to supplement the evidence given by your colleague?—Yes; in fact, my Lord, my proposal is to confine myself to the subject with which I am familiar—that is, with the administration of the Native States—which has a bearing upon the reform proposals as far as the Provinces are concerned; not that I am unable to give evidence on questions connected with the Government of India or the Secretary of State, but I propose, for simplicity's sake, to confine myself to Provincial government and Provincial autonomy.

1944. Thank you?—Because my experience will enable me to throw light upon the subject of Provincial government. With your Lordship's permission, as I am not accustomed to public speaking, I have jotted down a few notes, and, with the promise not to take up much of the time of the Committee, I will read the notes that I have prepared. In supplementing the answers of Mr. Patel I will first take up the subject of diarchy in the Provinces, and give additional reasons for its unsuitability and for advocating complete autonomy in its place. My arguments are: (1) It is admitted that diarchy is a novel experiment in democratic government, and could only be defended on the ground that the Government has otherwise no means of judging whether the representatives of the people will rightly use the powers proposed to be entrusted to them, and consequently, as a precautionary measure, the official half of the Government is devised and made practically independent of the Legislature, the Civil Service, however, being exhorted, in paragraph 327 of the Joint Report to render every help to the popular half of the Government, and make the Ministerial administration a success. The Bill and the Government of India proposals, on the other hand, make the exercise of any independence of action of the Minister contemplated in the Report difficult, if not impossible, and the subsequent revolt of the Civil Service foredooms the popular half to failure. The scheme of diarchy, under these circumstances, would not take us to the goal laid down in the pronouncement of August 20th, but only lead to further agitation, to be followed by repression, with consequences which one cannot

Chairman—continued.

contemplate with equanimity. The Civil Service makes no secret of its hostility to the scheme, and is determined to wreck it.

1945. That is your opinion?—That is my opinion.

1946. I do not accept that as a fact?—It is my personal opinion. The whole scheme of diarchy, which assumes the hearty co-operation of the Civil Service for its success, must be abandoned in the face of the declared unwillingness of the Civil Service to work it. The remedy for this would be to set aside the bureaucracy altogether and run the whole Government with the aid of the popular element. I am speaking of the Provinces. This brings us to the question of the fitness of the popular representatives to undertake this responsibility. I think they can safely be entrusted with that responsibility. The Bombay Council—the non-official members of it—have asked for this measure. The Bombay Government have supported them to a large extent. Madras, in my opinion, is even better fitted to exercise the powers, and after a discussion lasting over two days in the Subjects Committee of the Indian National Congress at Delhi, the Congress resolved that all the eight Provinces were qualified to be granted full autonomy. In this connection I would bring in the case of Mysore, in which I have served for nearly 37 years, both under the old British Commission and under Native Indian rule. The case of Mysore affords very valuable object lessons in regard to many other questions also that have arisen in the course of the discussions connected with the Reform scheme. Before I proceed further, I may say at once that we have no responsible government in the State, but all the machinery necessary for it is there, and if it is decided to adopt the scheme framed for the Provinces in the Congress proposals, it can be introduced without the least difficulty and made to work successfully.

1947. In Mysore?—Yes. But there is not as great or urgent a need for responsible Government in the progressive Native States as in British India, for British India is being ruled by an alien race, who do not understand the needs of the people, and who are yet to give the elements of civilised life to the masses, although they profess to have the welfare of the masses at heart. They do not understand, and are incapable of understanding, the factors of the problem and its right solution. We have in Mysore a Representative Assembly, instituted by the Native Government in the very first year of the Rendition in 1881. This was made entirely elective in 1887, or so. A small property qualification was prescribed for the electors, and graduates of Universities were also given the vote. The result was the return of about 100 members. I have no figures about the voting qualification or qualification for membership. But the point I want to make is that the elective system has yielded excellent results in that it has enabled all communities and all trades, professions and interests to be represented, and there is no complaint of any community being over or under represented or unrepresented altogether. I was District Officer in an important frontier district, when the elective principle was first introduced, and superintended the elections in one of the sub-districts, and can testify to the keen interest taken by all classes in the elections and the intelligent and patriotic spirit in which the elections were conducted. When I was head of the Administration (that is, Prime Minister), thirty years later ——

1948. Is this still Mysore?—Yes. I invariably took the votes of the Assembly on all important questions and decided the cases in accordance with the majority of votes. Mysore is surrounded by British districts, all in the Madras Presidency, except in the north, where it borders on the Bombay Presidency. The people of Mysore, both as regards race, religion, and composition of the population do not differ from the people of the adjoining British districts. Mysore was, for nearly fifty years, under the administration of the British Government, and the system of administration was practically the same as in British India. When there was a movement for handing the State back to native Indian rule we had the same agitation from the Services and from the planting community against the retrocession as we have on the present occasion in regard to the Reform Scheme, and all the arguments

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Chairman—continued.

put forward by the Indo-British Association against the Montagu-Chelmsford Report were urged at the time. But Lord Salisbury, then Lord Cranborne, committed the Parliament to giving back the country to its legitimate ruler, and it fell to Sir Stafford Northcote to give effect to the decision. The result was that native Indian officers took over the machinery of Government, and have worked it, it will be admitted, not unsatisfactorily. They have made some notable improvements in certain directions, especially in regard to introducing a popular element in the administration. At the time of the rendition most of the British officers either retired or went back to the British Service, and some were watching from over the border in the civil and military station of Bangalore the work of the native administration, and expecting to be recalled when, under native Indian management, there should be a collapse, which was expected to happen every moment by the expropriated officers. The planters who had opposed the retrocession were even better off under native Indian rule than under the British Commission. The gold mines of Kolar, which were not yielding any profits at the time of the rendition, took a turn for the better a few years after the rendition and attracted a large European population, which, like the planters, sends a representative to the Representative Assembly, and has had no reason to complain of the treatment given to it by the native Government. The native Government embarked on industrial schemes of various sorts, and were responsible for harnessing the waterfalls of the Cauvery for generating electrical power—the first enterprise of the kind in all India. English officers—sons of the past Chief Commissioners and Chief Judges — do not object to serve under Indian heads of Departments, and the State also avails itself of the services of European officers who had continued from the time of the rendition, or whose services have been borrowed from the British Indian Government. It will be interesting to the Joint Committee to hear, in view of the trouble made by the Indian Civil Service, that the second Dewan after the rendition was the manager of the Judicial Department under the Commissioner (a British officer) of a Division in Mysore during the time of the British Administration, getting a monthly salary of 200 rupees, and the quondam manager became subsequently Dewan or Prime Minister of the State within 10 or 11 years of his managership, and the Commissioner had retired to his coffee estate in the State, and when a few years later he was offered a Deputy Commissionership he did not hesitate to take it up and serve cheerfully under his former manager. I cite this in view of the fuss the Civil Servants are making about serving under Indian ministers. Under the new scheme what is wanted is that they (that is the Indian Civil Service) should be clearly and firmly told what the policy of the Government is and what the Government expect of them. Here also I must not omit to state that as far as the paramount power and its representatives at the native court were concerned, they watched the native Government with true paternal solicitude, and gave it every help and support, and abstained from interference in its internal affairs. Although the terms of the rendition were extremely stringent, their disinterestedness and active sympathy were always in evidence, and contributed to the success of native rule. This ought to be the attitude of the Indian Government towards the Provincial Governments under the new scheme. Mysore can offer many equally instructive lessons in regard to its contribution for Imperial purposes and Imperial defence, but details on these points will prolong the statement which I want to make as brief as possible. Although the Ruler is a Hindu—that is the Ruler of Mysore—and the vast majority of the population are also Hindus, the interests of the Mohammedans are not overlooked, and it is well known that they enjoy exceptional facilities in regard to education, employment in the public service and consideration for their religion. The best possible feelings prevail between the two communities. During the time of the British Administration each community, Hindu and Mohammedan had been prohibited from passing with music in front of the other's places of worship; but so great was the esteem in which the high priest

Chairman—continued.

of the Hindus was held by the Mohammedans all over the State that on the occasion of his passing their mosque in Bangalore some years ago they specially asked the authorities to relax the rule in his case and allow the procession to pass with music. This mutual toleration and respect is noticeable in the States of Travancore and Baroda also. In the latter State, and, as I am told, in other Mahratta native States also, the Maharajah seated on an elephant heads the procession on occasions of Mohammedan religious festivals with the same pomp and state as he does in the case of Hindu festivals. Hyderabad is equally considerate to its Hindu subjects. If left to themselves the different communities would adjust their communal relations to their mutual satisfaction, and none of the difficulties put forward by the opponents of the Reform Scheme would arise. If there are special circumstances in the different Provinces the people would settle them in the way best calculated to secure their common good. I am not aware of communal—by which I mean religious—differences having stood in the way of the exercise of civic or political rights or the working of secular institutions which have the mutual and common benefit of the different communities as their object. On the other hand, the working of the co-operative credit system both in native States and in British India is proof of the two great religious communities in India and the different sections of the Hindu community, including the so-called depressed classes, coming together and acting in concert in regard to them. These societies have been the means of overcoming the feelings of difference which had kept the different sections apart and promoting a feeling of mutual toleration, if not also of respect. The most telling instance was that of the Travancore Popular Assembly when it was first instituted in 1904. The feelings of caste were very strong in that State, and the doctrine of untouchability was carried to its extreme, but when it came to be a question of election to the Popular Assembly, and the election was based upon a property qualification, no feelings of caste interfered with the elections, and the man who commanded the confidence of the electorate was chosen, and took his seat side by side with the other representatives, although in social and religious relations some of the castes would have shunned contact with some of the others. This was the state of things some years ago; but, with the mischievous ideas that are now found here and there in British India, and engineered, as is suspected, by the bureaucracy as a means of counteracting the agitation on the part of the people for home rule, I do not know if a similar demand may not be made in native Indian States if elective representative Assemblies were attempted there for the first time now. The fact is that the greatest enemy and the greatest frustrator of the well-intentioned and generous scheme of the British nation, speaking through its representatives in Parliament, is the Indian Civil Service, otherwise the bureaucracy.

1949. Again, I want to say quite definitely that I am willing to accept that as your expression of opinion?—My expression of opinion. I do not say it with authority, but this is my opinion, the outcome of my experience and observation.

1950. You understand I do not accept it as a fact. Please go on?—Yes; and until it is put down, any attempt to give self-government or responsible government to India must fail. I would begin with a declaration, in addition to the declaration of rights of life, property, and personal freedom asked for by the Congress, that the Indian Civil Service shall cease to be recruited in England from, say, five years from now, and shall thereafter be recruited, after a public examination to be held in India, the duties the Civil Service will have to perform being of the same character as those of the Civil Service in England. Of course, the rights, privileges, and emoluments of the present members of the Civil Service and those to be recruited within the next five years may be protected by Statute. This is the first step to be taken if the existing monopoly, with its vested interests, is to be broken. The English at home have an idea that the whole Government would collapse if the Indian civil servant strikes. This is a mistake. He requires only firm handling. When he goes the people of India will be brought in direct touch with the British nation, which will result in better mutual understanding and mutual benefit.

in

Chairman—continued.

It is the game of the civil servant to misrepresent the Indian, and make out that he belongs to a backward race and civilisation, and that the service of the civilian is indispensable in keeping the different races and creeds from fighting with each other and for promoting the welfare of the people as a whole. On reading Chapter VI. of the Joint Report, which is headed "The Condition of the Problem," one would imagine that Indian civilisation began with the advent of the English, and the Indians had no culture of their own. The whole thing is in the tone of the White Man's Burden, although the Indian is not quite made out to be half child and half devil. The joint authors have to struggle as best they can in reconciling their conclusions with the adverse facts and arguments to which they have been committed in the presentation of the existing conditions in India. There is not a word said about the culture of the Indians, both Hindus and Mohammedans, about their outlook on life and the problems of existence which have moulded their civilisation and culture. With them literacy plays but a subordinate part, both as regards the discharge of civic duties or exercise of political rights, which, again, have no connection with their socio-religious relations. The civilian cannot understand the character of the loyalty of the Indians and its basis and inspiration. There is no reference in the chapter to the ancient polity of the Hindus, to the deliberate destruction of the spirit of village self-government in what were described by an eminent Anglo-Indian authority as village republics, and the destruction of what remained of the institution after the vicissitudes through which India had passed before the advent of British rule. Then, again, there is the argument that the intellectual classes want to wrest power from the bureaucracy, as if the intellectuals were different from the people at large. The very institution of the National Congress was with the object of ameliorating the condition of the masses. The intellectuals, if they want power, want it to enable them to improve the lot of the people. India, which was once one of the wealthiest countries in the world, is now one of the poorest. Her industries have been reduced to a primitive state, and need scope for full and free development.

1951. Again, of course, I only take that as an expression of opinion?—Yes. The people have not got adequate facilities for education. Sanitation in India is so bad that epidemic diseases, like plague, cholera, influenza are frequent visitors, and carry off millions of the people. The vitality of the Indian people is so low that their average life is only 23 years. If the educated classes want power to be transferred to the representatives of the people it is to enable them to promote the social well being of the people and lift them from the hopeless poverty into which they have sunk. They want to provide means for the labourer and his family to get at least one full meal a day, ensuring for this purpose a minimum wage for the labourer, both agricultural and industrial, to provide facilities for his getting the rudiments of education and to improve the conditions of life. These elementary needs of the masses the bureaucracy has failed to provide, and they can be provided only by the representatives of the people. They will find the means by retrenchment and adjustment of taxation. In any case they will not start with giving improved pay to the already overpaid Civil Service. There is again the stupendous task of building up local self-government, which the Government should have taken up first, but which they have neglected. It may sound as a paradox but is nevertheless true that the bureaucracy is not fitted to undertake this work. They are brought up in the traditions of the system of administration devised by the British Government, and which was mainly based upon the system of the Mogul and Mahratta, and which had for its main object the raising of revenue from the land, which revenue originally represented 90 per cent. of the revenues of the State. The bureaucracy has no conception of the fact that for the uplift of the masses what is required is the strengthening of the economic position of the labourer and giving him if possible a vote. His social position will solve itself if his means of livelihood are assured, and he is given a voice in his own Government. The Civil Service is putting Government on the wrong scent in raising all this outcry about caste and depressed and backward classes. In making this statement your Lordships will understand that I am putting the case for autonomy in the Provinces in as strong a light as possible and bringing reasons or arguments to support my contention. I do not touch the Government of India or the constitution of the Secretary of State, or other questions. I do not appear here as an historian to speak of the benefits the British Government has conferred—that is a different question—or of the services the Civil Service has rendered to the country. By study and also by association and by heredity I am a great admirer of the British character and of the great services which the British Government has rendered to India.

(*The Witness is directed to withdraw.*)

Die Mercurii, 6° *Augusti* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

DEWAN V. P. MADHAVA RAO, C.I.E., is recalled; and further Examined, as follows:—

Mr. *Montagu.*

1952. How long did you say yesterday that there had been a representative assembly in Mysore—how many years had it been in existence?—It was started in 1881.

Mr. *Montagu*—continued.

1953. And there is no responsible government there yet?—No.

1954. Do you anticipate a day when it will come in Mysore?—Yes.

1955. When

Mr. *Montagu*—continued.

1955. When do you think?—I cannot say exactly the time when it will come, but all the materials are there. If it is decided by the authorities to introduce it it can be introduced at any moment.

1956. It has taken at least a minimum of 30 years in Mysore. You adhere, I presume, to the Congress suggestion that there should be a time limit of 15 years in British India?—The two cases are not on a par.

1957. The only other question I want to ask you is this: You spoke about chapter 6 of the Report upon which this Bill is founded?—Yes.

1958. Could you from memory or by reference point to any statement in that chapter which is untrue, in your opinion?—My opinion is that they speak as if the Civil Service had achieved many great things, but it would be more correct to describe the thing as the intentions of the Civil Service rather than as actual achievements. There is a paragraph I remember in the Report.

1959. It is the reference to the Civil Service on which you based your objection to the chapter?—Yes.

1960. Is there anything else?—Nothing else.

1961. You spoke yesterday in very severe terms of the Civil Service?—Yes.

1962. But you qualified that at the end by saying that after expressing your opinion of the dark side of that Service you had not thought it was opportune to mention any of its merits?—No, not in the least. I am fully alive to the merits of the services done by the Civil Service, and I think I can endorse every word of praise that you have bestowed yourself in your speeches and also in the Report of the great work done by the Civil Service. It will be a bright chapter in the history of the British Empire in India, what the British have done for India. But my contention is that they have played their part, and now they should make a bow and retire and prepare to leave the field for popular government. They have overstayed their usefulness. That is my case.

1963. You appreciate the fact that it is not my business to argue with you, but I should just like to tell you that I do not agree with your contention in the least.

Sir *Henry Craik.*

1964. You have had considerable personal intercourse with civil servants in India, I presume?—Yes.

1965. And it is upon that that you found the allegations you have thought fit to make?—I do not know that I have made any allegations against the civil servants. About their limitations I think I spoke.

1966. "It is the game of the Civil Service to misrepresent the Indians"?—That is as far as this present controversy is concerned.

1967. Do you expect us to accept that statement as a fact?—It is, so far as I am concerned, a fact, based upon conviction.

1968. And intercourse, you say?—Yes.

1969. And you say that the civil servant is determined to do all he can to prevent the success of any reform movement?—Perhaps it is rather stated too broadly.

1970. Would you like me to express the opinion that it is the direct opposite of the truth. You admit that it is stated too broadly. I do not propose to ask you any further question.

Marquess of *Crewe.*

1971. In Mysore are there any Englishmen employed in the Civil Service?—There are.

1972. Have you found them on the whole satisfactory?—Yes.

1973. Do you think that they have contributed to the remarkable advance which has been made in Mysore of late years?—The civil servants who have been employed by the Indian Government?

1974. The British civil servants of British birth who have been employed by the Durbar in Mysore. Do you think they have been on the whole a useful addition to the Government of Mysore?—Yes. I would not say that they have influenced the efficiency or the character of the Government in any way, but they are in their own way useful.

1975. Do you think they would have got on as well without them?—Yes.

Marquess of *Crewe*—continued.

1976. You would be quite content to run the Government without any Europeans at all?—We could do that.

1977. In any capacity?—Yes.

1978. You say that when the British Civil Servant goes the people of India will be brought in direct touch with the British nation. Will you kindly explain what you mean by that, and how it is to occur?—It would be understood that I confine myself to the Provincial Government. Just as in the case of the native State of Mysore, the Government of India watched the Government of Mysore, and guided it in a sympathetic and disinterested spirit, so I expect, when the Provincial Government is practically made a popular Government as understood in the Report, it will be under the guidance of the superior Government, and will be brought in better contact with Parliament and the British nation here.

1979. Your idea is that the Provincial system should go by parallel with that of the more advanced Indian States?—Not parallel; perhaps in some respects it is more efficient, but what I say is to impart a popular character to it.

1980. That would mean, would it not, that the Central Government, the Government of India, would remain very much as it is?—I have not given thought to that subject, and I excluded everything connected with the Government of India or the Secretary of State from my note. I confined myself to what I could say from personal knowledge and from personal observation, and that was to put the Provinces on the same footing as progressive native States, and say that if the Provincial Government are popularised they will promote the happiness of the people and also the masses much better than under the present system. That was the limit I had imposed upon myself, and within those limits I can say confidently that popularising Provincial Governments will conduce to the better administration of the Provinces and also the better promotion of the welfare of the people.

1981. I quite follow that. You said just now that Mysore, in the great advance which it had made, owed something to the advice and protecting hand—I think that was the phrase you used—of the British Government?—Yes.

1982. That was done by the Government of India; it was not done by Parliament, was it?—We do not differentiate between Parliament and the Government of India; we call it the paramount power. That stands out to us as the representative of the British nation and the British Parliament.

1983. Yes, but this active assistance has to be rendered by individuals and those individuals form part of the Government of India?—As I have said, I have not given thought to that question. I look upon it only from an Indian State point of view, and in that connection we look upon the paramount power as a protector and also as a Government watching our interests and representing the British nation and the Parliament here.

1984. You are speaking in quite a general sense. You assume that somehow or other similar guidance will be directed to the Provinces?—Yes.

1985. But you do not attempt to consider precisely how?—No.

Sir *J. D. Rees.*

1986. I gather from your evidence that you think the Indian civil servant has played a very conspicuous part in the government of the country?—He has.

1987. Perhaps the chief part?—Yes.

1988. And you said, after the public had retired, that the Government of India, consisting chiefly of such civil servants, had rendered great services to India?—Yes.

1989. I ask you how it happens that those civil servants whose loyalty, efficiency, and devotion to the people of India you directly deny, were able to render great service to the country. Can you explain that?—That is in the earlier stages.

1990. The service was good in the earlier stages?—Yes.

1991. The benefits were rendered then?—Yes, up to a certain limit.

1992. They were not always bad, then, the civil servants?—No.

1993. They

Sir *J. D. Rees*—continued.

1993. They only became bad, when?—When put in that way——

1994. I am an old civil servant. You must kindly answer questions put unless the Chairman thinks they are not properly arising out of your evidence. Your evidence is extremely serious, because I believe no other gentleman will speak as to the native States, with which you and I are both very well acquainted. Will you answer the question: At what stage did the Indian civil servant acquire this new and unfortunate character?—When unrest appeared in the country for the first time. If any point of time is possible you may fix it about 1904.

1995. In your evidence you certainly gave me the impression—I do not know what was the impression on my colleagues—that you thought the Government of India was bad; in fact you condemned it, lock, stock, and barrel.

Chairman.] Put it in the form of a question.

Sir *J. D. Rees.*

1996. Was your evidence condemnatory of the Government of India when you gave it when the public were sitting in this room yesterday?—I have been explaining that I do not differentiate between the Government of India and the Government of the Provinces?

1997. I did not ask you to do so. I meant the system of the government ruling India. I am not speaking in that technical sense?—The system of government I condemn. It is bad and unsuited to the present conditions of India.

1998. Then after the public had retired did you say, "I am a great admirer of the British character and the great services which the British Government has rendered to India," and, if so, how do you reconcile the statement made in public with the statement made in private to the Committee after the public had retired?—I was not aware of the public having retired.

Chairman.] I think that was an accident, Sir John. The witness continued standing there. He never interrupted his evidence. The public went away because I said that the evidence was closed.

Sir *J. D. Rees.*] With great respect, my only object was to give him the opportunity of explaining it.

Chairman.] I only wanted you to put the question in a perfectly fair light to him.

Sir *J. D. Rees.*

1999. (*To the Witness.*) Can you explain that?—I am still an admirer of the English character and the services that the English Government has done for India.

2000. But you conspicuously failed to give that impression in your examination?—You must remember that one cannot take in everything, as I said all aspects of the question, when one is dealing with a particular matter. My object was to emphasise the necessity for popular government in the Provinces.

2001. I do not think that really answers my question, but I think we had better leave it in the interests of economy of time. Was not the Maharajah you served in Mysore his late Highness Chamarajendra, Woodiar?—Yes.

2002. And the Maharajah of Travancore is his present Highness Rama Varma?—Yes.

2003. In the case of a Dewan who is the chief servant of a Prince, if it is material in your view that the master and the servant should be of one mind, may I ask you if you have any reason to believe those Princes share the views you expressed yesterday of the Indian Civil Service?—That is precisely the reason why I asked, if possible, that such questions bearing upon the relations of the Indian Princes to the paramount power might be reserved for discussion *in camera* if third parties were to be brought in. I do not speak on behalf of the Maharajahs; I simply give my own opinion.

Chairman.] The witness is quite entitled to say that he is not entitled to speak on behalf of His Highness.

Sir *J. D. Rees.*

2004. I will leave that. Are you aware that the late Maharajah of Mysore and the present Maharajah of Travancore always exhibited the most affectionate regard to the European officers who serve in their States, and that the latter have always reciprocated that feeling, and have been extremely proud to have the friendship of those Princes?—As much as the Maharajahs themselves I entertain those feelings towards Englishmen and English officers personally.

2005. You spoke of misrepresentation of Indians by the civil servants?—That is during this present controversy.

2006. Then you do not have regard to the writings of Sir Alfred Lyall, Hunter, Taylor, Sleeman, Birdwood, and indeed I might say many others, some of whom Lord Sydenham has quoted?—No. I know the good they have done. We look upon them as the benefactors of the country. I am not referring to those people or the state of things before this controversy arose. Now they have begun to take sides, and the result is that they come in conflict——

2007. I do not wish to cover the ground again. Is it the case that Hindustani is known all over Southern India?—No, not in Southern India. It is entirely a Dravidian country.

2008. What do you see in regard to the rendition of Mysore to condemn the Government of India?—Nothing. On the contrary, it is their title to honour, and to gratitude on the part of the Indian community.

2009. I hope they have it. I will ask only one more question. Do you think that wittingly or unwittingly the evidence you gave here yesterday grievously misrepresents the attitude of the native States towards the Indian Civil Service and the British Government in India?—I was not conscious of it, if it has led you to make such an inference.

2010. Do you think it has that effect?—No, it was not intended by me. I am sorry if it has that effect. On the contrary the sentiments of the Indian States, I think, are those of gratitude to the British Government.

Lord *Sydenham.*

2011. When you were Dewan at Mysore, after the introduction of the British Press Act in British India, did you yourself introduce a similar Act in Mysore?—I know the object with which this question is put; but unless full facilities are given to me to explain the whole situation, I do not like a question to be put to me in lawyer fashion, and asked to answer yes or no.

Chairman.] I think that is a perfectly fair question.

Lord *Sydenham.*

2012. Did you or did you not—yes or no?—Yes, I was responsible for introducing the Press Act.

2013. Is that Act in force now?—I believe so.

2014. When you were Dewan of Mysore was Mr. Srinivasa Sastri peremptorily ordered not to deliver an address at Bangalore?—I was not the Dewan then.

2015. Why did you do that?—I do not know the reasons. I was out of office at the time. I was just like any private individual. I think the State officials sent a notice to me. I was to preside at the meeting, and they sent a notice to me through an officer asking me not to preside at the meeting; but as the meeting had been arranged I went to the place and I told the audience that the Government had asked me not to preside on the occasion, and so the meeting could not be held. If my own surmises are of any value I may say we thought this was prohibited at the instance of the British Residency, and that the thing did not originate from the Durbar itself.

2016. Can you say what year that was in?—I am not quite sure. It may be 1911 or 1912, or even 1913.

2017. You say you took no responsibility for this prohibition?—No; I was a private individual residing in Bangalore at that time.

2018. Do you know of any instance where Mr. Srinivasa Sastri was debarred from speaking in British India?—No, I am not aware of it.

2019. Then the action taken in Mysore was more autocratic than the action taken in British India.

Chairman.] I do not think you can put it like that, because there are so many circumstances to be taken into account.

Lord *Sydenham.*

2020. Then I will not put that question. I understood you to say that in Mysore there was no complaint regarding the over-representation of any one community. Did you say that?—Yes.

2021. Are you aware of the resolution introduced in the Mysore Assembly by Mr. Basavihtra, which demanded communal representation for non-Brahmins?—Yes. There was a motion brought forward, but it was all due to ideas spreading from British India into native States. I have referred to it that it has been productive of mischief as far as native States are concerned.

2022. Then it is not true that there was no complaint, as you stated in your previous evidence?—He made that complaint.

2023. Was not a memorial submitted to the Maharajah by a deputation led by Mr. Basavihtra and other people on behalf of non-Brahmins, including the Mohammedans?—Yes, I was told about it. I was not in the Government at the time. I was told about it, and I have anticipated all that by saying that this is all the result of the factitious agitation set up in British India.

2024. When you were Dewan were the Panchamas excluded from State-aided schools in Mysore?—They were excluded. We did not, in fact, take any notice of it, but this is a thing that happens in the villages themselves, and we do not either exclude or include. We say education is general for all sections of the population. The authorities take notice of the feeling in villages and sub-districts, and they act according to the prevailing sentiment among the people.

2025. Since you retired are you aware that the non-Brahmin Inspector General of Education, Mr. C. R. Reddy, issued instructions to all headmasters of elementary and secondary schools aided by the Government that the depressed classes should be freely admitted?—I am not aware of it.

2026. Then you would not be aware also that a strong protest from the upper castes was immediately forthcoming?—No. As far as Mysore is concerned I have been out of office for the last ten years. Whatever I have come to know must be in my individual capacity. I have been devoting more attention to British India and the politics of my own native district, which is in British India, since my retirement.

2027. Is there a movement called the Varanashram Dharma in Madras?—I do not know. I think it may be general to India.

2028. Is the object of that movement to preserve the ancient system of caste?—Yes, it is.

2029. Did you preside at any of their Conferences?—No.

2030. You say that there is again the stupendous task of building up the local self-government which the Government should have taken up first, but which they have neglected? Have you any personal knowledge whatever of the system of local self-government which has been built up by our Government in India?—Yes, I have some knowledge of it.

2031. Do not you know it a very large, extensive and complicated system, and it has been steadily democratised?—I do not think that much improvement has been effected since the time of Lord Ripon, when it was first introduced. Of course, from time to time the elected element has been introduced, but not progress of any appreciable character or on the lines of what Lord Ripon's minute contemplated.

2032. I am afraid I absolutely disagree with you. I suppose you are aware that great Indian municipalities of India are now entirely in Indian hands?—They are gradually doing it.

2033. Is it a fact that there are large municipalities in India which are entirely in Indian and elected hands?—Within the last one or two years it may be so, but not generally.

2034. You say the Indian Civil Service became bad when the agitation began?—Yes.

2035. Did what you call the present controversy take the form of attacks on the Indian Civil Service?—I do not quite follow the question.

2036. You have said that what you call the present controversy was the starting point of the Indian Civil Service becoming bad. Did part of that controversy take the form of attacks on the Indian Civil Service?—When the Civil Service, for instance, belittled the influence of Indian leaders, and questioned their motives, perhaps there may have been in the papers what you call attacks upon the Civil Service. I should not call it attacks, but attempts to show that the Civil Service had failed in its duty to the people.

Lord *Sydenham*—continued.

2037. I could give you plenty of evidence as to attacks, but your point is that the Civil Service became bad about the time when the attacks upon them began? I should not exactly say "became bad."

2038. I think your word was "bad"?—I think it was put into my mouth by Sir John. With the leave of your Lordship, I would say with regard to improvements in municipalities and towns and villages, my ideas of local self-government are quite different from those on which improvements have been effected under Lord Ripon's scheme. I was thinking of reviving the old village autonomy, the village republics as they used to be called. They are on quite different lines altogether from the Municipal and Local Boards Schemes which the British Government, since the time of Lord Ripon, have had before their minds, and towards which they have been working. My idea goes back to the state of things before the British Government came, that is, what used to be described as village republics, self-contained self-governing bodies where the land was the property of the whole village community, and the Government also was in the hands of the village community?—All that has been destroyed under the revenue system of the British Government. When I spoke of local self-government I had in my mind the revival of the system that prevailed in pre-British times in most parts of India.

Chairman.

2039. May I sum up what you wish to say thus: that you wish to see local self-government developed on eastern and not on western lines?—Precisely.

Major *Ormsby-Gore.*

2040. You would like any land revenue to be collected from the village community as a whole, and not from individuals of the village. Is that your point?—No. It may be collected from individuals, but I think the revenue of the land and the waste lands—commons as they are called here—both grass lands and woods, should be, as in the old days, under the management of the village community.

2041. I want to turn to the evidence you gave yesterday with regard to the constitution in Mysore. You said: "We have in Mysore a representative Assembly. This was made entirely elective in 1887. A small property qualification was prescribed for electors, and graduates of the universities were also given the vote. The result was the return of about 100 members." Can you tell me roughly how many people in Mysore got the vote—quite roughly?—I cannot.

2042. What proportion of the adult population?—I can only say that the property qualification was sufficiently low to admit of as large a franchise as possible. That is the utmost that I can say now.

2043. You cannot recall whether it is lower than that proposed in Lord Southborough's scheme of franchise?—No, I have not compared it, but the materials are here, and any time you want information I can supply it.

2044. When you were in power in that State, what were the powers of that representative elective assembly? Did it vote the local Budget?—No, it did not vote the Budget, but the powers of the representative assembly, as far as its bearing upon the well-being of the country was concerned, were much greater than perhaps you could have under a Legislative Assembly of the kind that is proposed for the Provinces now. Latterly they have been convening the assembly twice a year, but it used to be convened once a year and the elected members used to assemble. Before they came to the assembly they sent in a statement of what they wanted to be done or to be discussed in the assembly three or four months before the meeting of the assembly. When those questions were received they were referred to different Departments of the State and also to the district officers. Their statements upon those questions were received and printed and tabulated in the head office, also the copies

Major *Ormsby-Gore*—continued.

copies of the questions and the opinion of the heads of Departments were distributed among the members of the assembly. All the heads of Departments and all the heads of districts met at this assembly, and the Prime Minister read a statement as to the measures adopted; and the financial position of the State, details of the income and expenditure, was read before the assembly. When this opening was over, the statements that had been sent up by the members were taken up one by one and discussed in the full assembly, the opinions of the heads of Departments and district officers were taken, and on such of the matters as could be disposed of by the Dewan replies were given on the spot to these questions, and others which required consideration or the orders of the Maharajah, were reserved. Practically most of the questions that were sent up were disposed of in full assembly after full discussion lasting six or seven days. That is the way in which this assembly worked. As I have said in my statement, during my Dewanship I introduced the system of taking votes and deciding questions on the majority of votes that were given in the assembly. This was my own individual way of working; but it was not in the constitution. But, as I said before, if it is decided to introduce the system of voting or responsible government or representative government, the materials are there, and could be put on at any time.

2045. I gather from you that during your administration you encouraged this elective assembly to vote on all questions of legislation?—No, they were questions of administration. We introduced the Legislative Assembly during my Dewanship. The assembly was on the same lines as the Legislative Councils in British India. They dealt with formal legislation. The Representative Assembly dealt mainly with administrative questions.

2046. Take education. Was education in any way controlled by the Representative Assembly in Mysore, or was that done by the Government on its own responsibility?—Not controlled in the way of its being decided by a majority of votes, but very largely we deferred to the opinion expressed in the assembly, and the Government policy was guided by the opinion that may have been expressed in the assembly.

2047. In a word the assembly was consultative?—Yes, it was.

2048. Can you tell me about your education in Mysore? Your colleague, the representative of the National Congress, said he wanted free compulsory education throughout India at the earliest possible moment. Has there been any attempt to introduce such a system in any of the native states with which you have been connected?—Baroda is well-known for having introduced this free and compulsory system many years ago—ten or twelve years ago.

2049. But in Southern India it has not?—No. There are some movements towards getting it in the municipalities. I am not aware of compulsory education having been adopted as a general measure. But without compulsory education we have, for instance, in Travancore, the most advanced country with regard to education on the voluntary system; and Baroda, of course, is well known as having its compulsory system for the last ten or fifteen years—in Mysore also we have education very much advanced, more advanced than in British India. But there are figures, and I simply say it as a general statement—I have not looked into statistics on this point. I give my general impression.

2050. You have just said that you do not agree with your colleague in the representation of the Congress that Hindustani is known all over Southern India?—No, it is not understood in Southern India. Perhaps in the towns a few of the town population may understand a few words.

2051. Are you in favour of making Hindustani the language of the Congress and the universal language of the Indian people?—Yes; I presided over the All-India single language movement only last year.

2052. And that single language you think should be Hindustani?—Yes.

2053. One other question in regard to your evidence. You say "These elementary needs of the masses the bureaucracy has failed to provide, and they can only be provided by the representatives of the people. They will find the means by retrenchment and adjustment

Major *Ormsby-Gore*—continued.

of taxation. In any case they will not start by giving improved pay to the already over-paid civil servant"?—Yes.

2054. Do you say what ranks of Indian civil servants are overpaid at the present moment?—I thought there were some recommendations about increasing the pay and the attractions of the Indian Civil Service. It was in connection with that that I said what we want is not the high pay that is given all round; India, being a poor country, cannot afford to maintain such a highly paid agency. When it is handed over to Indian management their first look-out will be to retrench.

2055. In your opinion, when they get strong power one of their first objects will be to reduce the present scale of salaries throughout the Indian Civil Service?—I should not say the Civil Service in particular, but to reduce the cost of the government.

2056. "The already over-paid civil servant" were your words?—Yes, judged by the capacity of a poor country like India to bear these heavy charges.

Mr. *Bennett.*

2057. Mr. Madhav Rao, you have given us a very interesting account of the development of the experiment in Parliamentary Government in Mysore, but I want you to tell us when it actually began?—In the very first year of the Rendition.

2058. Was it then on an elective basis?—No, not in the beginning.

2059. Was it not the case that members were called to the Assembly by the issue of sanads? The Maharajah or the Government chose who should constitute the Assembly by issuing sanads?—No; the sanad was simply the mark of the Maharajah's appreciation of their services.

2060. In the Assembly?—In the Assembly.

2061. But they were nominated by him to take part in the Assembly, were they not?—In the very first year they were nominated.

2062. How long did that period of nomination last?—Four or five years.

2063. Those sanads were cherished, were they not, by the people who received them?—Yes.

2064. What is the present constitution of the Assembly, and what are its powers? You told the Secretary of State that full responsibility has not yet been given?—No.

2065. What would happen if a resolution were passed by a large majority in the Assembly? Would the Government feel bound to act upon it?—There are difficulties with regard to giving an answer to that, but if I can interpret the feelings of the Government, in which I would include the Maharajah, I would say that they would be quite prepared to grant responsible government to the State.

2066. But it would be left to them—the responsibility for determining the time when the people are fit for self-government would be left to the Maharajah and his advisers?—Yes, the Maharajah is not, as far as the constitutional customs are concerned, quite a free agent.

2067. To use an expression I have frequently heard in the course of these deliberations, the people of Mysore would not be left to be the sole judges as to the fitness of the people for full responsibility in their government; it would not be left to the people, would it?—The conditions differ so much in the Indian States.

Chairman.

2068. I think you can answer Yes or No to that question?—The question is?

2069. Whether it would be left to the people of Mysore to be the sole judges as to the date of the introduction of full responsible government?—No.

Mr. *Bennett.*

2070. It would not?—No.

2071. Then you are not an advocate for the time limit? No one has gone to the Maharajah's Government and said, "At the end of five years or fifteen years we expect full responsible government"?—I have already said that the conditions in the native states, so far as giving responsible government is concerned, are quite different from the conditions in British India.

Mr. *Bennett*—continued.

2072. We may take it that the Maharajah's Government is cautious and gradual in the progress it is making towards self-government; it watches its steps?—No.

2073. May I put it in the words of the Declaration, that the time and measure of advance in self-government in Mysore is left to the Government?—They had no such idea of a goal in the first place, and the question of the measure of the time and the character of the step to be taken does not come in, because their goal is not a goal of responsible government at all.

2074. Then the British Government is not so unprogressive in setting up the goal of self-government and going cautiously towards that goal?—I think all those demands for fixing a time arise from the people not being quite sure that the responsible government that has been promised by Parliament will be granted to them. It is that which makes them wish to commit the Government to some time limit, and if they were quite sure of it they might act differently. I think another evidence is furnished by the attitude taken up by the Civil Service just now; that is an additional reason for asking for a time limit.

2075. Then the British Government has not done so badly after all, seeing that it has set up the goal of self-government for the people, while the government of a great and progressive State like Mysore has not yet done so?—The conditions are admittedly different. They are an alien Government that does not understand the people. In the native States the Maharajah is of our flesh and blood, and he understands the people, and what we want is that we should have arrangements for hearing the wants of the people so as to be in a position to redress them, and that has been secured in the Representative Assembly. The two things are not on a par. In the Provinces we ask for representative government because it is in the hands of an alien bureaucracy who rule, or practically rule, us from a distance of 6,000 miles.

2076. Under the alien bureaucracy the people have so progressed that they are fit for self-government, whereas under native administration they are not: is that the case you put?—I do not deny the benefits we have derived from the British Government. What I say is that the time has now come when the people think, and it is natural, that after a certain limit of time they should give us self-government. We have outlived the other period, and it is necessary for further progress and, especially, for the progress of the masses, that the government should be in the hands of the representatives of the people themselves.

2077. I take it from what you have said that such a thing as the laying on the table of a Bill and the passing of a Bill does not exist in the Mysore Assembly? It does not pass Bills, does it?—Not the Assembly, but the Legislative Council passes them.

2078. You stated that "the Civil Service makes no secret of its hostility to the scheme, and is determined to wreck it": did you hear Sir James Meston's evidence, and did you hear the evidence of Sir Claude Hill in this room?—No, I was not present when they gave evidence.

2079. Have you read their evidence?—No, nor have I read it; but what I wanted to say was that what we call the White Mutiny in Madras is the revolt of the Civil Service when they said they would not serve under Indian Ministers and they would like to be given the option of retiring when this Ministerial system was introduced. They made no secret of it; their attitude was hostile, and we cannot expect any co-operation from them in working the scheme devised in the Joint Report.

2080. Was not their objection limited to those particular provisions of the scheme which prejudicially affected them? Did they show any desire to wreck the scheme as a whole—that is, the scheme so far as it is intended to enlarge the liberties of the Indian people?—They wanted the scheme to be worked according to their own conceptions of the degree in which the control of the bureaucracy should be relaxed.

2081. You have read the despatch of the 5th March, have you not?—I have read some of it.

2082. Do you find in that any evidence of a disposition to wreck the scheme, because that is a document largely shaped by the members of the Civil Service, which I am afraid you have so unfairly attacked?—I should be sorry if I should be taken to have used too strong expressions with regard to their attitude, but that was the impression produced on my mind. I thought there was no chance of the scheme succeeding in face of the attitude which they had assumed. In fact, they thought that the interests of themselves and the mercantile interests would be jeopardised in the working of the scheme, and they asked for some special instructions to be issued to the Governor to protect them, as if the representatives of the people were going to send them away, and in the course of their retrenchment to affect their interests prejudicially. That is not the way in which they should have viewed the scheme, or the spirit in which they should have received it; on the contrary, they ought to be in a very strong position, and if anybody has need to be protected it is the masses, and it is in their interest that any instructions should have been issued to the Governor, and not for the protection of the interests of the Civil Service or the interests of the commercial community.

2083. There is a passage in your statement which I am sure we should all be very glad to forget, but in justice to the Civil Service I do not think we can. Do you think it quite in accordance with the courtesy which is characteristic of the Indian people to charge a Service, of whom in another part of your statement you speak with admiration, with playing a game, a game which, as you describe it, was a very low game indeed? Are you not disposed to qualify that statement, or would you not withdraw it altogether? Do you think that ought to stand on the record of this Committee?—I will qualify it. Perhaps in trying to put the case as strongly as possible there was a provocation on the other side, and I may have used expressions which perhaps would require qualification; but you must also make allowances for the circumstances.

2084. You have known many members of the Civil Service, I am sure, whose attitude towards the people of India has been sympathetic, who have admired their civilisation and made a study of their art and literature, and have written on these subjects, have you not?—I have.

2085. There have been such men in Madras, surely?—I think Madras is pre-eminently the place where they have done most good to the people, and we cherish the memory of the earlier civilians.

2086. How many members of the Civil Service would you say have blackened the record of the Indian people? Have there not been more who have held them up to admiration? Take, for instance, the Bombay civilian, who studies their poetry and translates the ballads of the Mahrattas. In many cases of that kind men whose whole lives have been immersed in the study of the literature of India have expressed their admiration for the past of India. Is it fair, therefore, to represent the Civil Service as an order of people who blacken the records, so to speak, of the Indian people?—I would explain the whole thing in this way, that I am not dealing with individuals, and, on the contrary, there have been men—in fact, I think, as far as the individuals are concerned, they are unexceptionable, they mean well for the country, they have done great service to the country, but I am speaking of the system.

2087. It is not a matter of system?—It is.

2088. Do you say that there is a systematic depreciation of the Indian people? You say that the game of the Civil servant is to misrepresent the Indian. Now a graver charge could not be brought against the members of a great Service than that they make out that the Indian belongs to a backward race and civilisation. Now many members of the Indian Civil Service have done great service to the Indian people by studying their literature and their history, and interpreting it to the people of the West?—Yes

2089. Against facts of that kind is it fair to speak of the Service as whole as being given to misrepresentation of the Indian?—As I explained before, during the heat of this controversy they have taken sides, and they have not done justice to the Indian culture and Indian civilisation and the spirituality of the Indian, as it were; they have entirely misunderstood it, and they have misrepresented the material aspects of the case. That is my contenton.

2090. I take it that you are anxious very largely to qualify that statement, if not to erase it altogether from

Mr. *Bennett*—continued.

from the records?—I think I would qualify it by saying that during this controversy, since this Reform Scheme was started, they have not done justice to the Indian and the stage of civilisation he has reached and his capacity for self-rule. I think I will go to the extent of saying that the Indian has not been properly represented. Their case was to make out that the Indian was unfit to be entrusted with responsible authority, and that their own rule should continue. That was their line of policy, and in supporting it they have not done justice to the Indian cause. That is all my contention. They never do it. That is the way in which I should be prepared to qualify it. It is only since this present controversy arose that they have not done justice.

2091. There is only one further question I should ask you. You referred to the excellent relations which exist between the Mahommedans and the Hindoos in the Native States. Those relations are not confined to the Native States by any means, are they? As a matter of fact, in the normal state of things the Hindoo and the Mahommedan get on well together, do they not?—Yes.

2092. But when you spoke of what happened in the native States, the excellent relations existing there, had you in mind other conditions—that is, conditions such as these, in which political agitators, in order to show their hostility to the Government, encouraged dissensions between Hindoos and Mahommedans, such dissensions (I think this matter is relevant) as arise when a Hindoo procession passes a mosque?—Yes?

2093. You know that there have been parts of India where, for political purposes, those processions have been encouraged and have led to disorder. In the absence of mischievous intervention of that kind there is no reason why the relations between Hindoos and Mahommedans in the British territory should not be equally satisfactory with those you have described in the Native States: you agree with that?—Your question is that if there are any differences at all it must be because there is provocation from one side or the other—a want of feeling for the other community? It is in that way that these troubles arise; it is from one section or the other trying to insult the other's religion, and violating the rules laid down by the Executive for keeping the peace in the country. That is how those things arise. But what I meant to say was that in the native States we understand the feelings of the people and do not give occasion for conflicts between the two religions, and so avoid riots or faction fights between them.

Lord *Islington.*

2094. Mr. Madhav Rao, I gather from your evidence to-day and yesterday that all the strong language you used against the Indian Civil Service and against the British system in India is with a view to advocating strenuously to this Committee a popular system of government for the Provinces?—Yes, I think mainly.

2095. That is what you want to impress before this Committee?—Yes.

2096. You want to have, I understand, for the Provinces complete autonomy now?—Yes.

2097. No question of time limit or anything else?—No.

2098. The handing over of all subjects to a popular form of government?—Yes.

2099. I do not gather from your evidence, in reply to certain members of this Committee, that you, on its merits, are in favour of a democratic system of government?—First of all, I think there must be some definition of what a democratic system means.

2100. You can answer the question?—Yes, I am desirous to.

2101. Are you in favour of a democratic system of government?—I do not quite understand what a democratic system of government means.

2102. I assume you understand what system you would like to see introduced into the Provinces?—Yes.

2103. Do you call that a democratic system?—It is a democratic system when there is an elective Legislative Council and the Ministers are responsible to the Council. If that is a democratic government that is exactly what I would recommend for the Provinces.

2104. I do not gather that you would recommend that for the native States?—I am not a free agent with regard to the native states, but I think it is a thing I would recommend for all parts of India, including the native states, if I had any power or influence in the matter. It is good, not only for British India, but for the Indian states also. As far as the Indian states are concerned, I am not a free agent, even in forming an opinion.

Lord *Islington*—continued.

2105. But you are giving in this case a great deal of your evidence individually?—Yes, individually.

2106. An individual opinion?—Yes.

2107. You would prefer, therefore, a purely democratic system to the system of Indian autocracy?—Yes, I would.

2108. You said in your statement yesterday that the movement of prosperity began when Mysore established for itself a Representative Assembly?—I do not remember saying that.

2109. You mentioned several things which took place, and I presume that was during the time you were Dewan?—No.

2110. You spoke of the gold mines of Kolar?—I came in very late as Dewan. I was in the service in the subordinate grades for nearly——

2111. I am only alluding to the evidence you gave yesterday. You spoke of the movement of prosperity—the gold mines of Kolar, which were not yielding a profit at the time of the Rendition—and you said that they took a turn for the better; and then you go on to say, "The Native Government embarked on industrial schemes of various sorts, and were responsible for harnessing the waterfalls of the Cauvery for generating electrical power"?—Yes.

2112. Was that all done by Indian administration?—Yes.

2113. And no European engineers or officials were employed in any of these operations?—In fact the Kolar industry was entirely a European enterprise, and for this harnessing of the water power of the Cauvery it was entirely due to the initiative of the then Dewan. The agency employed was American and English, but the project was entirely due to the Dewan for the time being.

2114. So that in the case of both those movements European agency was freely employed?—Yes, freely.

Lord *Sinha.*

2115. I think you wanted to add something in answer to a question which was put to you by Lord Sydenham about the Press Act in Mysore—you were asked to answer that question by a Yes or No—which was still in existence; do you want to add anything now?—I want to add a great deal.

2116. I hope you will make it short. Will you say what you want to say now?—It is entirely——

2117. I only want that you should have the opportunity of saying what you wished to say before?—I am thankful for your giving me the opportunity, but at the same time there is a certain stage of the question when the action of the Maharajah comes in, and I should like to avoid anything upon that question. As far as I am personally concerned, I was responsible for introducing it, and within a few months I was, in deference to the opinion of the Representative Assembly, prepared to relax it, if not actually to repeal it That is all as far as I am personally concerned that I would like recorded, but the later stages are such as would make it rather delicate for me to explain, because the Maharajah's personality comes in there.

2118. Very well; there are circumstances which have prevented its repeal, I understand?—Yes.

2119. We have heard a great deal about what is called attacks on the Civil Service. May I put it to you that your view is this, that hitherto the Civil Service has controlled the administration; is that your view?—Yes.

2120. That all the initiative has been with the Civil Service?—Yes.

2121. And that that has had the effect of stunting the development of the people themselves?—Precisely.

2122. That at an earlier stage the influence of the Civil Service in controlling and directing policy, as well as administration, was all to the good?—To the good—yes.

2123. But its continuance would mean the continued stunting of the people themselves?—Precisely.

2124. Is

Lord *Sinha*—continued.

2124. Is there any other thing you want to say about the Civil Service, or is that all?—That is all my desire.

Chairman.

2125. Am I right in saying that the population of British India is about 250,000,000?—Yes, about that.

2126. And in the year before the war the Budget was about £70,000,000?—Yes.

2127. Can you name to me any country in the world cheaper run than that?—That is because the taxation was so low? Is that you want me to say?

2128. Taking the proportion of the cost of government to population, can you name me any country in the world that is run so cheaply as that?—I have not studied the figures.

2129. You cannot?—I have not studied the figures, but my whole contention is that as far as the earning power of the people is concerned it is one of the poorest countries in the world.

2130. Is it reasonable to make that aspersion on the Government of India unless you have previously satisfied yourself that there are other Governments being run cheaper, which you have not done?—No, I have not studied that.

2131. You told us just now, and, if I may say so, I was greatly interested in what you said, that you looked for the development of local government in India as a movement which should go on Western lines?—Perhaps it is not quite Eastern; it is Eastern with the improvements which are capable of being effected under Western influence. It is not the old ancient system in entirety that I want to see restored. I want the Indian system as affected by the Western influence, but on the pattern of what we used to have in ancient India—taking in any very good thing or influence that is due to contact with the West.

2132. The foundation would be Eastern, absorbing into it what in the judgment of the people of India they thought suitable from Western ideas?—Just so.

2133. That being so, may I ask why apparently your conception of the development of Provincial and Central Government in India is purely Western?—If I may be allowed to explain the position, it is neither Eastern nor Western, the present system of Government in India. It is not all British either in its constitution or in its spirit. It would be British if we had any sort of representative government.

2134. I did not say British. I said Western?—British is what we understand by Western. We have no other Western constitution except the British with which we are familiar, and when we say Western it is always understood to be British. It is not Eastern, because they have taken the framework as Eastern as far as the present system of government is concerned. It is based on the lines of the old Mogul Government or the Mahratta Government, as I said in my statement; that is, the collection of revenue and the keeping of the peace are the main objects of the duties assigned to what are called the Collectors of India. They are units of government, and, as the name itself implies, it is the collection of revenue which is more their object than promoting the social

Chairman—continued.

welfare of the people. What I say is that that was the old Mogul system, and the collector now discharges duties which are not associated with the Lord Lieutenant—or I suppose Préfet is the corresponding officer on the Continent. Neither of those funtionaries exercises the duties which are discharged by the collector. The original name is collector—that is the collector of taxes for the Central Government—and under him were the officers of the police, public works, revenue and other duties.

2135. Has it occurred to you that the whole of the criticism of the Congress which you represent on the Bill in front of you, and the whole of its original contribution to the solution of this problem, is Western in character?—It is Western in character, but we object—we have raised objections to certain parts of it, because it does not carry out the Western conception in its entirety.

2136. You agree that the whole of the criticism is Western criticism, and the whole of the original contribution is a Western contribution?—It is.

2137. If you were to say to me, I am sure with the utmost courtesy, "I think you would be wholly incompetent to act as Dewan of Mysore in the way I did," I should not regard that as an insult; I should regard it is a plain statement of obvious fact?—Yes.

2138. Then why is it an insult if a member of the Civil Service, rightly or wrongly, expresses doubt as to the capacity of an Indian gentleman to rule on Western lines without any previous experience?—I do not think it would be correct to say he wants to rule on Western lines according to Western standards.

2139. To work a Western Constitution?—The man who works the Western Constitution is the Governor as far as British politics are concerned. He only brings his experience to bear and his knowledge of the people in the Administration. The agency is a skilled agency, and is quite different from the guiding agency. What they want to have is something on the lines of the Ministers here, who are chosen from among Members of Parliament, and I think any Ministers who may be selected from the Elective Assembly may be supposed to possess very nearly the same qualifications as the Ministers elsewhere, in England, for instance, those who have charge of the different Departments.

2140. But you agree that the expression of the doubt of an Indian gentleman being able to do that without some training and experience is not necessarily an insult?—No, I do not think it is an insult; the only thing is, as I said before, that we distrust the sincerity of the Civil Service and their co-operating really heartily to bring about this result. They have already shown resentment against what is proposed, and in this spirit we fear that the scheme so well conceived and with such good intentions will not be given a fair trial or properly carried into effect. It is owing to that suspicion that we say we should be given complete autonomy in the provinces to start with, and that a time limit should be fixed to full responsible Government in India.

(The Witness is directed to withdraw.)

MR. B. G. TILAK is called in; and Examined, as follows:—

Chairman.

2141. Sir, you have come here representing what body?—The Indian Home Rule League.

2142. You have sent in a Memorandum in answer to the questions?—Yes.

The questions and answers are as follows:—

We appear before the Committee as representatives of the Indian Home Rule League, which is senior among all Home Rule Leagues in India. It was founded in April, 1916. It has its head office at Poona with over 100 branches in the various Provinces in India, and about 50,000 members, distributed over all classes of people.

The objects of the Indian Home Rule League are (1) to attain Home Rule or Self-Government within the British Empire by all constitutional means; (2) to educate and organise public opinion in India, the United Kingdom and also elsewhere towards the attainment of the same. It has a perfectly democratic constitution, its membership being open to all men and women of over twenty-one years of age who sign a declaration accepting the objects and the constitution of the league. We may add that the word Home Rule is used and understood in a broad sense without any specific reference to the scheme or schemes of self-government bearing that name in other countries.

Chairman—continued.

This League is an independent organisation; but it has, for the basis of its propaganda work, accepted the proposals of reform formulated by the Indian National Congress in consultation with the All-India Muslim League, the only two great and really representative institutions formed on a democratic basis by the people themselves. We wish specially to emphasise the importance of this agreement between the Hindoo and Mohammedans, as the communities between themselves represent the vast bulk of the Indian people. As remarked by the Government of India in their dispatch, dated April 23, 1919,

Chairman—continued.

1919, "the Congress League Compact is an accomplished fact, and a landmark in Indian politics which we cannot possibly ignore.' It is superfluous to add that under these circumstances the Congress-League proposals alone represent the most complete and the most authoritative opinion of the Indian people as a whole.

With these introductory remarks we proceed to briefly record our answers to the questions drafted by the Joint Select Committee.

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India; and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—Our League thinks that India is fit for complete self-government even at present, but accepts the proposition that it is desirable to bring about "the progressive realisation of responsible government in India" as a *via media* between the conflicting views of the people on one hand and the authorities on the other. By responsible government we understand a government in which the Executive is under the control of a fully-elected Legislature in all financial and administrative matters; and in consequence holding office only while it enjoys the confidence of the popular Legislature. The League holds that progressive realisation must be effected in India by as few stages as possible and within a reasonably short period, say fifteen years. It is further of opinion that the time and extent of the successive stages should be in conformity with the self-determination of the people, and that it is not consistent with the Parliamentary announcement of 1917 to leave the Central Government as autocratic as before, even at the beginning.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—The League thinks that the realisation of responsible government involves the establishment in the Provincial Legislatures of a substantial elective majority to begin with, and a wholly elected Legislature as the final goal.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the action and policy of the Executive? Do you think they possess such power at present?—The League is of opinion that the elected "non-official" members of the Provincial Legislatures should possess the power to control the actions and the policy of the Executive. They do not possess the power at present. The policy of merely associating them with the Administration for the purpose of criticism and influence has failed.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—We understand the question to mean whether there should be any reserved subjects in the Provinces at present. If so, we do not think that any subject in the Provincial Administration should be reserved. Even then, the Provincial Government will continue to remain responsible to the Government of India, and through the latter to the Secretary of State and the Parliament; and this responsibility can be sufficiently enforced by the general powers of veto and the special powers of proposing special regulations and ordinances.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them; if not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—As the League holds that the Provinces are fit to be, and should be, given responsible government immediately, we disapprove of the dual form of government in the Provinces as proposed in the Bill. The dualism in the Bill introduces unnecessary complications and defeats just expectations of the public; and therefore will fail to evoke the

Chairman—continued.

required co-operation of the people, and will delay the final devolution of full responsible government for so long a period as would make the Parliamentary announcement of August 20, 1917, practically nugatory and disappointing.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clauses 2, 3, etc.), and (ii.) does it afford means of judgment (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—By progressive realisation we understand progressive realisation in the Government of India as a whole, including the Central as well as the Provincial Governments. Thus interpreted, the Congress proposals, accepted by the League, do provide for the possibilities of advance by stages. Not only is there ample scope for development in the Central Government, but there would still remain certain powers reserved for the Governor of a Province, and these will have to be gradually diminished until the Provincial Governments are made fully autonomous with wholly elected Legislatures, and with as little control by the Central Government as practicable. The Congress scheme affords perhaps greater and more reliable means for judgment, both to the electors and the Statutory Commission, than the scheme embodied in the Bill. For when the Provincial Governments enjoy full responsible government, the data for such judgment would be broader and more trustworthy than under the scheme of divided authority proposed in the Bill, as such dualism is admittedly liable to give rise to friction and embarrassment, which will imperil the success of the experiment.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary; if so, what are those points, and what modifications would you suggest?—As we propose the grant of full responsible government to the Provinces, we have no modifications in detail to suggest in the scheme contemplated in the Bill; but ask for the substitution of our proposal in the place of the scheme in the Bill.

8. In particular, do you think (i) that Ministers should hold office "during pleasure,' i.e., should be liable to removal if they are unable to support the action decided upon in their Department by the Governor, or if they fail to retain the confidence of the Legislature (Clause 3 (1)); (ii.) that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3)); (iii.) that the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4); (iv.) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—Although we propose full responsible government for the Provinces, we are of opinion that (i.) the Governor, as representing the Crown, should have the constitutional power of removing the Minister or Ministers, though the latter will also be responsible to the Legislative Council; (ii.) in emergent cases, especially those connected with peace and tranquillity, the Governor should have the power to disregard the opinion of his Ministers in the same way as he may disregard the opinion of his Executive Councillors under the system now in force (*vide* Section 50 of the principal Act); (iii.) the League thinks that the Executive Council should not comprise any official members, European or Indian, even in the beginning; (iv.) the League thinks the Governor should have power to dissolve the Legislative Council, with a proviso, however, that the elections for the new Council must take place within three months from the date of dissolution.

9. Referring back to questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed

Chairman—continued.

imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—As the League disapproves of diarchy in the Provinces, and proposes full autonomy instead, any limitations on the financial and other powers of control of the Provincial Legislature, except the usual veto and the emergency powers of the Governor, are, in our opinion, unnecessary and undesirable.

10. In particular (i.) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2)); (ii.) do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council; if so, have you any modifications of detail to suggest; if not, what other method would you suggest to secure the object in view?—(i.) Under our scheme the Legislature must have full power to vote supplies as it thinks fit; (ii.) we do not approve of the plan of the Grand Committees, as we propose full autonomy in the Provinces. But in emergent cases, that is, in cases concerning peace and tranquility, the Governor will have the power of acting on his own responsibility as at present, or he may refer the matter to the Government of India. He will also have the general power of veto. These, in our opinion, will sufficiently safeguard State interests in emergent cases.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—We do not accept the position adopted in the Bill that the Government of India should be kept autocratic, as at present, and that time has not yet come to give to the Legislative Assembly any control over the Central Government; nor, in our opinion, is such a position consistent with the proper interpretation of the Parliamentary announcement of 1917. We think that the Indian Legislative Assembly should, to begin with, have at least the same power of control over the Central Government as is accorded in the Bill to Provincial Legislatures over the Provincial Governments.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—We think that under any circumstances the Indian Legislative Assembly must have a substantially elected majority, i.e., a majority of not less than four-fifths of the total number. It is the first necessary step for any scheme of reform.

13. Do you accept the plan of a bi-cameral legislature, as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation, and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—The institution of a Second Chamber in the form of the Council of State introduces complications in the scheme. For if there are to be no transferred subjects in the Government of India a Second Chamber is unnecessary, because the Governor-General in Council can secure his purpose by exercising his powers of veto, or issuing regulations and ordinances whenever necessary without the approval of the Legislative Assembly. In other words, he himself will thus be the Second Chamber. The question of a separate Chamber may rise after the devolution of powers is completed. But in that case it will have to be settled according to the then prevailing public opinion. Even when some subjects are, as proposed by us, transferred to popular control and some reserved for the Government, the desired object can be secured by a far simpler and equally effective method suggested in our answer to the next question.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4); or do you regard them as unnecessarily restrictive on the popular will, or as

Chairman—continued.

an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—We do not approve of the institution of a Second Chamber in the Government of India. We propose that all subjects, except Army, Navy, foreign relations, and relations with Indian princes should be transferred to popular control as suggested in the Congress scheme. This will require certain limitations and safeguards in relation to the reserve subjects; but instead of a Second Chamber, we propose that in such cases the Governor-General should have the power to regard any measure as passed by the Indian Legislature if 40 per cent. of the members of the Legislature vote in its favour. This will constitute a statutory majority. The device is much simpler than, and as efficacious as, a Second Chamber. It lends itself to progressive development by gradually increasing the percentage of the necessary statutory majority. Under our scheme 20 per cent. of the members would be nominated, and these, together with another 20 per cent. from among the elected members will secure for a Government measure the same chances of adoption as in the Council of State at present proposed in the Bill.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council; if not, what are your reasons, and what modifications would you suggest?—We do not approve of the changes proposed in Clause 21 of the Bill in the constitution of the Governor-General's Executive Council. As we propose, however, the devolution of a substantial share of responsibility in the Central Government, the constitution of the Executive Council will have to be modified. This can be done in two ways:—(1) By adopting the device of appointing Ministers and introducing a kind of dualism on the lines embodied in the Bill for the Provinces. If, however, it is considered undesirable to do so, the proposal of the Congress, made in the year 1916, at Lucknow, may be adopted, viz., (2) That at least half the members of the Executive Council of the Governor-General should be selected from among the elected members of the Legislative Assembly. In our opinion this is less cumbrous and less open to objection than a pronounced dualism by dividing the Executive Council into Councillors and Ministers.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provincees on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—The grant of full responsible government to the Provinces and of fiscal independence to the elected Indian Legislature in all matters except Army, Navy, etc., accompanied by a reduction in the power of Central Executive, will require modifications of the provisions of Sections 2, 33 and 45 of the principal Act. But we suggest that the modifications should be made in the light of the proposals made by us above. Care should also be taken that the responsibility of the Government of India to the Secretary of State and the Parliament should not be diminished until a corresponding devolution of power to the people is effected.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well-designed to afford such examination?—We disapprove of the idea of repeated periodical examinations. As we suggest a statutory limit of 15 years for the full realisation of responsible government in India, only one statutory Commission composed of nominated and elected members after ten years from the introduction of the new scheme would, in our opinion, be sufficient. The main question before such Commission would be to inquire if the time had not then arrived for the grant of full responsible government to India. People desire freedom to develop full responsible government in India in their own way and within as short a period as possible. They think that they are fit and capable of doing so. Therefore the proposed periodical examination will only lead to unnecessary controversies and agitation.

18. Are

Chairman—continued.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—We think that important matters, such as the enumeration of the central and provincial subjects, also of the transferred and reserved subjects in the Government of India, the proportion (50 per cent.) of recruitment in India of public services and essential matters relating to the franchise should be provided for by express legislation and not left to rules.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—As regards the reports of the Southborough Committee and the Home Administration of Indian Affairs, we agree with the suggestions made by the Congress. In our opinion women possessing the necessary qualifications should not be excluded from the franchise, and that property qualification should be so low as to include the working classes in the electorate. We also think that elections to the Indian Legislative Assembly should be direct. The Council of the Secretary of State for India should be abolished, there should be at least one Indian Under-Secretary, and fiscal autonomy should be granted to India.

Declaration Rights.—Lastly, we venture to point out that any reforms or schemes of reforms would be practically useless unless the people are secure in the possession of the elementary rights of citizenship, viz., the freedom of person, speech and association, as well as the freedom of the Press. We therefore strongly urge the inclusion of the declaration of rights, as proposed by the Congress, in the new Bill.

Summary.—To sum up, we propose:—(i.) The grant of full responsible government to the Provinces, with safeguards of veto, reference to Government of India, and certain emergency powers to the Governor. (ii.) In the Central Government we want all subjects other than Army, Navy, foreign affairs, relations with Indian chiefs, and questions of peace and tranquillity and the defence of the country, transferred to the popular control. There should be no Second Chamber, but only an artificial majority created by Statute for reserved subjects. Instead of dualism in the Executive Council, the arrangement suggested by the Lucknow Congress should be adopted. (iii.) Fiscal autonomy for India. (iv.) The Bill should include a Declaration of Rights. (v.) A statutory limit within which the devolution should be completed. Unless the Bill is broadened on these lines it cannot, even as a first step, satisfy the people and permanently restore peace and contentment in the land. It is desirable that the energies of the people should be directed to constructive work, and not to criticism and agitation.

2143. Do you wish to make any statement supplementary to that Memorandum?—Yes The answers are very brief, and some of the statements in them require some explanation in order to make them clear, and I wish to say a few words. There are about eight or nine points connected with it. The first thing which I want to explain is that we accept the policy laid down in the announcement of the 20th August, 1917. By that I do not mean the whole announcement, but only the policy laid down in that announcement, and as it is interpreted by the Congress in its resolutions. As I understand it, the announcement is made up of three parts; first, the policy of the Government; secondly, what action the Cabinet took upon it; and, thirdly, the views of the Secretary of State and the Government of India in relation thereto. The first part is what is quoted in the Preamble to the Bill, the policy itself. So far as I can see from the report of the War Cabinet, when they refer to the policy, they only refer to the first part of it, and not to the other two parts. That policy we accept, and that is the gradual development of responsible government in India. As I stated in my answers, I accept that as a *via media* between the popular view on the one hand and the view of the authorities on the other. We hold that India is fit for responsible government—that is the second point—at present, immediately. Now, with regard to re-

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sponsible government there is some difference of opinion which requires to be cleared up. When we say "responsible government" we sometimes lay stress on the word "responsible" and sometimes on the word "government," but never on the two together. What I think is—or what my League thinks is—that responsible government involves two questions, firstly, capacity to govern, and, secondly, the responsibility of the Ministers to either the people or their representatives in the Legislative Assemby. With regard to the first part of it, laying stress on the word "government," we hold that India is capable of governing itself. The only question with regard to responsible government in that sense is whether the Ministers or the Executive should hold office while they enjoy the confidence of the Legislative Assembly. Now, in that connection it is true that the electorate is not now ready, but it cannot be ready until the responsible government is decided upon. The two depend on each other, getting the electorate ready and responsible government; for instance, when the scheme of local self-government was introduced in 1884, an electorate was created and a kind of local self-government was introduced at the same time. Our contention is that there are ample materials for the electorate in the country; for instance, the method by which the members of Provincial Legislative Councils are elected. It is not on as broad a Franchise as we wish, but there are materials in the country and they could be worked up and we could get a fairly good electorate to begin with, to be expanded in course of time, and in that sense we hold that India is fit for responsible government immediately. But as a compromise we accept the position that this responsible government should be gradually introduced in India. There is a further difficulty, however, namely, who is to interpret the word "gradually." The word "gradually" means in different stages, and the stages may be few or many, and the time distance between the two stages may be much shorter than what some people think. There are those two questions as regards the stages—how many stages there should be, and what should be the time distance between those stages? Those are questions which I may say different people answer in different ways. The opinion of our League and of the Congress is that there should be as few stages as possible, and that there should be a certain time limit when the devolution should be completed. Without that time limit it is not possible to work out the scheme satisfactorily. It would not create that confidence, it would not attract that kind of co-operation which is essential for the success of the scheme. That is why a time limit has been introduced. Of course, there is no charm in the figure 15 I admit; it is an illustrative figure, according to my contention, introduced into the Congress resolution. Five years more or less does not matter in a nation's life; it might be 10 or 20, but we have named a figure, and that figure has been stated to be 15 years, which figure was accepted unanimously in the Congress at Bombay. The earlier wording was "as early as possible," but that wording was changed in Bombay to "15 years." Now that is what I have to say about the meaning of the words "responsible government," and also the two different views which are taken in different spheres about it. As to the view of our League, which is an independent League, we have, as the basis of our work, adopted the Congress resolution and scheme to begin with as a first substantial step.

So much with regard to those three points—what the first step should be, what the rate of progress should be, and within what limit it should be completed, our views are those which I have stated before your Lordship now. As regards the stages, we expect that when we have been granted responsible government, it should be a scheme which should be completed as early or during as short a period as possible. To extend the scheme over 100 years or a century or two means nothing. It cannot evoke any enthusiasm for the scheme, and it cannot secure that co-operation of the people which is contemplated in the Joint Report. Then I have something to say about diarchy. Diarchy, of course, it is admitted, is only a transitional system, not a scientifically perfect system. It is

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adopted as a necessary evil when you have to divide functions, and when you cannot grant responsible government as a whole at once. Some devolution of functions is quite necessary, and then the only care which should be taken about it is to see that the system devised is not so complicated, is not so embarassing as to mar or imperil the success of the scheme. We do not oppose diarchy altogether, but we should like to have as little of diarchy as possible. On that basis the Congress League scheme provides that there shall be full Provincial autonomy. Provincial autonomy is again a phrase which is used with a double meaning. First, Provincial autonomy as between the Provincial Government and the Government of India. That is not the meaning attached to it in the Congress programme. Provincial autonomy means that there should be no reserved subjects in the Provinces, to speak in the language of the Bill. Now we say that the Provinces are fit to be entrusted with full responsible government, and ought to be entrusted with full responsible government in the begining, and as regards the Government of India the control should be secured to the popular elected Legislative Assembly, at least in those departments which are Provincial as opposed to Central. Then only you can have continuous popular control from the lowest grade up to the highest, so that those Departments which are transferred or which will be transferred in the Provinces—I mean the policy with regard to those Departments—would be laid down in the Imperial Legislative Assembly, and the Ministers selected by that Assembly. Otherwise it cannot work. The Provincial autonomy—that is, full responsibility in the Provinces—cannot work unless the control at the centre is secured to the popular Legislative Assembly. So we propose full Provincial autonomy in the Provinces, and in the Central Government a kind of dualism, but not quite diarchy of the kind that is proposed in the Bill. I have stated that in my reply to Question No. 15: "For the Central Government we might adopt the same method which is now provided for in the Provinces, or we might adopt an alternative scheme of having half the Executive selected from amongst the elected members of the Legislative Assembly." That is the old Congress scheme. But when the Report was published that scheme was revised in the light of the Report, and the new Congress scheme is now before you.

I wish to explain another point about this time limit. We think it essential, because it will secure sympathy and confidence from the people, which is some protection. As we know from the history of the Administration, the real reason for fixing that time limit is to create confidence that something will be done during a definite period of time, and that people may be assured that if they successfully worked out the scheme they will get full responsible government during fifteen years. Without that time limit we know as a matter of fact that promises may be delayed much longer than what the people expect. There are certain promises, for instance, in the Royal Proclamation of 1858 which have not yet been fulfilled. That being the case, we want a scheme which will work automatically, and which will be completed in a definite period.

Another point to which I would refer is that we disapprove of the Council of State, a Second Chamber in the Government of India. Supposing the Government of India is to remain as autocratic as before, I do not think a Second Chamber is a necessity; but if certain subjects are to be transferred, and some are to be reserved, then there ought to be some machinery by which the necessary legislation on a reserved subject may be secured. That machinery we propose—the Congress resolution proposes it, and I believe it is supported by one of the Provincial Governments—would create an artificial majority for the case, say, 40 per cent. of the members voting. The Legislative Assembly will consist, according to our scheme, of 80 per cent. elected members and 20 per cent. nominated members, so that if 20 per cent. out of the elected members vote for a particular measure, it means that it is passed in a Council equally divided between nominated and elected members, and in that case the Government should be authorised to consider that measure as passed, in spite of the fact that it is not approved by the whole Legislative Assembly or by the majority of the Legislative

Chairman—continued.

Assembly. This scheme also lends itself to gradual development. You can increase the 40 per cent. (there is between 40 and 50 a margin of 10) by annual increments or increments which are definitely introduced after a certain period. This scheme equally lends itself to gradual development. That is what is proposed. This scheme proposed by us in our answers, in my opinion, meets all the requirements of the case. Besides, it is much simpler to work with; it avoids all the complications of a Second Chamber, and provides for the necessary safeguards. That is with regard to the Central Government.

Now, there are certain minor questions connected with the voting, franchise, and so on. But these I shall take up last. Another important matter is fiscal autonomy. I do not think that any scheme of responsible government can work unless the Legislative Assembly has full control over the finances and control over the Executive. At present the position is this: that full financial control rests with the Secretary of State and his Council. The Government of India must obtain the previous sanction of the Secretary of State in order to introduce any financial measure in the Legislative Assembly; and then, further, no elected member of the Legislative Assembly can introduce any financial measure in the Council without the previous sanction of the Government of India, and that sanction cannot be given without consulting the Secretary of State. The present position is that no members of the Imperial Legislative Council can introduce any financial measure—any measure affecting revenues, taxes, customs, and so on—without the previous sanction of the Governor-General. That being so, supposing more expenditure is required on a particular department, and that that expenditure is made necessary, the whole machinery will have to be moved, sanction having to be obtained from the Government of India, and the Government of India having to obtain the previous sanction of the Secretary of State otherwise the Minister or the Councillor in charge of the Department will not find the requisite funds for the purpose. That is what is meant by fiscal or financial autonomy The Legislative Council must have the power of introducing any financial measure in the country and having it passed there by a majority, and if that measure is found inconvenient or unnecessary by the Government the Governor will have his power of veto to exercise. The present proposals are such that in cases where the Government of India and the Legislative Council agree, then the Secretary of State could not veto the measure, but although the Government of India and the Legislative Council agree, it is quite necessary that the Legislative Council should have the power of independently introducing a financial measure in the Imperial Legislative Council, and to see that it passes there, and then the veto to be exercised may be with the consent of the Secretary of State.

The next point on which I wish to say a few words of explanation is the necessity of including in the Bill the Declaration of Right suggested by the Congress. I do not wish to go at length into the merits of the case, but I simply want to point out that without such a provision the growth of self-government cannot be in any way adequate to our expectations. Self-government cannot grow in a soil like the present, and for that reason it is necessary to have the Declaration of Rights. They are the elementary rights of citizenship. We thought they were included in the older Statute, but it should be made clear now. Without free discussion of these different subjects in the Press and on the platform it is impossible to effect any real progress. It is one of the necessary things. I do not wish to say more about it; it has been urged in the Congress scheme, and I have said what I have to say about the statutory limit.

Then there are two or three points as regards the franchise and voting. First we support the extension of the franchise to include women in the franchise, furnishing the same qualifications; secondly, as stated in my answer to No. 19: "In our opinion women furnishing the necessary qualifications should not be excluded from the franchise, and the property qualification should be so low as to include the working classes in the electorate." Then another point which my League wishes to impress upon the Committee is, that the election to the Imperial Legislative Council should

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Chairman—continued.

be direct. I do not think there is much difficulty about that. The electorate already exists in the Provinces, and the same electorate might be utilised for electing members of the Imperial Legislative Council. As regards provincial autonomy, I have only one more observation to make, viz., that we consider that full responsible government should be granted to the Provinces, not because the present scheme involves diarchy, but because the Provinces are fit for it, and that it is a natural step. There are the three distinct parts, the Government of India, the Provincial Government, and the Local Self-Government. Now, first the Local Self-Government comes into the Provinces, and then the natural step always is to grant full responsible government to the Provinces, and then only we can get to know whether the experiment is a success or not. It would provide better data for judgment both by the public and by the authorities, or by the Commission. It would give to the people something they can manage, in which nobody else will interfere, and then alone we can properly judge whether the people are capable or not capable, or whether they have the necessary capacity and experience to carry on this responsible government.

Those are the few observations I have to make in explanation of the answers which have been already handed over. If any further explanation is necessary I shall be glad to give it. There is one request I have to make, however, my Lord, and that is that I am rather hard of hearing, and if I do not hear any of the questions they may be inadequately answered.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

Mrs. SAROJINI NAIDU, is called in; and Examined as follows:—

Chairman.

2144. You do not come here representing any particular organisation, I think, but as speaking for the women of India from a general public experience?—That would be the correct way to express my position in this matter, though I did come originally on the Home Rule League as a member of the deputation, but as I thought it better to concentrate on this one point, and make it my chief work in England, I preferred to be out of the deputation as a member and to give evidence on behalf of the women of India on this question.

2145. You have been good enough to put in a Memorandum[2] which, if you will allow me to say so, relieves our prosaic literature with a poetic touch, and with that, and with the evidence already put in by witnesses hitherto, we are very fairly in possession of the case in respect to Indian women, but if you desire to say anything in addition, and talk to us on the subject we shall be pleased to hear you?—I felt that in making this little Memorandum, being a partisan of my own cause, it might be possible, as your Lordship says, to add a poetic touch to a very prosaic question, and that is why I took the trouble, very unusual with me, of consulting statistics, because I thought that statistics, in support of rhetoric, might appeal a little bit more than words by themselves. I do not want to exaggerate for a single moment the position of Indian women as it stands to-day. I do not want to pretend that, even as statistics go, they are so extraordinarily in our favour, but I do wish to say this, that if I demand a franchise on the same qualifications as the men, it is because I think that of the 5½ millions to whom Lord Southborough's Committee is prepared to give the franchise, at least one-fifth would be women, whether it be a literacy or a property qualification. It is argued by those that are opposed to us that it would be very novel and very offensive, or alarming to conservative tradition, but might I, without being accused of being egotistical, speak of my own experience in this regard both as regards Hindu and Mussulman orthodoxy? I want to be taken merely as a symbol of Indian women, and not as speaking of myself in any personal capacity. So far from offending any orthodox feeling. the idea of women coming forward has been welcomed even in the most conservative cities in India. There could be no greater centre of orthodox Hindu feeling, unbroken for centuries, than in the city of Conjevaram. It is a great cathedral town where I had the honour to be President of the Madras Provincial Conference last year. So far from causing any offence to the priests, who are the monarchs practically of that city, I was honoured by a public procession, into which the temple horse and the temple elephant, and the temple standard were brought, and the priests themselves took a leading part in the pageant of welcome. That is Conjevaram, in the south. In Benares, when I went to perform certain religious ceremonies, though the priests of the temples and though the men who were supposed to be the custodians of all religious conventions in India knew very well that I had been in Europe, and that I did not live an orthodox life in the Hindu sense of the word, and that usually in the course of my long tours through India I preferred to stay with Mussulman friends whenever I had their hospitality offered to me, they gave me the greatest welcome, and they said that unless Hindu women began to take their rightful part again in public life—in the national life—there could be no progress. When I went to the Gurukul at Haidwar, an almost monastic institution for young men, for the first time in the history of that institution, I, a woman, was allowed to enter the Holy of Holies and speak to the students there on behalf of women in national life, the mission of women in uplifting national life, and also the power of women to refine and enlarge and sustain the ideals for which these men were being trained. That is so far as Hindu conventional orthodoxy goes.

Chairman—continued.

Now, as regards Mussulmans, it might seem strange to you, because you have heard it said often that there is great bitterness between Hindus and Mussulmans, and if that is so, when they have to deal with men, by whose side they live and play and share the national troubles and national aspirations, it ought to be more so as regards women. But if one takes Aligarh as the centre of the modern Islamic aspiration and culture, I would like to say that perhaps in no Hindu community and in no Hindu centre have I ever received such a cordial welcome as from the trustees and the students of this college, which is the expression of the modern Islamic feeling, intellectual and religious. I have had the honour of being entertained by the trustees themselves, some of them representing the old conventional, almost fanatical, Islamic feeling. So far as Aligarh goes you may say it is modern, but I have had the great privilege of addressing on very important questions, political bodies like the Moslem League, not only in the year 1913, when there might have been some point in having a Hindu man or woman address them, when they were reorganising their political constitution, and for the first time expressing their desire to co-operate with the Hindu community and other communities, but every succeeding year, and especially last year, in Delhi, when the Moslem League might be said to have taken on an almost purely Islamic aspect rather than a political aspect, when for the first time in the history of Mussulman political progress the Mulvies—that is, the leading learned men who guard Islam, order excommunications, and who practically have an index, like the Vatican, of all books which are too progressive, and so on—took a leading part, I think I happened to be the only Hindu who spoke, and always at these gatherings I have spoken of Hindu-Moslem unity. I am not speaking only of myself, but all women who have come forward and taken a very active part in solving this question. On the question of reform, of all points which might be put forward I think the Hindu-Moslem problem is the pivot on which the whole future of political life depends, and I think the part of Indian women is to solve that. They solve it in more ways than one, because the social relation between the Hindu women and the Mussulman women is so extraordinarily cordial that I know of an instance in my own city of Hyderabad, which is to-day the premier

Chairman—continued.

premier Moslem city in India, where a Hindu woman —one who was born in far-off Bengal, one who never to the end of her days learned even to speak correctly the Urdu language—became the centre of that Moslem life. She had never heard of social reform, and never heard of political problems and Hindu Moslem differences; but in the course of time she became so much the centre of that Moslem life that her face was the first shown to the Moslem bride, and the new-born Moslem babes were put into her arms; and when she died, a Hindu widow who had never heard of political problems, she had helped to solve them, because, by my permission, readily granted because it was an honour, her bier was carried to the burning-ghat by the sons and grandsons of Mussulmans whom she had counselled and helped. She was my mother. Now in Moslem ladies' conferences, as in all their social gatherings, a very honoured place is given to Hindu women, because, though it may sound strange, since women are always supposed to be more conservative in those ways than men, there is never any question raised as to whether you are a Mussulman or a Parsee or Hindu woman—but you are a woman; and the solidarity of the women in India is so great that if the franchise is given, if a recognised official status is given to that solidarity among Indian women, I think that any reform, however large, however magnanimous, can be worthily sustained, because all reforms are based on the united co-operation of all the sections of the Indian community. I feel the franchise being given to women would guarantee this co-operation. Also it is said—I think Lord Southborough said so, and Sir James Meston, and one or two others —that no very large agitation was carried on with regard to this franchise question. But if I may say so, with all courtesy, Sir James Meston, Lieutenant-Governor of the United Provinces, is not in a position to come intimately into contact with the social feeling of my people. No big official will ever come into contact, excepting officially, with any section of Indian feeling. When the historic announcement of the 20th August came, and when, from end to end India was stirred by the feeling of hope that this announcement really foreshadowed very substantial reforms, the women began to feel, why should they not, having taken such a large part all those years in all the movements, social, political, educational and industrial, that were going on in India, why should not they claim their share? The word "franchise" was a new word to us and to our men. When we were making all this agitation the word franchise never came in as a word, but when the word franchise was heard the idea came to certain women, of the Women's University to start with, and I must say in this they were greatly helped by a European woman who had great knowledge of the suffrage movement here), and we applied to bring a deputation to the Secretary of State and to Lord Chelmsford. We were granted permission, and I think Mr. Montagu will remember it was a very representative gathering, that left out no section of the community in its membership. There we put certain proposals before him, and—whether it was seriously meant I do not know—I was asked by the Viceroy whether, if I brought a resolution before the National Congress, which was coming off in a week or two, it would be acceptable to Indian men. I then said that I would try, and that I would do it. A few days later I gave notice to the National Congress that I was going to bring forward this resolution. In deference to the advice of my friend, Mr. Banerjea, however, whose own deputation has now supported my demand, I offered to put it off till the question had been a little more ventilated in the public Press. A few months later, at the Bombay Congress, convened to consider the reforms, I moved that resolution in the Congress, when it was carried by a large majority; and six months later, in Delhi, under the presidency of Pandit Madan Mohar Malaviya, who is himself a noted guardian of conservative and social traditions in the north, it was carried unanimously. Previously to that, in the various Provincial Congresses, social Congresses and Conferences, it had been unanimously carried.

Women have proved their capacity, as I have shown by statistics in my list, of movements in which they have

Chairman—continued.

taken part. They have shown that they can, given the opportunity, rise to any heights and share any kind of responsibility in which their brothers have taken part. I remember being a member of a deputation on the question of Indentured Labour which was received by the Viceroy. That was not the first but the second instance in modern Indian history—by modern I mean since the Moghul period—that women were received in deputations on any important matter. Then, as Lord Chelmsford said, if women took a more active part in questions that were agitating the mind of the nation—I do not suppose he meant political questions, but political questions are not the only questions in which we are interested—we should render great service and be able to present the inner standpoint which does not often reach the official channels.

I am not the most able or the most eloquent exponent of this case, but unfortunately my comrades were not able to come, because most of them who do find time to devote to national problems are mothers of families who are not sufficiently grown up as mine are, to leave them to take long journeys on any mission of this kind. But I may state that Hindu women and Moslem women, Parsee women and Indian Christian women, Sikhs and Jains and women of the depressed classes, among whom I own some very intimate friends, have charged me in their name to make this appeal, should I get a chance, to this Committee, and if the Committee did not give me a chance of a hearing, then to the British public. Because we feel that we are sufficiently detached from the immediate excitements that cause passion in the hearts of active politicians, to realise that after all if this right comes to us it must come to us as a gift from the British statesmen who rule in the name of the British people. And I am here to-day to plead this cause, not to ask for it as a concession or a favour, but because it is our right by historic tradition. It symbolises for us the hope of a future which will not depend on office or power. We Indian women do not care for office; we do not care for power as power; we are not ambitious in that sense. Always, I think, the home will remain the unit of central government in India, and it will never require any change. But for that central government to be effective, for that central government to carry authority, and for that central government to be able to shape and control the ideals and destinies of India, we feel that this authoritative sanction of the Indian women's voice should be granted, and that can only be given if you realise that it means unity for India, it means for India prestige in the eyes of other nations whose taunt to us is that our women have no place in the scheme of things. It is by the right of a past inheritance, it is by the hope of future progress, that I make this appeal to you; and the woman who to-day stands in India as the highest Indian lady in the land, Her Highness the Begum of Nepal, who cannot be accused of any radical tendencies, a woman who believes in the Purdah, a woman who observes the Purdah, a woman who follows most strictly all the tenets of the Islamic faith, said, it is only right that the woman of India should claim her place in this franchise scheme.

There is only one more point I want to put forward, because after all it is a matter of practical politics, as you call it here. It is said that the Purdah system is going to make the franchise impossible. But I do not understand why the Purdah system should be thrown in our face when only a portion of India observes Purdah, and in no Province is every section of womanhood a Purdah nashin. Some of the upper classes observe Purdah, but I have never known Purdah to come in the way of anything a woman ever wanted to do. I lived all my life whenever I had a home of my own in the Moslem city of Hyderabad. There women go up for university examinations, they attend sports, they watch parade, and they see all the theatres without breaking their purdah. Arrangements are made for them; it is tacitly understood that it is their right. It was suggested that perhaps British India is more progressive than native States in matters of politics, but as a matter of social opportunity and social amelioration for the Purdahnashin I think I might easily say that the native States, understanding that woman has her place equally in everything that belongs to the nation recognises that she should be given a

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Chairman—continued.

chance. I do not think that is going to make any difference to the electoral system at all. In Bombay, for instance, where women have exercised their right, as Mr. Patel told you, for 40 years, only the other day a friend of mine stood for a municipal ward, and every woman who had a vote went to the polling booth herself and registered her vote, and nobody turned a hair. We are not asking for any concession. If you say that in this experimental stage for the next ten years it will complicate matters to have a separate polling booth for Purdahnashins, do not have a separate polling booth to start with; let it be conceded that the principle is right, and that you are going to give the franchise to women on the same qualifications as and on the same terms and tests as the men, and leave it to the local authorities to adjust this matter for themselves in those Provinces where the demand from eligible Purdahnashins is so great as to make it possible. I do not think that it will be impossible to find efficient women officials who will guard the integrity of this polling booth and see that no fraudulent voting is practised.

I have nothing more to say, and I do not wish to re-duplicate what I said in my Memorandum. I am

Chairman—continued.

not here to make a speech, only to plead a cause, and I think that the chivalry of English manhood will not be deaf to a cry of which I am the voice on behalf of Indian women.

2146. You have dealt with the only point which was not clear in your last remark. You have told us how you think the mechanical difficulty of voting could be got over. You propose that no special arrangements should be made, but if in any locality it is found to be necessary you think it could be perfectly well adjusted by the officials in consultation with those who know what the wishes of women on the question are?—I should think that would be the easiest solution, but I do not want to press that point now. I think it might, in its experimental stage, be tried first in places where the purdah is very strong. Elsewhere I think it will hardly present any difficulty.

Chairman.] We are very much obliged to you for coming here, and we have listened to your appeal with great interest and pleasure.

(*The Witness is directed to withdraw.*)

SIR FRANK SLY, is re-called; and further Examined, as follows:—

Chairman.

2147. You were a member of Lord Southborough's Committee?—Yes.

2148. Dealing especially with Franchise?—Yes.

2149. You were also a member of the Indian Civil Service?—Yes.

2150. What is the present post you occupy?—At the present moment my substantive post is Commissioner in the Central Provinces, but I am employed on special duties for Lord Southborough's Committee.

2151. You have heard Lord Southborough's examination, and you have had this questionnaire before you?—Yes.

2152. We shall be glad to hear any observations you wish to make in supplementing Lord Southborough's evidence, and in elucidation of these questions?—Lord Southborough gave such a full account of the work of the Franchise Committee that I only wish to supplement it on certain points. I have prepared a written statement—which, unfortunately, has not had time to be printed, because I did not know I should be called so soon—in which I supplement his evidence by first of all describing in perhaps more detail than he did the procedure followed by the Committee, especially with reference to the extent as to how far we followed the original proposals of Local Governments, and also in regard to our inquiry into the electoral machinery available for carrying out elections on the basis of the franchise proposed by us. I have also dealt with certain suggestions which have been made before your Committee for the extension of the franchise, particularly as regards the proposed literacy test, a test separate from the property qualification; also with regard to the suggestion that the limit of income might be lowered, and that it might be possible to introduce a franchise based on a wages basis. I have explained why the Committee felt unable to accept any of those proposals.

In the next paragraph I have dealt with the question of women suffrage, which has just been so eloquently pleaded before you by Mrs. Naidu. The main point in my note that I wish to make is, that so far as that question came before the Franchise Committee it was almost wholly a question of women franchise being urged by men and not by women. We heard a good deal of evidence by men in favour of women franchise. We only heard Mrs. Naidu and some other representatives of an association called the All-India Women's Federation, which I am sure Mrs. Naidu would be quite ready to admit by no means represents in any respect the general body of Indian women. I myself tried throughout the inquiry to induce certain educated Indian women that I met to come before us and urge the women's franchise, and on every occasion I was told by them that they would decline to come forward to urge women's franchise; that they desired to leave politics to the men and keep

Chairman—continued.

their homes to themselves. It may be thought that I was perhaps unsuccessful because I was an Englishman out of touch with Indian women, but I also know that one of my Indian colleagues also tried his very best to induce certain educated Indian women to come forward and urge before us the point of female suffrage. He also was unsuccessful in obtaining a single witness outside that Federation to come forward and plead the cause of women.

I would like to explain that during our inquiry the demand for women's suffrage was not very strong, at least that is my estimate of it, in the Provinces that we first visited, in Bihar and Orissa, in the United Provinces and in the Punjab, but it increased in volume as we went along throughout India, and reached its maximum in Bombay, where the custom of the seclusion of women is not so prevalent as it is in many other parts of India. We inquired very carefully into the working of female franchise in certain elections to local bodies where it at present prevails, and the evidence we received on the point was that it was very sparingly exercised in those cases except perhaps in the City of Bombay. There was also stated before us the case of municipal elections in Madras, where, until 1897, women enjoyed the vote on the same terms as men. In 1897 there was a new local self-government Act, one of the provisions of which withdrew the suffrage from women, and according to the information received by us, that right was withdrawn without practically any public opposition or discussion of any kind, showing that even as late as 1897 in Madras this was not a real live practical question at all. Then I think the Committee was very much influenced by the fact that the witnesses who urged female suffrage before us, including Mrs. Naidu, did plead that in order to give it practical effect it would be necessary, not merely to set up separate polling booths for women, but also to appoint separate polling officers to visit the women in their homes in their villages, in order to record their votes. An Australian precedent very properly was quoted by them in favour of that arrangement. I myself, and I think the other members of the Committee, felt that under present conditions in India it would be impracticable to make any arrangement under which female polling officers to the number required could be appointed to record the votes of women in their homes.

In regard to the very important question of communal representation, I have tried to give an outline as to how that question has presented itself to me during my 32 years' experience of India—how, when I first went there, the communal feeling was strong as between Hindoo and Mohammedan and between certain other races and sections of Hindoos, how difficulties arose at that time, how as a general rule all communities live together in friendly relations, but how there was a feeling of antagonism that was liable to break

out

Chairman—continued.

out at any moment, and it was a great cause of anxiety to the Administrator. In those days I think the tendency was for the individual or for the caste or a section of the caste who rose in wealth and importance, to endeavour to raise themselves in the scale of the Hindoo religion, to get themselves into a higher caste or to form a new caste superior to the caste to which they originally belonged. Then later in my experience came the growth of what is often termed the feeling of nationality in India. The effect of that, I think, on the communal feeling was to lessen it very much. It is true that it was largely confined to the educated classes, but it also did permeate down amongst at least some sections of the masses, and the communal feeling was then expressed more on the lines of a desire for the spread of education amongst the particular community and caste, and of desiring to take a part in local affairs, and thus raise the whole caste, or section of the caste, to a higher position rather than the old method of endeavouring to force their way into a superior caste.

As regards political matters at that time, I think that the masses, including the so-called backward and depressed classes, took very little interest in purely political matters. They were content, I think, to rely largely on the Government for the protection of their political privileges. When the claims for political advancement became strong, I think the politicians themselves largely realised that it was impossible for them to advance at the pace and in the direction which they desired unless they carried with them the masses more largely than they had done in the past. And from that factor, and from the general advancement of education, a new movement arose, or at least gained strength, a movement towards the education of the backward classes and castes, a movement in favour of compulsory, free, primary education. And another instance I would give would be the great efforts that were made by societies like the Depressed Classes Mission to raise up these lower strata of India to a level in which they could take their rightful part in the political life of the country.

Now to come to the last stage, there came the publication of the Montagu-Chelmsford Report, and with that publication I think there has been a very marked revival of communal feeling in India. It is perhaps the irony of fate that that Report, with its powerful presentment of the case against communal representation, has given rise to the strongest expression of communal feeling that I have experienced in India throughout my service. The backward classes, the depressed classes, small communities, separate trade interests and associations, have all urged upon us the vital importance of the protection of their interests by communal representation. This was the universal evidence given by representatives of these classes and communities before the Franchise Committee. It is true that certain leading politicians of the more extreme school were opposed to the grant of communal representation on any very large scale, but so far as the representatives of those classes were concerned I think I am right in stating that there was not a single witness of them before us who did not strongly urge the necessity for communal representation for the protection of their special interests under any system of responsible government.

Lastly, I have dealt with the question of direct election to the Council of State. I have examined as far as I could the scheme put forward by the Government of India for direct election to the Council of State, and have shown that the constituencies will be of enormous area, that they will contain a very large population, and that any system based on such a method of direct election seems to be almost a negation of the right principles of direct election. Also that a small restricted electorate on the lines of what is called a senatorial franchise will result in India in practically the representation of only one class, and that is the landed class. It seems to me a very dangerous form of political experiment to start a scheme on which your Provincial Legislative Councils will be based on a fairly wide and extended franchise, and at the top a Council of State which must represent solely a small aristocratic and plutocratic caste, tempered perhaps by a few other qualifications. I have explained how

Chairman—continued.

it was that, mainly on these grounds, the Franchise Committee felt themselves unable, at least at the present stage, to recommend any system of direct election either to the Council of State or to the Indian Legislative Assembly. Another reason which did influence us a great deal was the position of Local Governments, who felt that whereas they might reasonably carry out one general election throughout India, if you were going to introduce at one step a system which would involve at least two, and if you take into account the Indian Legislative Assembly three, general elections, there was grave danger of a breakdown, particularly in the holding of three general elections in a country where hitherto neither the people nor the Government has had any experience whatever of even a single general election. That is roughly the outline of the note that I have prepared on the franchise matters.

Lord *Islington.*

2153. You lay stress on the communal revival as an outcome of the Montagu-Chelmsford Report?—Yes.

2154. Is that communal revival which you allude to due to apprehension on the part of communities as to what the result may be of a constitutional system?—I would not like to put it that it was due to apprehension on the part of small communities, but it is due to the fact. I believe, that hitherto small communities have felt secure that with the existing form of Government their rights and privileges would never be called into question, but that if there was to be a form of responsible government under which the Government was to be carried out in accordance with the wishes of the Legislative Assembly, it was essential for their interests to have separate representation in those Legislative Assemblies and to be able to put their points of view clearly before the deciding authority.

2155. With regard to those particular communities which you noticed had revived the communal feeling, would you say that they are now under your franchise scheme represented in electoral communities?—The Franchise Report explains how we dealt with the claims of these particular communities, how we accepted communal representation in certain communities which, according to the Montagu-Chelmsford Report, would not have got such separate representation, and how we disallowed the claims of certain other communities which we did not think made out their case sufficiently for that form of representation. I should like, if I might, in illustration of this question, to take the case of the Punjab Province. When we made our franchise inquiry into the Punjab, we had, I think, every Mohammedan witness come before us and say that they must have communal representation for Mohammedans as in other parts of India—although, as a matter of fact, the Mohammedans form a majority of the population in that Province. All representatives of the Sikhs claimed not merely communal representation on the basis of their population, but claimed that they should have one-third of the representation in the Punjab Province on the plea that they had given to the Government one-third of the recruits raised in that Province, and therefore if they protected the country to the extent of one-third they ought to receive one-third of the representation. And more than that, so strong were they in their communal feeling that they wished us to lay down as a condition of the franchise that every voter that came to the polls to register his vote as a Sikh should be required to recite before the polling officer the orthodox Sikh creed; and this they desired in order to protect their community against the possibility of persons claiming to be Sikhs who were not according to their view strictly Sikhs having any say in regard to the election of Sikh representatives. When you got the Mohammedans claiming half, or more than half, and the Sikhs coming in and claiming a third at least, there was very little left for the Hindoos and any other communities, and the Hindoo witnesses came before us and pleaded that they would be squeezed out under the claims made by these other two big communities, and therefore they must have more than their share of the representation. As far as I can recollect, there was only one, or at the most two, witnesses in the Punjab who came forward and said: "We are Indians, and we are content to allow our interests to be safeguarded by a general electorate."

2156. Did

Lord *Islington*—continued.

2156. Did you find that very emphatic cummunal individuality equally marked in other Provinces?—No. I think the strongest expression of it was in the Punjab, but throughout India I cannot remember a single Mohammedan witness who came forward and did not claim communal representation for Mohammedans. As I say, all the representatives of other communities practically—certainly the representative witnesses who came before us—also claimed separate communal representation for their own community.

2157. So that upon the evidence you received in India there does exist to-day a very strong individuality in the respective communities of India?—Yes, a very strong desire amongst small communities to have separate representation on a communal basis.

2158. With regard to the franchise itself, I understood from Lord Southborough's evidence that, speaking generally, your Committee accepted the scheme for electorates in each Province respectively as put before you by the Local Governments?—I do not think that is perhaps a full statement of the case. Each Local Government prepared for us a scheme for the franchise of their Province, which was put before the Committee. That scheme was tested by the examination of official witnesses in support of it; we also heard the evidence of the non-official witnesses; we also took into account the views of the added members, both the official and the non-official, and it was only after consideration of all the material placed before us that we had a conference with the Local Government, and as the result of that conference, and hearing the views of the Local Government upon all the material before us, we then prepared schemes which generally commanded the approval of the Local Government. But those schemes, I think, in all Provinces varied in very material respects from the original schemes put forward by the Local Governments. There were important variations in the franchise, important variations in regard to the representation of communal and special interests; there were important variations in regard to the proposed constituencies, urban and rural, and very important variations in regard to the size of the Legislative Councils and other matters, so that although it is true that our proposals generally commanded the approval of the Local Governments, it must not be assumed that those proposals were the same as those originally put forward by the Local Governments; they varied considerably.

2159. I would like to take as a concrete instance Assam, and merely for information I would like to ask you, having gone through this elaborate procedure which you have just described before you came to the conclusion, can you tell us what influenced you and your colleagues in giving to Assam a higher proportion of an electorate than that of any other Province in India?—The original scheme put forward by the Assam Government was a scheme of franchise based on the household and not on the individual. The idea of the Chief Commissioner of Assam, in his original scheme, was that every separate household in Assam should be recognised as a voting unit and be given a vote as a household. When we examined that scheme in the light of evidence we found it was unworkable—that if you wanted the franchise at all in Assam it must be based on the qualifications of the individual and not on the qualifications of the household. And therefore we changed the basis of the franchise in Assam from the household basis to the property qualification of the individual. The Chief Commissioner, who was very keen on his principle that each household should more or less get a vote, was strongly insistent that the franchise should be broad enough in order to include a large proportion of these householders at any rate. He urged his case largely on the ground that Assam was a Province in which there was a system by which the land was held largely direct from Government by individuals, and that it was desirable in that Province that as large a proportion of these individuals as could

Lord *Islington*—continued.

be dealt with by the Government should receive the vote. It is true that the franchise in Assam is substantially wider than it is in some, if not all, of the other Provinces of India.

2160. In other words, the Chief Commissioner really converted you to his original scheme?—The Chief Commissioner converted us to the position that under the local conditions of Assam it was desirable that the vote should be as wide as possible, and that his Government was prepared to carry out an election on the large number of voters which our franchise gives. On the other hand, take the Punjab, which is perhaps the most restricted franchise. The view of the Local Government there was very strongly in the opposite direction—that, at least in the initial stages of this experiment, it was desirable to restrict the franchise to people of a certain position and a certain status in society, and that it would be very easy afterwards to widen the franchise if it were found to prove workable, but impossible in the future to curtail it. The desire in the Punjab was that the vote should be considered as a privilege, and it was thought would be valued more as a privilege than if it were put upon a very broad basis. And again, in that Province they were not prepared to guarantee that the Government could carry out an election on such a wide franchise as certainly some members of our Committee desired.

2161. What was the impression left on your mind as a result of these conferences? Take, as a concrete instance, Assam and the Punjab: Was it your impression that the decision come to was a decision upon the inherent merits of the Province and the conditions prevailing there, or rather due to the individual opinions of the Chief of the Government who was making the proposal?—I think it was influenced to a certain extent by the views of the Government; but in all cases we followed the terms of our reference, which were to make the franchise as broad as possible consistently with the avoidance of breakdown of the machinery through weight of numbers. I think the Committee felt that in the initial stage there was some advantage in having a diversity between Province and Province, so that when the Parliamentary Commission goes out twelve years hence it will have before it the experience of the working of different schemes in different Provinces. We did not attempt, and we did not think it desirable even to attempt, to obtain absolute uniformity throughout India.

2162. As you went through India you did not see any great advantage in aiming at what I may term uniformity of standard for an electorate?—I think that is so.

2163. You thought that, on the whole, it was better to have a complete variety?—Yes; and of course we had very much to take into account the statement of the Local Government with regard to the electoral machinery that was available. If a Province told us that they could not carry through a general election on such a wide franchise as some of our evidence pointed to, we felt we could not undertake the responsibility of forcing on the Local Government a franchise which they themselves said they would be unable to work.

2164. Were you satisfied, after this conference, that, for instance, Assam offered greater facilities in the direction of a wide franchise, with regard to its machinery and local conditions, than the Punjab did?—We were satisfied that Assam could carry out an election on the franchise proposed by them. In each Province we went into fairly full detail in regard to that matter.

2165. And you were equally satisfied that the Punjab could not carry out a wider franchise than that which was offered?—I was not personally satisfied on that point.

2166. You were not personally satisfied?—No.

(*The Witness is directed to withdraw.*)

Die Veneris, 8° *Augusti* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Earl of SELBORNE (afternoon only).
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE LORD BRODRICK (VISCOUNT MIDLETON), AND AFTERWARDS THE RIGHT HONOURABLE THE EARL OF SELBORNE, IN THE CHAIR.

SIR FRANK SLY, is recalled; and further Examined, as follows:—

Lord *Brodrick* (Viscount *Midleton*.)

2167. You put in your Memorandum now to which you referred on Wednesday?—Yes. (*See* Appendix 2.)

Mr. *Bennett.*

2168. You referred on Wednesday to the movement in the direction of nationalisation having been encouraged by certain social and education work done by various societies?—Yes.

2169. The necessary effect of that is uplifting and strengthening; it strengthens and uplifts those communities affected?—Yes.

2170. By whom have those movements mainly been carried out?—They have been mainly carried out by the educated classes in India.

2171. What castes would be included in those?—Brahmins would predominate.

2172. We have heard a great deal of the obstacles to the working of Parliamentary Institutions, which consist in varieties of race, varieties of caste and varieties of religion. How far do you regard those as serious elements obstructing the political development of India?—I think that during my long service in India those difficulties have considerably lessened, and are not now so great as they were 20 or 30 years ago. Although at present they do constitute considerable difficulty, I believe that the educative effect of the scheme of reform that may be introduced in India must ultimately lead to their very great lessening.

2173. As a practical fact the men of various communities do associate and do work together in reasonable harmony, do they not?—Ordinarily, yes.

2174. And in the Legislatures you have not found that religious difficulties are an obstacle to hearty co-operation?—No obstacle, I think, in hearty co-operation in regard to political matters which are common to all sections of the people, but I think there have been cases in which there have been difficulties in regard to questions affecting particular communities.

2175. Do you find that the individual communities, so to speak, grind their own axe? Is there a marked tendency to that?—I do not think so.

Major *Ormsby-Gore.*

2176. The only important modification which the Government of India now suggests in the scheme of representation—that is to say, the number of seats proposed by your Committee—is in the case of Bengal, is it not? They want to increase the Mohammedan representation?—That is the most important; but there are others, such as the substantial increase in the numbers of members to represent the depressed classes in the different Provinces. These are the two most important that I can recollect.

2177. Will you give me your opinion on the former proposal to increase the Mohammedan seats in Bengal. Do you think it is desirable?—Lord Southborough has already put in a Memorandum giving his and my joint reasons for disapproving of that proposal.

2178. It would cause the reopening of the whole question of the Lucknow Compact and the over-representation which has been granted to Mohammedans in the United Provinces, for example, would it not?—Undoubtedly.

Major *Ormsby-Gore*—continued.

2179. Then, with regard to the depressed classes, the only way to get representation of those classes is by nomination, I presume?—At the present time.

2180. Do you contemplate that only as a temporary expedient until a political organisation has grown up among the depressed classes?—Until a political organisation has grown up among the depressed classes, and until education and public spirit is spread to a greater extent amongst them, so that a suitable electorate can be formed.

2181. In your statement dated 1st August you scout as impracticable the idea of direct election for the Council of State?—Yes, at the present time.

2182. On the ground of the enormous size of constituencies?—Yes.

2183. That would mean that there are not men sufficiently well-known throughout so large a constituency to engage the attention and interest of the electors?—Yes. And, further than that, I think that any constituency comparable in size, for instance, to the whole of England and Wales is an unworkable constituency, even with men that are fairly well known; that it is impossible under such conditions for the different candidates to get into proper touch with their constituencies and to represent their views faithfully.

2184. So you are convinced that if we wish to replace the Council of State, which is a sort of glorified Grand Committee, by a Senate, any such Senate would have to be composed by indirect election; that is the only way to form it?—By indirect election and perhaps by nomination.

2185. Do you suggest nomination by someone other than the Government of India? Do you mean nomination by the Provincial Governments?—Yes.

Mr. *Spoor.*

2186. With regard to the Franchise, do you not think that the proposal of the Franchise Committee is, to put it mildly, rather a conservative one—that small electorate?—Having regard to the conditions of India at the present time, I believe it is largely a radical one, and the impression that I gained going round India on the Franchise Committee was that even the non-officials were very much surprised by the extent of the Franchise that was put forward by the Local Governments; that when we started our inquiry they had not anticipated that such a widely extended Franchise would be conceded.

2187. In the statement which you have put in, in the second paragraph you say that your proposals varied frequently in material respects from the schemes put forward by Local Governments; but, speaking generally, were not you necessarily influenced very largely by the recommendations of the Local Governments?—Certainly.

2188. Do you think this Franchise will in any real degree satisfy Indian opinion?—So far as the first stage of their progress towards responsible government is concerned, I believe that this Franchise will satisfy reasonable public opinion in India. I have not been in India, but, so far as I have read the criticisms of it in the Indian newspapers, the proposals have generally been favourably received.

Mr. *Spoor*—continued.

2189. Judging by the evidence that we have here already from Indians, it does appear that there is a very great deal of dissatisfaction and feeling that the Franchise should be considerably extended. Now there has been agitation we know ever since the proposals were made public. Will not this agitation continue and probably grow unless the Franchise is widened in some way?—So far as I have heard the evidence which has been given before this Committee that statement should, I think, be limited to the representatives of the more advanced political organisations in India, and cannot in my opinion be taken as a true index of public opinion in India generally.

2190. I take it that those advanced organisations which you refer to have a certain claim to be considered as representative?—Certainly.

2191. Of quite a big volume of opinion?—A big volume of opinion of an advanced political character amongst politicians.

2192. I imagine the tendency will be that advanced opinion will continue to strengthen, and agitation will go on for a bigger measure of self-government?—I would not like to try to forecast what the future would be, but I would like to point out that with the next Parliamentary Commission there will be ample opportunity for enlarging the Franchise, if the Parliamentary Commission considers that the working of the Franchise adopted has been satisfactory.

2193. Do you agree it is desirable that a larger section of the industrial classes should have the vote. I am asking for your personal opinion?—So far as the industrial classes in India are concerned, I think it is impossible to draw any parallel between the industrial classes in India, and the industrial classes in England, for instance.

2194. I quite agree that there are very wide differences?—At the present state of development of the industrial classes, I do not think it would be possible under any system to give them direct representation on the Legislative Councils.

2195. You refer in your memorandum to the question we have already had discussed once or twice, that a Franchise qualification based on wages earned is desirable?—Yes.

2196. You point out possible results, such as that votes might be at the command of the factory owner, and so on, but even assuming that those difficulties did temporarily arise, do you not think that this qualification of a certain earning capacity would make a reasonable basis for the Franchise, and probably be the only practicable way in which the industrial classes could be brought in?—I am opposed to the principle that there should be any Franchise based solely on a wage earning capacity, because, in my opinion, it would act unfairly to other classes of the community. But what we did endeavour to do on the Franchise, was to secure a qualification based on a limit of income. In some Provinces we found that there was no satisfactory method of ascertaining incomes smaller than those which were taxed under the income tax limit, but in other Provinces we did find that there were certain forms of local taxation based on incomes substantially lower than the Imperial Income Tax, and in those cases we did adopt a lower basis of income. I do not think that wages should be put on any preferential basis compared with other forms of income.

2197. But you are getting the other forms into the scheme already. Do not you think a great deal of dissatisfaction is likely to be caused amongst those classes who are not income tax paying classes? Is not the desire, as far as possible, to include them in the scheme?—If you included them purely on a wage basis you would exclude very large sections of the community who are equally entitled with wage earners to representation. For instance, there are the large classes of small shopkeepers, small traders: there are large classes of people with small fixed incomes, and other classes of the population which seem to me as much entitled to representation as the wage-earning class.

2198. I quite agree with you that it is very desirable that all classes should be represented, but have your Committee no practical alternative to suggest to this one of a wage-earning basis? You refer to this in your memorandum. I was wondering if you had any alternative?—Our alternative, the one we have adopted, is in every Province to put the income limit as low as was possible on the material available—that where the income tax assessment was the only method of calculating income we had to take that, but in Provinces where there were local taxes based on a substantially lower level of income we have taken that, and I anticipate that in the future this form of taxation will spread considerably to other Provinces, and will form a suitable basis for the Franchise.

Mr. *Spoor*—continued.

Sir J. D. *Rees*.

2199. You sat beside Sir James Meston during his evidence, I think. May the Committee take it that subject to supplemental statements made here or any actual contradictions you adopt and agree with Sir James Meston's evidence?—Lord Southborough I think you refer to.

2200. Were not you here when Sir James spoke?—No.

2201. Sir James expressed various opinions. Amongst others he was in favour of a separate purse. Will you say what you think of that?—I cannot pretend to any special financial knowledge at all, but, so far as the proposals for a separate purse have been considered by me, I am opposed to them.

2202. You are opposed to a separate purse?—Yes.

2203. Do you think there is much in the objection made, which has been stated here by witnesses, that it would deprive Indian public opinion of any control over taxation, and the Minister of the initiative to which apparently much importance is attached?—My main objections to a separate purse are that I think it is wrong in principle to separate off the funds of a Province into two distinct portions. I do not believe that system will have the results anticipated by Sir James Meston in securing harmony between the two halves of the Government. I believe that it will lead to more friction than a joint purse.

2204. You heard the evidence of Mr. Madhav Rao?—Yes.

2205. Do you adopt his opinion that the people of India generally dislike the Indian Civil Servants with whom they come in contact?—I certainly think that opinion is incorrect. I would like to add that during comparatively recent years in India there has been strong agitation amongst politicians against the Indian Civil Servants. My own personal belief is that that agitation has been largely made for political purposes in order to strengthen their claim towards responsible government, and I should be very sorry if I thought that it reflected the more sober opinion, even of politicians.

2206. Have you served in, or are you familiar with, the native States at all?—No.

2207. So far as you know, is the present Reform movement an anti-caste movement, or is it regarded generally as an orthodox movement in its character? Is there anything anti-caste in it, such as there was in the early reformers like the Brama Samaj and the Arva Samaj?—None whatever.

2208. You have heard the theory put forward that the necessity was at the present time to provide for protection of the lower castes. Is that a true picture of Indian Society, that there is an undermass requiring protection against the upper classes, the Brahmins and kindred classes?—I think that would be an over-statement of the case. So far as the evidence came before us on the Franchise Committee from the representatives of what are termed the backward classes and depressed classes, there was no opposition before us to the introduction of the scheme, but there was an intense desire that they should have separate representation under that scheme.

2209. Is it correct or is it utterly erroneous to say that Hindustani is understood in your part of India? Is it the *lingua franca* all round?—It is certainly not the case in some parts of the Central Provinces.

2210. Are you familiar with the Governor in Council system of government? Have you had any experience of it?—None.

2211. As regards the Chief Commissioner form of government, is the part taken by the Government of India an extremely active and effective part in that government, or is it merely a very general and indefinite supervision?—It is more than an indefinite supervision, considerably more.

Sir *J. D. Rees*—continued.

2212. Would you say that it is so large a part of the actual administration of a Chief Commissionership that you cannot liberalise a Chief Commissionership without at the same time liberalising the whole system of government pursued in that area? Is it a fact or not that the responsibility being given to the Local Administration must leaven the whole administration, including that portion of it which the Government of India carries on?—I think that in order to carry out successfully in the Provinces the system embodied in the Bill it is essential that the Provinces should have much more latitude with regard to matters of administration than they have had in the past; that it must be subject to substantially less interference by the Central Government.

2213. Is it a sound criticism or not that no democratic advance is made by the reforms in this Bill in the Government of India, in the general and not in the technical sense?—Would you mind repeating that?

2214. What I mean is this. The Government of India participate equally, to some extent at any rate, in the administration of the Chief Commissionership?—Yes.

2215. It is said that no advance is made in liberalising the Government of India because there is no responsibility conceded to it of the same class which is conceded to the Local Government. Can you say that the concession of such a responsibility to the Local Government does not liberalise the whole system?—I think the statement is untrue in fact—I think that even under the Bill there will be considerable advances in the Government of India, the most important of which is the large increase of elected element in the Legislative Assembly. I think it should also be taken into account that under the Bill the aims and objects of the Government of India are distinctly laid down, and that that must necessarily largely influence their policy.

2216. My honourable friend here spoke of the industrial classes and of their having a vote as such. Am I right in supposing that in the big cities, Bombay for instance, and Madras and Calcutta, many of those operatives will have a vote under this scheme?—I think that with the present rate of wages in India a certain number of the operatives will undoubtedly get a vote under the proposals of the Franchise Committee, but I would not like to say that any very large proportion of them would get a vote.

2217. Can you establish any real essential resemblance between the old Indian Guilds, to the extent to which they survive, and modern conditions of labour?—I should have said wholly none.

2218. You have had a particularly long experience of the Ryot, the Indian cultivator?—Yes.

2219. Am I right in supposing that he is a particularly practical and sensible person, whether or not he can read and write in his own vernacular or in English?—Certainly.

2220. You state in your evidence that no witnesses could be brought forward in favour of the enfranchisement of women from among women. Was any effort made to get a Nair lady who has the completest freedom possible? Why did not you have one of those to give evidence?—I myself, in Madras, met a certain number of Indian ladies, and suggested to them that if they really meant this to be a living proposition, some representative of them should come forward and give evidence in their favour, and I met with no success. I think one of my Indian colleagues from Madras, who is coming as a witness before you, will be able to answer better about the Nair ladies.

2221. You say that seclusion is not so prevalent as you get south. You are probably aware that as you get to the end there is no seclusion whatever. You say that the publication of the Montagu-Chelmsford Report led to a marked revival of communal feeling in India. Do you really mean that, or do you mean that the circumstances which gave birth to that Report gave birth to a strong desire to obtain a vote, which naturally expressed itself in a request for communal representation? Is it correct to say that the Report inspired the revival?—I believe it to be correct.

2222. The statement as made by you?—Yes; the statement as made.

2223. You speak of the communal system—you say it was due to an apprehension on the part of small communities that they would not be able to secure that their rights and privileges should be looked after. Is it not the case, really, the most conspicuous case, the exact contrary to that? Is not the Madras case, a request of 90 per cent. of the population, to have a representation from which the upper classes should be excluded?—Yes; that is one case; but I wish to emphasise the fact that many other communities, as stated in the Report, and small communities, did come before the Franchise Committee and ask for a separate communal electorate.

2224. You say a comparatively large franchise is given to Assam, and the Committee evinced some curiosity as to why that should be so. Lord Islington asked you questions. Is that in any way due to the fact that the population of Assam is continually being increased by the immigration from other parts of India of persons who, in the European tea industry, acquire considerable competence and settle there?—In evidence before the Franchise Committee it was stated that the tea industry was responsible for having introduced a very large percentage. I cannot remember what exactly the percentage is, without referring to the papers, of the total population of Assam.

Sir *Henry Craik.*

2225. Before touching the points of your special Report, I would like to touch, for a moment, on one question raised by Sir John Rees with regard to the separate purse. You say you do not speak as one specially conversant with finance?—That is so.

2226. But you must have formed some general views. Your reason against a separate purse was that you thought it would introduce an undue separation between the two parts of the Government?—Yes.

2227. You take a different view as regards a separate purse from the Government of India?—Yes

2228. But, surely, the idea of a diarchy is to impose a certain separate responsibility on two parts of the Government?—Yes.

2229. How can you have that separate responsibility detached from separate financial responsibility?—My view is that under the system, as it stands, even with a joint purse, you will get separate responsibility in financial matters up to a certain limit—for instance, the Minister will be responsible for his policy of expenditure in regard to transferred subjects, and will be responsible for the taxation that may be necessary to carry out his policy.

2230. How can you attach that responsibility for taxation immediately and directly to one Minster, if there is not a separate purse, if any addition that he makes to the expenditure becomes a matter of general finance of the Provincial Government, and not his own particular section?—So far as I visualise the scheme, there are certain funds available in a Province for expenditure according to the joint deliberation of both halves of the Government. A Budget is prepared, providing, so far as possible, for the needs of all portions of the Government. So far as the reserved expenditure is concerned, there is the provision that the Governor may certify certain expenditure as being essential for the maintenance of those reserved subjects. So far as the transferred subjects are concerned, the Minister has to be content either with the balance that is left, or has to impose additional taxation to meet the needs of his policy.

2231. I am not trying to controvert your opinion—I am asking for my own information. I hear it said that there are certain sums available for the needs of the Province. That may be so in the past, but surely as the responsible Government develops your annual Budget must be met in the Province by estimates of the sums which are to be raised by taxation under different heads. You will not have then certain sums allocated and which are earmarked for certain uses. You will have your annual Estimates and you will base your Budget upon those Estimates, and you will allot your taxation accordingly, and if it is going to be a joint Budget and a joint taxation, how can anyone but feel "there is a heavy burden put upon me by this tax"? And this or that Minister is responsible for it?—I think the responsibility will be clear. If the Minister desires to have, for instance, a large increase of educational expenditure and that increase cannot

Sir *Henry Craik*—continued.

cannot be met from the existing revenue raised in the Province, it will then be the duty of the Minister to impose additional taxation in order to meet that increased expenditure.

2232. I beg your pardon, *will* it be the duty of the Minister? Will it not be the duty of the Minister and all his colleagues as a whole? It will not be the duty of the Minister to say, "I wish a tax-increase in order to met the expenditure I propose"; the responsibility for the expenditure will rest upon him, the responsibility for raising money that is necessary for that expenditure will rest upon all his colleagues as well?—With due respect, I do not think that is the scheme formulated in the Joint Report.

2233. Where have I misunderstood it?—So far as the Joint Report is concerned, the whole of that additional taxation is to be introduced by the Minister on his responsibility. It may be after joint deliberation by the two halves of the Government, but under that Report the responsibility for increased taxation remains alone with the Minister, and in that respect, for good working, it is necessary to have some change.

2234. Now, going back to the Franchise point, you say you adopted the views of the Provincial Governments with regard to the machinery for those elections and thought it would be manageable and possible?—Yes.

2235. And that was in conformity with your own thirty-two years of experience in India? Have you no fears that there may be difficulties?—I have no fear.

2236. Now do you think that an attempt to establish a very wide popular Franchise would really tend to place real power in the hands of the depressed classes?—At the present stage of development in India, certainly not. I think that the educative effect of a wide Franchise is the most important element that certainly I, and I believe my colleagues, had in our minds in framing those proposals.

2237. Apart altogether from questions of caste, or of the tyranny of caste, or anything else, are there not influences at work throughout these large communities of India that might help the manipulation of an election conducted on what appeared to be a very wide popular representation? Would it not be possible, I mean, that certain classes, not very desirable classes, might exercise a very illegitimate influence in these elections?—That is a possibility, but I believe the danger that you apprehend would be much greater under a restricted Franchise than it would be under a wide Franchise.

2238. That points rather against what you say, that you would rather increase the Franchise?—It is my view that if there is any danger of manipulation of the electorate by, I think you used the words "undesirable classes" or by undue influences——

2239. Would not there be certain interests, such as the money-lenders, and so on?—I believe that the danger of manipulation would be greater under a small restricted Franchise than it would be under a wider Franchise.

2240. Does that lead you to regret that you placed the Franchise on a narrower basis? Does it lead you to think that you would like to revise your scheme?—I think that the Franchise Committee based their Franchise on the widest basis that they considered feasible in India under present conditions, and I think they contemplate, and I also contemplate——

2241. Feasible in what sense? You are not speaking of mere machinery?—No; feasible having regard, first of all, to the machinery available for carrying out the elections, having regard also to the present wholly untrained electorate, and having regard to the fact that we desire that the vote should, for the success of the experiment, be limited to the classes who might, under the educative system of the Franchise, be in a position to learn what a responsible vote meant.

2242. You used the words "uneducated and unaccustomed constituencies," I think?—If I used the word "uneducated" I did not mean in the sense of education—I meant unaccustomed to the system under which policy is influenced by their own votes.

2243. You do see certain great dangers in an unduly extended Franchise?—Yes.

2244. But at the same time you think that a limited Franchise is more open to illegitimate manipulation by undesirable influences than an extended one?—Yes.

Sir *Henry Craik*—continued.

2245. You think you have just hit upon the exact mean?—That is what we have endeavoured to do.

2246. Do not you think that a constituency very broadcast and presumably less advanced in educated habit of exercising political power is more likely to be under those influences than a more educated and restricted Franchise?—I have already given my opinion more or less to a contrary effect, and I think that your introduction of the words "more educated" is misleading.

2247. I did not mean it to be, but in what sense do you think it is misleading?—If you wish to have a Franchise restricted to what are ordinarily termed educated persons, that would be an exceedingly limited Franchise in India, one that I do not think anybody could contemplate as satisfactory, even for the first step towards responsible government.

2248. The Franchise is raised up to a certain level. You have refused to extend it beyond that level, because you think that the people are not accustomed to it?—That was only one of the reasons.

2249. I do not want to argue, but it seems to me that you would dread it more under a limited Franchise than you would under a cultivated one?—I think the misunderstanding between us is that I certainly do not regard our Franchise proposals as resulting in a very limited electorate, considering the present conditions of India.

2250. You think you have gone as far as you fairly can?—Yes.

2251. Could you tell me from your long experience what proportion of the whole population you think is deeply interested, or considerably interested, in the proposals put forward?—My answering to that would have to be limited to the part of the country that I know, the Central Provinces. So far as I can form an estimate of the feeling of the people there, I should say that the educated classes are deeply interested in the proposals, but they form a very small minority of the population. There is also a substantial interest in the proposals amongst the property class and particularly the landed classes, but the great masses of the people, the aboriginals, the labouring classes, I think, as yet, have been hardly touched at all in regard to political education, and I think have no interest, no opinion really, and no knowledge of the reform proposals.

2252. Speaking broadly, what you would say was the percentage of the class to whom you refer, who have an interest, to the whole population?—It is very difficult to put it in the form of a percentage, but I should estimate very roughly that something between 10 and 20 per cent. of the population had a knowledge and was interested in the reform scheme. That would be an outside estimate of the number.

2253. Would it fairly correspond to the electorate as compared with the total population?—Oh, no; the electorate is a smaller proportion.

2254. Now with regard to special representation and communal representation, do you put the special and communal representation on the same footing?—No.

2255. It is quite a different question?—It is quite a different question.

2256. Special representation might be adopted, and is adopted, in certain of our western constitutions; communal is not?—That is so.

2257. With regard to that special representation, you have restricted the University representation merely to the governing bodies of the Universities?—Yes.

2258. Do you think that University representation can subsist at all on that basis?—That was my opinion, and the opinion of the Committee.

2259. It would be quite new as compared with our University representation?—Yes, I recognise there is no real parallel between the proposals put forward in the Franchise Report for University representation in India with the corresponding University representation in Great Britain.

2260. In my own constituency I have 29,000 electors. That is a very different thing from the small body of the Senate?—Yes. I believe the object of the Franchise Committee in recommending University representation, was that the special interests of University education

Sir *Henry Craik*—continued.

and of education in general, should be able to put forward their views with regard to educational matters in the Legislative Councils.

2261. With regard to the women's vote, you say that the witnesses who came before you all thought that it was necessary to have special machinery to make it effective?—Yes.

2262. Did you hear Mrs. Naidu, who said she gave up that for the present—that she would like to see it established as a principle even without the machinery?—When Mrs. Naidu appeared as a witness before us on behalf of the All-India Women's Deputation, she herself pressed for special arrangements for recording the votes of women, and admitted that if such special arrangements were not made there would be large sections of women that would be unable to exercise the privilege given to them.

2263. I have no doubt Mrs. Naidu still holds that opinion, but she said in her evidence, "If you say that in this experimental stage it would complicate matters to have a separate polling booth, do not have a separate polling booth"?—Yes.

2264. Do you think that a large number will agree with that? Do you think many of those who are advocating the vote would accept it without any special machinery?—I cannot speak for them, but what I do feel is that if a woman's vote is given without some special electoral arrangements to assist them in recording that vote you will give a vote to a number of electors which they will be unable to exercise.

2265. In fact, it will be a bit of camouflage?—Yes, and also I believe that it will be considered unjust by certain sections of the population whose women would not be able to record the vote, whilst other sections of the population would be able to record it.

Mr. *Montagu.*

2266. You said, I think, that you made a rough shot that 10 or 20 per cent. of the population of the Central Provinces was interested in this question?—Yes; and I should like to add that, on a little reflection, I consider that a very outside estimate. I think it is much nearer 10 per cent. than 20 per cent.

2267. I am not quarrelling with the estimate. The Central Provinces contain a very considerable tract of primitive country?—Yes, and also a considerable tract of advanced country.

2268. Certainly; but parts of the Provinces are very primitive?—Yes.

2269. Would you say that the percentage of the population interested in this question is increasing?—Yes.

2270. Rapidly?—Yes.

2270A.—Supposing you wanted it to increase, supposing you would like it to increase, how would you set about increasing it?—I believe that the introduction of the first stage of responsible government embodied in the Bill must necessarily lead to a very rapid and extended interest of all classes in political matters. If you give them a vote and bring home to them that their vote is really a responsible vote, I think that must be the strongest educative influence in political matters that can be applied.

2271. Now I want to ask you a question, as a civil servant. As far as my memory serves me, you are the first civil servant who has appeared before this Committee other than members of the Government of India. Would it be fair to say that a certain amount of the hostility to the Civil Service which you spoke about, which has shown itself of recent years, is possibly due to a belief that the Civil Service were hostile to a reform of this character?—I do not think that would be a fair statement, and, if I might put forward my own view, I think that Mr. Madhav Rao's sequence of events was wholly inaccurate. I think that hostility to the Service, criticism of the Service, occurred in point of time substantially before there was any opinion evinced in the Service against reforms. I think his historical sequence was incorrect.

2272. Would you like to express an opinion—I do not want to press it if you would rather not—as to the attitude of the Civil Service, or of yourself as a civil servant?—I am in no way authorised to express any opinion in regard to the Service, and the only thing

Mr. *Montagu*—continued.

I could give would be my own personal impression of what I believe the attitude of the Service to be. In doing that I would like to distinguish, if possible, between their attitude towards political reforms and their attitude as to the effect of those reforms on their own personal interests. So far as the first part is concerned, my own belief is that the large majority, the very large majority, of the members of the Indian Civil Service loyally accept the pronouncement of August 20th in regard to responsible government. So far as regards the road by which that is to be carried out, there is a section of opinion amongst Indian civil servants who believe, and honestly believe, that the proposals embodied in the Joint Report go further than is desirable at the present stage of Indian conditions. I think their attitude also has been modified to a certain extent by the fact of the publication of the Report. Having been published, many recognise now, whatever may be the conditions in India, it would be exceedingly difficult to grant reforms that would be substantially less than those which have received the imprimatur of the Secretary of State and the Viceroy. There is another body of opinion in the Civil Service, I believe, that does not consider the extent of the reforms advocated in the Joint Report is excessive, but believe that it goes along the wrong road—that is, that the diarchy part of the proposals will make it much more difficult to work towards the goal satisfactorily than if that had been departed from. There is a third section of opinion amongst the Service, I think, which feels that the scheme advocated in the Report is justified on its merits, and that, having been published, there is no satisfactory alternative to it. So far as the personal interests of the Services are concerned, I believe that they have been genuinely frightened by the extent of the public criticism to which they have been subjected in recent years, and they fear that even with the best will on their part, and with their intense desire to co-operate in making the scheme a success, it may be very difficult for them to do so owing to racial prejudice and owing to the public statements that have occurred in speeches reported in the Press of India, as evidenced, I think, by the statement that Mr. Madhav Rao made before this Committee. It is on that ground that they desire to have certain safeguards in regard to their position in the Services. That is my personal view. I am only trying to interpret what I believe to be the opinion of the Services.

2273. Which of the three categories do you belong to yourself?—I belong to the last.

2274. I am going to put to you a question that is of great importance to me, and again I say do not answer it unless you like: Supposing you were a young man—a younger man than you are—seeking a career, would you enter the Indian Civil Service under this scheme?—Undoubtedly, and I very much regret that my services are coming to an end rather than starting.

2275. There are really before this Committee three main schemes at the present moment—two are closely related—the original scheme embodied in the Report, the scheme as modified by the Government of India, and the alternative scheme put forward by five heads of the Governments?—Yes.

2276. Would you express to us your opinion of the relative merits of those alternative proposals as they strike you?—I am opposed to the scheme put forward by the Local Governments, because I believe that it is more likely to result in breakdown than the scheme embodied in the Bill. It seems to me that if you have a scheme under which the Minister is to be responsible for every decision of the Government, that must bring the Minister into much more frequent conflict with the Legislative Council than the other scheme does, and I believe under that scheme the position of the Minister would be almost untenable, and would frequently lead to deadlocks in the Government. The point that I would like to emphasise is that, whilst I recognise all the difficulties of diarchy, I think there must be separate responsibility in some form; but, having got separate responsibility, I would like to see a Government as unified as possible.

2277. And as regards the Government of India's modifications?—My personal opinion with regard to the general line of the Government of India's modifications

Mr. *Montagu*—continued.

fications, is that it would be undesirable to accept them. I feel myself that if the scheme is to work successfully in India it is essential to have good co-operation between the official and the non-official elements in India, and I doubt very much whether you would get any real co-operation by the non-officials under the scheme advocated by the Government of India. I should like to say that there is even amongst my own Service, I know, a certain volume of opinion—I cannot say it is large—that believes the danger under this scheme is in part due to the numerous safeguards included in the scheme. I say it may be a very small section of my own Service, but some at least believe that the scheme would be more workable if the safeguards were perhaps less.

2278. Could you suggest some of the safeguards that that section of your Service would prefer to see left out? Could you give an instance?—I do not know that I have ever discussed with members of the Service the particular safeguards to be left out, but I have heard some responsible members of the Service say that if their services are to be transferred to a Minister they would rather, for their own safety, be placed entirely under that Minister, without any outside safeguards which might lead to friction, and might cause ill-feeling between the Service and the Minister. I would like to emphasise the fact that I believe that section of opinion is exceedingly small.

2279. It was safeguards of that kind that you were referring to, rather than Grand Committees and that sort of thing?—Yes. I was discussing the matter purely with Service men concerned with Service interests at the time.

2280. I have one more question to ask you. I think you have attended most of the meetings of this Committee?—Several of them.

2281. You have heard a considerable amount of evidence?—Yes.

2282. Very many of the deputations which have been represented so far before us have urged various alterations in the Bill, extensions of it?—Yes.

2283. You may have heard of some of those before, in India, or in the newspapers?—Yes.

2284. Would you join in advocating any of them?—I do not think I would like to reply generally to the question unless I were given specific instances; but so far as any general answer can be given, I believe the Bill, as drafted, embodies a liberal measure of advance at this stage towards responsible government, and I should hesitate very considerably before recommending any further advances at this stage.

2285. May I ask you on two cases as examples? It has been urged before us—I think I put this question to Sir James Meston—that the Budget should be voted under the Government of India, just as it is in the Provinces, with power of restoration. Would you assent to that?—I think not at the present stage.

2286. It has been urged upon us that when the numerical limits of the Executive Council of the Government of India is removed there should be three Indian members rather than the two suggested in the scheme. What would you say to that?—I should like to ask is that question put on the supposition that there is likely to be an increase in the number of members of the Government of India? If the Government of India is constituted as at present, with the existing number of members, I think again, at the present stage, that two Indians instead of one would be a substantial advance, sufficient until the first Parliamentary Commission.

Lord *Brodrick* (Viscount *Midleton*).

2287. Speaking of the communal feeling which has been roused by these proposals, did any such feeling manifest itself over the Morley-Minto proposals?—None whatever, so far as I know.

2288. The feeling which has been roused is due to a sense that very much larger issues are involved?—Yes.

2289. Do you think that the magnitude of the subjects which are proposed to be transferred under the Montagu-Chelmsford scheme is appreciated by the vast mass of Indian subjects?—By the vast mass of Indian opinion, certainly not.

Lord *Brodrick* (Viscount *Midleton*)—continued.

2290. Take the classes who you state are interested in them at present, do you think they fully appreciate the magnitude of the transfer which it is proposed should take place?—I doubt it. I do not think that even some of the politicians realise the very great volume of Government business and power which will be granted to them by the transfer of the subjects recommended by the Functions Committee.

2291. Do you think that can be realised until the Assemblies have actually met, and found what they may have to deal with?—No.

2292. And still more, I suppose, any questions which might be brought up at elections will be in their infancy—questions on which there may be difference of opinion will hardly have developed?—I think not—not for some years.

2293. Is it your opinion that the majority of the questions in which public opinion may become interested will involve finance?—Undoubtedly.

2294. There is no considerable financial margin at present in the Provincial Budgets, is there?—No.

2295. Therefore, if any considerable extra expenditure is involved there must be increased taxation?—Yes.

2296. Have you ever seen any scheme responsibly put forward for largely diminishing expenditure?—I have seen many schemes put forward by Indian politicians—perhaps not schemes, but criticisms of particular Departments as being extravagant, and of it being possible to save substantial sums out of the existing expenditure; but I honestly believe that those are wholly illusory. Further, I believe that under a system of the Joint Purse, where the non-official element is brought into close touch with the finance of the reserved Departments, they themselves will clearly realise, when they get into touch with the details, that any large savings are impossible.

2297. You were a member of the Royal Commission on the Public Services?—Yes.

2298. And you also presided over a Commission to inquire into the Roads and Bridges Department of Public Works?—Yes.

2299. You have had an opportunity of estimating in those capacities the work of others than the Indian Civil Service?—Of other Services in India, yes.

2300. What has been your general experience of administration by others than the Indian Civil Service; has it been more economical than that of the Civil Service?—So far as economy is concerned, I would say certainly not.

2301. There are many admirable skilled Indian engineers in the Public Works Department. Are works carried out by them more economically than those carried out by the engineers who are recruited from this country?—If I understand your question aright, it is whether the work carried out by the Public Works Department of the Government is more or less economical than the work carried out by public contractors for private individuals?

2302. No. There is an infusion of Indian-born engineers in the Public Works Department?—Yes.

2303. It has been pressed upon us that there ought to be a much larger infusion. What has been your experience of the economy of works carried out by Indians rather than by British engineers? Is the one superior to the other, or do you see any change in economy?—I think not. The works of the Public Works Department are always carried out on a schedule of rates fixed for the district which, so far as I am aware, does not vary in any way as to whether there is a British engineer in charge or an Indian engineer in charge. I think they both do their best to carry out the work as economically as they can.

2304. Have you any fear of a lapse in economy if there is a large transfer of services of various descriptions from the present hands to a Legislative Assembly, or to the nominees of a Legislative Assembly?—A lapse in economy? That there would be more extravagance in administration?

2305. Have you a fear that they will be more extravagant?—No, I have none. The fear, if there is any, is not that they will be extravagant, but that the standards may perhaps be lowered.

2306. Do

Lord *Brodrick* (Viscount *Midleton*).

2306. Do you think the trend of elections in India in local matters has been towards economy?—Whether local bodies in India manage their concerns with reasonable economy—is that the question?

2307. There has been considerable transfer in India, in the last 30 years, of municipal powers to municipal authorities—elective authorities?—Yes.

2308. Have they been, on the whole, more economical than the previous authorities?—In my own Province, of which alone I have any intimate knowledge, the works carried out by the municipal authorities and district authorities, local bodies, have largely been carried out on their behalf by the Public Works Department, because they have no separate machinery to carry out big works. So far as small works are concerned, which have been done by their own staff, I certainly do not think that they have been carried out any more economically as regards expenditure than would have been done by the Public Works Department.

2309. What I really want to arrive at is this: The result of popular election in Europe is not always economical. Do you not think that there may be considerable difficulty on the part of representatives in these new Legislative Assemblies in resisting the demands for what would seem to you extravagant expenditure on services which may be in themselves very desirable? Will there not be great difficulty in getting the Budget in hand?—On the general principle I doubt very much whether there will be any tendency towards more general extravagance, but so far as one can prophesy in regard to the future, I am inclined to believe that the object, the desire of the future Councils in India, will be to spend more sums on some branches of the administration and less sums on others; that there will be a difference in the point of view taken by the largely increased Indian element in the Councils from what has hitherto been the point of view of the Government.

2310. I gather it is your view that finance is one of the questions on which a strong hold must be kept in the interests of India itself?—Yes.

2311. And therefore those who ask for full responsible government at once really lose a very valuable check. Do you know the system of British Local Government at all? Are you aware that there are checks kept on the expenditure of muncipal authorities by the Central Government—by the Local Government Board?—Yes, I have some knowledge of that system.

2312. Do you think it would be unreasonable, at all events for some time, to have a similar check by the Central Government, or by the Governor, on expenditure tending to be excessive?—I think it would be very undesirable in the interests of India if Provinces were to be subject to such detailed checks and control as local bodies in England are subject to by the Local Government Board. So far as the Bill is concerned, there are already embodied in it several provisions which act as safeguards, checks in regard to the management of the finances by the Legislative Councils, and I think that those safeguards are adequate.

2313. Subject to financial considerations, I gather you do not in any case favour the scheme of the five heads of Government, but that you would prefer the Government of India's scheme as regards finance. You do not like the division of the Budget into two parts?—That is so.

2314. You think there must be one Budget?—Yes.

2315. Can you tell us how, if there is to be one Budget, you can arrive at that unless by the Governor's veto? Do you think that the setting up of any form of Committee, with a view to the Legislative Council's decision, will have the same force as the Governor's veto?—As I visualise the work of the Budget under the scheme embodied in the Bill, there will be joint deliberation by both halves of the Government in the preparation of the Budget; there will be certain obligatory items of expenditure which must be made. There will then be a certain balance available for other expenditure. I contemplate that the joint deliberation of the Government will ordinarily arrive at an amicable settlement as to what purposes that money shall be devoted to. So far as the Legislative Council is concerned, if their action is found to be impossible from a financial point of view I think the safeguards in the Bill are sufficient control over them.

Lord *Brodrick* (Viscount *Midleton*)—continued.

2316. Would you have favoured a more simple division of power; would you have regarded it as possible, apart from finance, to retain certain powers entirely in the hands of the Governor and to, so to speak, allow the Ministers to deal even more freely than is proposed with a less number of subjects. Would you have regarded that as a feasible alternative?—So far as the proposals for the transfer of subjects are concerned at present, I think the Minister is put into a position of substantial responsibility, but not of complete responsibility. I do not believe that a system could be worked in India, under present conditions, under which certain subjects would be wholly free from all control by the Central Government or any superior authority, and other subjects would be wholly under the control of the central authority or governor. It does not seem to me to be a feasible scheme under which you are going to have the functions of the Government divided absolutely to the extent that one-half may carry out wholly at their pleasure, and the other half may carry out wholly at their pleasure.

2317. Whatever form this Bill takes ultimately, what is the period you yourself would favour for reviewing it?—I am certainly opposed to the recommendation made in the Report that there should be an opportunity for a review of the system at the end of five years. I would like to see no less period than that stated for the Parliamentary Commission which is, I believer, 12 years, and will give experience of the work of at least three Legislative Councils. If I have not made myself clear, I meant to suggest that I consider there should certainly be no possibility of review, or further expansion, under a period of less than 12 years, and then by a Parliamentary Commission.

Lord *Sinha*.

2318. It is 10 years in the Bill?—Yes, and about two years deliveration—it will be about 12 years before a change will be introduced.

Lord *Brodrick* (Viscount *Midleton*).

2319. Do you think that under any circumstances, if a period like 10 years is fixed, that Indian opinion will fix itself upon the work to be done, and not on fresh concessions to be obtained during the 10 years?—I hope very much that Indian opinion will fix itself upon the work to be done, because I think they will be shrewd enough to see, and the services will be shrewd enough to see, that whatever further advance is to be made will be based on work done.

2320. I suppose you hold that further concessions will depend largely on the use made of the existing powers?—Undoubtedly.

Mr. *Acland*.

2321. With regard to the Franchise, you said at the previous meeting, if I remember rightly, that you thought the Provincial Governments might have managed to administer, in some cases, a wider Franchise than is actually proposed, and you have said to-day that the wider the Franchise no doubt, within certain limits, the greater the security against undue influence?—Yes.

2322. But considering the power of extending the Franchise from time to time, as experience shows to be desirable, do I gather that you are personally satisfied that you are beginning in each case with a Franchise as wide as can reasonably be expected?—The answer to which you refer was, I believe, limited to the case of one specific Province, the Punjab, and there I expressed my personal view only, that I thought the Local Government could have carried out an election with a larger electorate than is provided in the proposals, but at the same time the Local Government would not guarantee to carry out the election on any wider basis of Franchise, and therefore I think it would have been unsafe, at least for me, to force my personal opinion against the Government's.

2323. And if you were in charge you would be content to begin with that restricted Franchise, knowing that it could be extended?—If I were in charge of the Punjab?

2324. Yes?—I find it very difficult to say. I would rather not give an opinion, if you do not mind, because I do not know the conditions of the Punjab sufficiently intimately to be able to state with any confidence.

2325. You

Lord *Islington.*

2325. You were asked several questions about the financial arrangements, and you told us that you were opposed to the proposal of a separate purse?—Yes.

2326. Am I right in drawing the impression that you said you accepted the proposal that for further taxation the responsibility should rest on the Minister?—No. So far as that proposal is concerned, the recommendation that I wish to make to the Committee is that taxation should be imposed only after joint deliberation by the whole Government, but that each half of the Government should have the right to make proposals for further taxation for its own needs. I think it would be wrong to restrict the official half of the Government so that they would have no power of proposing taxation to the Legislative Council.

2327. In other words, you would suggest that the question of taxation should be the composite result of Cabinet decision—a unified Cabinet decision representing both branches?—I wish it to be the result of the joint deliberation of the whole Cabinet; but I wish to have separate responsibility on the Minister for the taxation required to meet his policy, and separate responsibility on the official Government for any further taxation required to meet their policy.

2328. You want to see within the Cabinet a certain discretion for the respective branches in regard to their respective services?—Yes.

2329. I am accurately interpreting you there?—Yes.

2330. I should like to carry this point further, because it is very important. As regards the actual proposals of the Legislature would you desire to see the ordinary procedure conducted in India as we understand it in England, and as it is practised in England—namely, that in matters of finance the Chancellor of the Exchequer deals with the whole of that matter, investigates it, and then puts forward his proposals, if more money is wanted, to the Cabinet. The Chancellor of the Exchequer then in turn is the exponent of the policy to the Legislature, and not an individual Minister holding another portfolio?—That is so.

2331. Is that what you would desire to see carried out in India—something on those lines? The Finance Member would be the Minister undertaking the actual introduction and proposal to the Legislature?—For additional taxation?

2332. Yes, and all matters connected with the Budget?—I would like to see in India each half of the Government responsible before the Legislative Council for any proposals for taxation that are put before that Council. I would not like to see a separate Finance Minister responsible for the taxation of both halves of the Government.

2333. I am looking at it to see how it would work in practice. You would like to see a Minister—the Minister for Education—assuming for the time being the position of Finance Minister, introducing taxation to the Council; but before he does that he has got to get the whole of the financial knowledge and all the pros and cons connected with it. Would he not have to go to the Finance Department for that?—To take the illustration of education, if there is to be any very large extension of education, for instance, the introduction of a measure for compulsory education involving very largely increased expenditure, under the ordinary conditions in India, that would be embodied in a Bill which would lay down firstly the conditions under which compulsion could be exercised, and, secondly, would contain clauses providing for the raising of funds by taxation for the amount it was estimated it would cost.

Lord *Islington*—continued.

2334. That would be a very unusual course, would it not, having regard to our procedure here?—Yes.

2335. You would like to see that introduced in India? Do not you see obvious difficulties if that were so?—That is the system at present in force in India.

2336. Do you think it is a good one, that the expansion of a Department is to depend upon the individual taxation which will be levied by that Department?—Not wholly responsible, certainly not. On this matter they will say: "The estimated increase of expenditure on education is so much; a portion of that can be met out of the ordinary revenues of the country; for the balance we will impose a local tax under the Bill."

2337. And for the time being the Minister for Education becomes the Chancellor of the Exchequer, and asks the Council to accept his proposal to that extent?—Yes, after joint deliberation by the whole Cabinet in the subject; he is in possession of the views of the Cabinet on the subject.

Lord *Sinha.*

2338. You are familiar with Clause 9 of the Bill?—Yes.

2339. "Provided that (a) The Local Government shall have power, in relation to any such resolution, to act as if it had been assented to, notwithstanding the withholding of such assent, if the resolution relates to a reserved subject, and the Governor certifies that the expenditure provided for by the resolution is essential to the discharge of his responsibility for the subject." That is Proviso (a) to Clause 9 with regard to reserved subjects?—Yes.

2340. That is considered a very fundamental part of the scheme of the Joint Report by Indian opinion, namely, that they should have the power subject only to the Governor's right to alter it?—Yes.

2341. You heard Sir James Meston's evidence, did you not?—Partly.

2342. Namely that that should be altered; Proviso (a) should be altered so that the Legislative Council should only have the power, which they have now, merely to recommend with regard to reserved subjects?—Yes.

2343. Do you agree with that view yourself?—No. I consider that the power of restoration given by the Proviso to the Governor is sufficient to secure reasonable financial facilities for reserved subjects, but I would like to add that this power of restoration will be, I hope, a living power, not merely a nominal one.

2344. I suppose you also hope that the Legislative Council will not refuse to pass allotments unreasonably?—Yes, certainly.

2345. Now with regard to the attitude of the Civil Service, you have described certain sections as holding certain opinions. May I take it that the Civil Service, as a body, is convinced that there must be a substantial reform in the sense of popularising the Government?—Yes.

2346. And the only difference of opinion between them is as to the particular method by which that popularising is to be obtained?—And to its extent.

Lord *Brodrick* (Viscount *Midleton*).] We are much obliged to you for your evidence.

(*The Witness is directed to withdraw.*)

Mr. RICHARD FEETHAM and Mr. H. L. STEPHENSON, C.S.I., C.I.E., are called in; and Examined, as follows:—

Lord *Brodrick* (Viscount *Midleton*)—continued.

2347. You were members of Lord Southborough's Functions Committee?—(Mr. *Feetham.*) I was Chairman of the Functions Committee, and Mr. Stephenson was a member. Lord Southborough was President of the whole Inquiry.

2348. You have laid before us in a memorandum your criticism of the Government of India's views on your Report, and we have those before us?—Yes. (*See* Appendix F.)

2349. Is there any particular point in that memorandum to which you want to direct specially the attention of the Committee?—No; I do not know that there is any point in the memorandum itself to which I particularly wish to refer now. I think that the memorandum, with regard to the points raised by the Government of India, speake for itself.

Lord *Brodrick* (Viscount *Midleton*)—continued.

2350. I will not ask you to go through it paragraph by paragraph, because we have it before us; but if there is any particular subject on which you wish to make a statement first of all before you are examined we should like to hear it?—There are one or two preliminary

Lord *Brodrick* (Viscount *Midleton*)—continued.

liminary points that I should be glad to mention, and one or two matters, I think, it might be convenient to clear up. I do not think it is necessary for me to make any statement about the procedure of the Committee. That is partly covered by what Lord Southborough has said. Our procedure and the material upon which we had to go appear from the terms of the Report itself. I should like to draw attention to the fact that our reference involved a consideration of two distinct problems: First, the question of the division of the functions of Government between the Central Government and the Provincial Governments, and, secondly, the division within the Provinces of the functions of the Provincial Government into two classes, reserved and transferred. In connection with the first problem, we had to advise as to the powers of control, which should be retained by the Government of India in relation to Provincial subjects. In connection with the second, we had to advise as to the power which should be exercised by the Governor in Council in relation to transferred subjects. Certain paragraphs of the Joint Report were specially prescribed for our guidance, and the two illustrative lists were commended to our consideration. Apart, of course, from those paragraphs and those lists we had to take the Joint Report and the scheme which it set out, as our basis, we could only deal with the question in relation to the scheme set forth in the Joint Report. As to the composition of the Commtttee, as this Committee is aware, the Committee consisted of three members of the Indian Civil Service, and three Indian gentlemen, and myself as Chairman. Of the three Indian gentlemen, one was a Mohammedan and the other two were Hindoos. Now it will be seen that our Report is a unanimous Report, subject to certain notes of dissent, which appear in the body of the Report itself. They are very few in number. I do not know that I need specially refer to them; the Committee have them in mind; but there is one paragraph, which, though not a paragraph of dissent, is a paragraph expressing the desire that the Committee might have arrived at another conclusion, to which I think I ought to refer, as it has been referred to in evidence which has already been given here. I am referring to paragraph 46 of the Report, which states the views of three of the members of the Committee on the subject of land revenue. The three members of the Committee are Sir C. H. Setalvad, Dr. Sapru, and Sir Rahim Bakhsh. It was urged that land revenue administration and irrigation should together be made transferred subjects in Bombay, subject, in the case of the last named, Sir Rahim Bakhsh, to the exception of Scinde. They did not formally dissent on the point, but, as will be seen in that paragraph they recorded their desire for transfer in the special case of Bombay, and they expressed their earnest hope that in the next revision of the constitution the whole question would be thoroughly investigated with a view to making land revenue administration a transferred subject, not merely in Bombay, but in the rest of the Provinces. This paragraph, I notice, is referred to in the Memorandum put in on behalf of the All-India Conference of the Moderate Party. It is referred to in paragraph 17 of the Memorandum, and it was also referred to in Mr. Banerjea's evidence. It has been suggested, I notice, that this paragraph was framed on the understanding that this thorough investigation to which it referred would take place at the end of five years, and reference has been made in this connection to the proposal in paragraph 260 of the Joint Report as to the Government of India hearing applications from either the Provincial Government or the Provincial Council for the modification of reserved and transferred lists of the Province after five years. I cannot, of course, say how far the expectation of reconsideration at the end of five years weighed with the members responsible for the paragraph in question in setting out their view as it is set out in that paragraph. I must say I did not myself take the next revision of the constitution as applying to the proposals for the interim consideration of the transfer of further subjects proposed in paragraph 260 of the Joint Report; but the paragraph must speak for itself, and its meaning is a question of interpretation. Apart from that paragraph, in the Moderate Memorandum, I noticed a passage in Mr. Banerjea's evidence to which I think I ought to refer, in which he says this. It is on page 71, Question 1333: "The Functions Committee make it quite clear that in regard to at least one important branch—namely, land revenue, which is now a reserved branch—their view would have been different if, instead of five years, the period of ten years had been fixed." The punctuation in the Minutes of Evidence is not quite clear, but that is how I understand it is intended to read. I am referring to what is called the Revised Copy. Mr. Banerjea no doubt had not got the Report before him when he made that remark in reply to a question, but it will be seen that that statement which I have just read from his evidence, as reported, goes quite outside the terms of the paragraph of our Report, and, so far as it goes outside the paragraph, it is mistaken. As this point has been raised as to the understanding or the expectation of a revision after five years, on the basis of which it is said, in the Memorandum to which I have already referred, the Moderate Memorandum, that the report of the Functions Committee was framed, I think I should say just this. According to my recollection, the discussions of the Functions Committee did not show that the prospect of revision of the list of transferred subjects at the end of five years was prominent in the minds of the members. But it is, of course, the plan recommended in paragraph 260 of the Joint Report. It had not been officially abandoned in any way at the time of our investigation; but, as far as I personally was concerned, I confess that I was inclined to assume that this proposal as to the five years' provision was unlikely eventually to be adopted.

2351. You look to a longer period?—Yes, I look to a longer period, and it seemed to me desirable that the transferred list which we had to prepare should be prepared on the basis that it would have finality until the first inquiry by a statutory Commission. That was my personal view.

2352. Is there any other point you would like to bring forward?—I think the only other point I need refer to now is as to the question of the lists which are included in the Report of the Functions Committee, and on which a number of detailed criticisms have been made by the Government of India. Those criticisms are discussed in the Memorandum which Mr. Stephenson and myself have signed, and of which the Committee has a copy.

2353. What paragraph?—Part II. of the Memorandum, page 11. I should like to call attention to a statement we have made there, a statement to the effect that we anticipated, as appears from paragraph 13 of the Report, that these lists would require some amendment in the light of Government criticism when received. That refers to the lists of All-India and Provincial subjects. I should draw a distinction between those lists and the list of transferred subjects. The various amendments proposed by the Government of India, which are subsequently discussed in a later portion of our Memorandum, have been the subject of consideration and discussion in a Committee of the India Office, of which I have been a member, or the meetings of which I have attended, and as a result of those discussions certain amendments have been introduced, and revised lists have been prepared in which some of the points raised by the Government of India are met by changes which are mostly changes of detail. I have here those revised lists, and it may be convenient that I should hand them in.

Mr. *Montagu.*] If I might make an explanation at this stage, we refer in our deliberations to this Reforms Committee, but it has never appeared on record. It is an informal committee of fluctuating composition presided over by Mr. Charles Roberts, which has been sitting for the last year and a half with a view to advising the India Office about the various documents which appear either in this country or in India in order that we may concert the evidence which we should lay before this Committee, or the attitude we should take up as a Government on this Committee. It seems to me that this list, as modified by that Committee, would be a suitable basis for discussion in this Committee, and therefore I should be very glad if Mr. Feetham could be allowed to hand it in.

Lord *Brodrick* (Viscount *Midleton*).

2354. I think the Committee would like to have it. Perhaps you will hand it in?—Yes. I have here copies of

Lord *Brodrick* (Viscount *Midleton*)—continued.

of two lists, as revised. (See Appendix.) I have also copies showing the actual alterations introduced in the lists as proposed by the Functions Committee.

2355. Do you wish to say anything more in examination in chief?—No. Perhaps I ought to say that these amendments, which have been introduced in the revised lists, have my personal concurrence. I have been a party to the discussions at which they were made, and we recognised that those lists would be subject to revision in detail. I think the amendments now introduced are improvements, and may be regarded generally as carrying out in clearer terms the intentions of the Functions Committee.

Mr. *Montagu.*

2356. I only propose to refer incidentally to the paper which you have handed in. I gather that the alterations which have been made have been almost entirely explanatory, and very largely drafting alterations?—Yes.

2357. There is no difference in principle between this list and the old list?—I think that is correct. There are minor adjustments which I could deal with in detail so far as the Committee wish, but I do not want to go into the details unnecessarily.

2358. Can you draw our attention to the most important ones?—If I may take the copy which shows the amendments approved by the India Office Reforms Committee. Those amendments are distinguished in the copy I have before me by italics where words have been added, and by brackets where words have been omitted.

2359. I have not that copy before me. I will postpone that question for the moment. I would like to ask you something about another point which is made by many critics of the work of the Functions Committee, that except for two or three very minor points there is no differentiation beween the Provinces. I think I am right in saying that you recommend the transfer of Forests in Bombay, that you make certain special reservations in Assam, and that for a particular reason you make a specific reservation in Bengal, except for those three things, the list of reserved and transferred subjects is, I think, the same in all Provinces?—Yes.

2360. Would you mind accounting for that a little?—When I first approached the subject of this Inquiry I expected that we should find we ought to make greater differentiation between the Provinces in the transferred list than we have made. When we came to deal with the subject it was difficult to distinguish in detail the conditions of the different Provinces in such a way as to justify different conclusions as to transfer. There was a very obvious difference between Assam and the other Provinces, mainly due to the condition of things illustrated by the large map which is included in the Blue Book giving the views of the different Local Governments on the scheme of the Joint Report, and which shows how the backward territory in Assam is arranged. The more advanced portions of the Province consist of two valleys, which are separated from one another, and hedged in by hilly country, where, speaking generally, the population is backward, and where it was contemplated that special provisions would have to be made on the lines of the proposals contained in the Joint Report as to excluded areas, and the existence of that special condition of things in Assam, as explained in our Report, led us to reserve certains subjects in that Province which are transferred in other Provinces. That was a clear case. Generally speaking, as I say, it was difficult to find conditions which justified different conclusions as to transfer, and we were faced with this difficulty, it was clear from the evidence before us that distinctions made in favour of one Province and against another, where there was not some clear case that could be pointed out, were certain to cause difficulty. The Province which did not get as much would consider that some slight had been put upon it, and conditions would be produced favourable to agitation and unrest until the change had been made putting it on the same footing as the more favoured Province. We felt, therefore, that unless there was a good case it was undesirable to make the differentiation. At the same time we felt that an automatic differentiation

Mr. *Montagu*—continued.

would result owing to the different stages of political development reached in the different Provinces. In the more advanced Provinces the Legislative Council would be in a position to exercise greater influence over the administration of the Province. As the Council became more representative in character, and acquired greater political experience, this influence would, in the natural course of things, be increasingly recognised both by the official Government of the Province and by the Government of India..

2361. My next question is about land revenue. Can you tell me why it was that your Committee rejected the proposal to transfer land revenue in any Province?—Yes. That is, of course, a question which raises a number of issues. As will be remembered, land revenue is specially referred to in the Joint Report on this question of transfer, and it is suggested there that it is not a subject which will be suitable for transfer at the first stage. That view, I think, was, speaking generally, the view of the Committee. Some members, as I have already mentioned, urged the transfer of land revenue in Bombay on the ground that the conditions in Bombay were special. One reason for not transferring land revenue mainly affects the Provinces which are not ryotwari, that is Provinces where the questions of landlord and tenant are very important; it was felt that until these new Councils had been elected, and until some experience had been obtained of their work, and of the way in which parties and interests would be represented, it was inadvisable to bring that subject into the political arena. In the case of other Provinces where those considerations did not apply, the transfer of land revenue was, of course, a very big question; it would involve a far-reaching change; and it was thought that at the outset such a far-reaching change should not be introduced until experience had been gained as to the working of this reform scheme. But apart from that there was this consideration, that the present system of dealing with land revenue is a system which is peculiarly unsuited to conditions of Parliamentary control. The settlement of a district except where the permanent settlement prevails, as the Committee knows, is revised from time to time; a district or a portion of a district is taken, and an elaborate report is made and the assessment is made afresh. And this is done in accordance with rules and principles which are, I believe, well understood by those who do the work. They are elaborated in great detail, but it is done simply by the authority of an Executive order. It seems to me, and I think it seemed to other members of the Committee, that it would be very difficult to ask a Parliamentary body to deal with the question of land revenue as long as it depended, to the extent it does to-day, on executive order, that is as long as the re-assessment of particular areas depended simply on an executive order and not on legislation. To alter that arrangement of dependence on executive order by requiring a separate Bill to be introduced wherever there was a re-assessment would, I think, obviously be an undesirable plan, because it would set the interests of one district against another, and it would be inviting a popular body to do work which a popular body is not by its nature fitted to do. If I may express my personal opinion, it seems to me that before the land revenue could be regarded as a subject suitable for transfer its administration must be put far more on a statutory basis than it is to-day. In some Provinces there are Statutes governing in very general terms the arrangements about land revenue and the conditions as to re-assessment; in other Provinces there are no Statutes at all. Until the matter has been more fully dealt with by Statute it seems to me that it is not a suitable subject for Parliamentary control.

2362. Therefore, I take it that as all the subjects which you have reserved are destined as soon as may be to become transferred, you regard it as essential that the land revenue system should be investigated and modified?—I would prefer simply to say that I think it must be put much more fully than it is to-day on a statutory basis before it can be regarded as a subject ripe for transfer.

2363. My last question on this general point is this. You were bound strictly to complete a scheme in the preparation of which you had no share; did you form any views during your very limited work in India as to the scheme itself, as to its practicability and so forth?—Naturally

Mr. *Montagu*—continued.

—Naturally, I had some views during the time I was in India and subsequently. Do you wish me to state them?

2364. Would you wish to express them?—The view that I should like to express is this. My study of the subject has failed to satisfy me that there is any alternative scheme to the scheme of the Joint Report which is as promising a method of carrying out the terms of the pronouncement of the 20th August, 1917.

2365. I gather from the list you have handed in that you are unmoved by the big suggested alterations of the Government of India. You do not wish to divide education?—No. I adhere to the proposals of the report of the Committee, especially on this question of transfer. As I said, the other lists are subject to certain adjustments which have now been suggested. On the question of transfer I adhere to the recommendations of the Committee. I think it may fairly be said that in making those lists of subjects to be transferred at the outset the wisest course is to err on the side of liberality rather than on the other side. That is the point of view from which I dealt with the question. As I say, I think the scheme, with such lists of transferred subjects as we have proposed, is the most promising scheme for giving effect to the announcement of policy made.

2366. You never contemplated, apparently, a separate purse in the Provinces?—The position with regard to that is stated in one of the later paragraphs of the Report. We had before us at rather a late stage in our proceedings some proposals embodied in a Memorandum from Sir James Meston as to the adoption of what is called the separate-purse system, and the Committee stated in Paragraph 84 of their Report that they did not feel they were in a position to express any opinion upon those proposals. They neither accepted them nor rejected them. Their own proposals on the subject of finance were directed to working out the scheme on the basis laid down in the Joint Report in the way which seemed to them to be the most likely to prove satisfactory.

2367. You have had considerable knowledge and experience of constitution building in South Africa, have you not?—Well, I do not know that I can claim that I have had considerable experience in constitution building in South Africa. I have lived in South Africa for the greater part of the last seventeen years, during which time a great many constitutional changes have taken place in which I have been closely interested.

2368. You hold a position now under the South African Government, do you not?—I am a member of the South African Parliament.

2369. Were not you concerned either with the Bill for the Union of South Africa or one of the instruments of the present constitution of the Provinces in South Africa?—I was not directly concerned with the preparation of the Union Bill, though I was in South Africa when the whole thing was being discussed.

2370. What are your views about the separate purse now?—I recognise the strength of the case for providing an alternative to the joint-purse system. I am not satisfied that it would be a good plan to force a separate purse on all the Provinces at the start. I think it is true that the working of the joint purse may prove very difficult, and that in view of the difficulties that may arise in the working of the joint purse a way out should be provided. As far as my study of the question goes (the limits of which the Committee understand, because I was new to India when I went to take part in this inquiry), the view which I am disposed to take is that the best plan would be to provide machinery whereby a separate-purse plan could be adopted in any Province on the initiative of the Governor.

2371. If a separate purse was ever adopted in any Province would you contemplate taxation through a Grand Committee?—If you have a separate purse in accordance with the general idea of the Government of India scheme, and thereby the resources of the official side of the Government responsible for reserved subjects are definitely restricted, I think that they must have the necessary powers to get the funds that they require for the purpose of carrying on their administration. It may be that the resources assigned to them will prove insufficient, and if they should prove insufficient they must be in a position to get the additional revenue required.

(*After a short adjournment.*)

THE RIGHT HON. THE EARL OF SELBORNE IN THE CHAIR.

Sir *Henry Craik.*

2372. (To Mr. *Feetham.*) In your Memorandum of 16th July, 1919, Mr. Feetham, you deal very largely with the Education question and as to the extent of the transfer of education?—Yes.

2373. And you say that the large proportion of the evidence offered to you was about that?—With regard to the question of transfer, more attention was paid to that subject, or as much, as to all the others put together, I think we say.

2374. You found great difficulty in meeting the view of the Government of India that there should be a separation of parts of education?—Yes.

2375. You are opposed to that?—Yes.

2376. You think—and, if I may say so, I quite agree with you—that it is very difficult to divide primary and secondary education; they necessarily overlap, and they are part of the same machine?—Yes. It seemed to us that it was impossible to make any satisfactory division of the subject as a provincial subject.

2377. Primary education must be divided into education which is to end at primary education, and that sort of primary education which is only an introduction to secondary education?—Yes.

2378. Therefore you cannot divide primary education altogether, up to a certain point, as a separate subject?—No; but, as pointed out in this Memorandum, many of the secondary schools in India have primary departments, and thereby, so to speak, feed themselves with recruits from their own primary departments.

2379. That is so in India, as in other places?—Yes; but at the same time, as pointed out in this note, there is a stream of pupils from the primary schools to the secondary schools, and the primary schools therefore cannot be regarded as a self-contained unit.

2380. Besides, a large amount of primary education is carried on as preparation for higher education?—Yes.

2381. In that I quite agree with you, if I may say so. But, while opposing the division, do you not to a certain extent, in your own Memorandum and in your Report, give effect to it?—If we take the definition we have given of education as a Provincial subject, we separate off certain institutions. That, of course, is a comparatively simple process as long as the class of institution is not too wide, and this is very limited in class.

2382. What were the motives which made you suggest that separation?—The reason in the first case—that of the Benares Hindoo University—is that that does not belong to any Province.

2383. But it goes further than that. In the case of Bengal, for instance, for a period of five years you subject Provincial legislation to Indian legislation with regard to the whole control and organisation of education?—I was taking the points seriatim. I took the first point with regard to the All-India Universities. There is only one at present. Secondly, there is the question of the Chiefs' Colleges, which naturally goes with the work of the Central Government in relation to the Native States. Then there is the point which you mentioned with regard to Bengal. There we do not divide; we can hardly be said to divide the administration of education. We reserve legislation with regard to the Calcutta University, and with regard to the control and organisation of secondary education in Bengal to the Central Government to this extent, that the Provincial legislation on that subject must receive previous sanction, and that it is a subject on which in spite of any convention restricting the exercise by the Central Government of its power to legislate on Provincial subjects, on this part of education in Bengal the right of the Indian Legislature to legislate for a period of years is formally recognised. The reason for that is that there has been

sitting

Sir *Henry Craik*—continued.

sitting for some time an important Commission presided over by Sir Michael Sadler to inquire into the Calcutta University, and incidentally dealing also with the question of the secondary education of Bengal. That Commission was appointed by the Government of India, and the Government of India have given undertakings with regard to carrying out by legislation the proposals of that Commission, in so far as they were arrived at unanimously. We were supplied with portions of the Report of that Commission, and it was apparent that the conditions of Bengal were special, and that provision should be made to enable the Government of India, through the Indian Legislature, to carry out the proposals of the Commission. That is as regards legislation. That does not mean that the Government of India will take over the administration of the Calcutta University and of secondary education in Bengal for that period. They may reserve to themselves certain powers during that period by the Bills they invite the Indian Legislature to pass, but it leaves education a Provincial subject for the purposes of administration, subject to any special powers which the Government of India may in these Bills think necessary for a period to reserve to themselves.

2384. Am I right in understanding that there is a separation made chiefly to keep free a path for any recommendation that may be made by the Commission presided over by Sir Michael Sadler?—Yes, to enable the reforms recommended by that Commission to be carried out by the Authority which appointed that Commission through its own Legislature.

2385. Surely that procedure is not quite proportionate to the object of a great national reform. Several suggestions are made on a large national basis, but I see you make a particular recommendation in order that, as I understand, the Report which may be made by the Commission may have the ground left free for it?—Yes.

2386. You are rather getting down to a different level?—I do not know that we are. As was mentioned just now, this is one of the points in which we have differentiated between Provinces, and we thought that there was a clear case for differentiation in this particular matter.

2387. Why in the case of Bengal more than any other?—It would probably be better for the Committee to have evidence about the condition of education in Bengal from Sir Michael Sadler or some member of the Commission. I would prefer not to sketch the special conditions existing there.

2388. There were dangers which you foresaw with regard to Bengal?—Certain troubles which existed, and which required strong measures to remedy.

2389. Taking education as a whole, which part of it do you think is most important in the interests of the whole population? Would you agree with me in saying that primary education is of far greater importance as an instrument for raising the people than any class of secondary education?—I feel great difficulty in discriminating, because primary education cannot exist apart from higher education.

2390. Surely the education which deals with the vast mass of the population is in itself a larger subject of government than merely when it deals with the higher or university education. It is a larger function of government?—It is inconceivable that you can have a satisfactory primary system with a bad higher education system, is it not?

2391. While they are essentially parts of one subject are there not certain distinctions which are especially important with regard to primary education and secondary education? Surely, with regard to primary education, the whole you want to do is to develop technical education, to modernise education, to make the people adaptable for their class in life as workmen and citizens, and for that they must to a large extent follow Western models for primary education if you are going to develop technical education?—I should hesitate very much to appear to dogmatise about educational development in India.

2392. On the other hand, with regard to secondary or higher university education, is it not there that you would much more develop the peculiar genius of the Indian people, and is it not there that you would rather leave free scope for the development of that

Sir *Henry Craik*—continued.

genius on its own lines?—To-day the system of education which has been established under the British rule in India is a system which is inspired mainly from Western sources.

2393. Has not that been the great error of that higher education all through, that it has been developed from Western sources? Has not that been the cause of our failure in the past, from Macaulay downwards, that we have tried to develop that higher University education on Western models, and not to develop the peculiar genius of the Indian people?—I am not prepared to say; I should require——

2394. Have you not found that to be so when you were in contact with many of the most experienced education administrators? Did they not tell you that?—I cannot say.

2395. Some of them, at all events?—I was aware that such a view was held, but I cannot at present recall that any witness who appeared before us pressed that view upon us.

2396. It is presumptuous on my part to offer an opinion at all upon the subject, but surely anyone who is accustomed to Western schools, and the development of Western primary education, has been impressed when he has gone into these earlier schools in India, with their utter failure, to a large extent, to do the work which primary education is expected to do?—It was apparent from the evidence which was given before the Functions Committee that primary education to-day in India very largely failed of its objects, mainly, I think, owing to the fact that the teachers employed in primary schools had not had the training, and were not of the quality which was essential.

2397. I was impressed in any of the technical primary schools I went into by finding nothing higher than what would have been considered kindergarten work in our own schools here?—I was not able to go into the schools myself, speaking generally. I went into one or two.

2398. Surely, in that earlier education, what you want is the administration faculty, the habit of the administration faculty, and the development of the new, and admittedly rather Western, type of education, whereas in the case of the higher education you want the help of those who have rather studied the development of the higher genius of the Indian people?—No doubt you want those who have studied the native genius of the Indian people, but I think higher education, as things are now in India, must depend very largely on Western inspiration.

2399. I am very sorry to hear you say so, because it is very much against my own view, and very much against the hopes I have, although I am speaking only, as I say, as an ignorant person, but I speak with more confidence with regard to primary education, where I am certain that what is wanted is the higher administrative faculty. Do you think that instead of dividing those two, or attemping a division between higher and primary education, you could not manage to leave, as is done in this country, and in many countries who have attended largely to education, local independence in administration, but letting it all be subject to certain All-Indian regulations on the model of the administration of education in our own country, where you have the perfect freedom of local authorities, but at the same time a certain standard is maintained. Supervision is maintained by a Central Minister, and the legislative enactments are passed by Parliament?—I do not think you can put the Provincial authorities of India on the same level as the local authorities in this country. From the point of view of their status in the scheme of government they are on a much higher level.

2400. In the way of population?—They exercise to-day wider powers, although, of course, subject to a great deal of control from above, and they have greater responsibilities measured by population and area.

2401. But you do, even in your own Report, retain a certain supervision and control, a certain dominant control over parts, at all events, of education in the hands of the Indian Government?—Yes, we advise that University legislation shall be to a large extent in the hands of the Indian Legislature.

2402. Do you not think you might leave, equally both in the University and in primary education, a

Sir *Henry Craik*—continued.

large measure of local control, only preserving in the hands of the Government of India those general regulations which in both spheres—not in secondary education alone, but in primary, I think, mor eessentially than in secondary—are necessary in connection with the power of supervision?—I think it would be very difficult to ask the Government of India to undertake the regulation of primary education—that is to say, the legislation that is necessary for primary education in all the Provinces of India. It would be regarded as a step back from the advance towards Provincial independence in Provincial matters.

2403. You could send out various inspectors or advisers who might take counsel with the various Provincial Governments to keep them all the same?—The fact that you have an Indian educational service can ensure contact and consultation and uniformity of principle, but to require uniformity of method, as your proposal, if I understand it aright, would mean, I cannot believe would be a good plan, and it would certainly make for slowness of movement.

2404. My suggestion is not identity of method, but simply that there should be a certain critical eye over the whole, so that while each Province should be allowed to pursue its own aims, it should have certain standards and be subject to certain criticisms by the Government of India?—Criticism is, of course, different to contro' · it may be most desirable that the Government of India should retain an Educational Commissioner, as it does to-day, who reports upon the education of all India.

2405. But, according to your proposals, that would come to an end so far as primary education is concerned?—No, I do not think our proposal involves that that should come to an end at all. There is nothing in our proposals that prevents the Government of India from maintaining a staff of skilled advisers. We do not propose that it should have power to force its own policy on the Provinces, but that it should still offer advice, and should still take an interest in the educational work in the Provinces—that is perfectly consistent, I think, with our proposals; there is every difference, of course, between control and advice.

2406. But you do propose placing in their hands a considerable control over that sphere of education, which, in my view, they are perhaps least fitted to deal with in the higher education?—We do; and one reason for that is that the maintenance of the standards of higher education appears to us to be a supremely important matter, and it seemed to us important to secure that university government should be on such a basis that the educational standards of universities should be maintained, and that you should not have a number of so-called university institutions which were not worthy of the name, and which lowered the whole status of universities in India.

2407. That is a detail which can be controlled and corrected, but you say that you are to maintain that authority, and you desire, I presume, that the Government of India should exercise it in the direction of maintaining Western ideals for the higher education?—It certainly was not one of the functions of my Committee to lay down education policy for the future.

2408. I thought you said you rather hoped it would be so?—You asked me whether I thought that higher education in India should be inspired from Eastern ideals, and I said that it must depend very largely, as things now are, on Western inspiration, That is my own personal opinion in reply to the question, but it was not one of the functions of my Committee to lay down the future educational policy of India. It was its business to suggest the constitutional arrangements under which that policy might be worked out.

2409. Just to sum up all that, I really want to ask you, do not you think instead of the division of parts of education it would be possible to give considerable Provincial freedom, maintaining in both, and especially with regard to primary education, a certain administrative supervision by the Government of India?—I feel great difficulty in conceiving any feasible scheme of administrative supervision for primary education involving the actual power of control by the Government of India.

Sir J. D. *Rees.*

2410. You came into this matter unencumbered by any previous predilections at all. It was quite new to you?—I was quite a stranger to India.

2411. Reading your Report and such of those other papers as I could glance at during the luncheon hour, I have the impression that your Committee found itself not only able to agree with the suggestion of the Montagu-Chelmsford Report, but to go rather beyond it in regard to various questions. Am I right? I could give instances, if necessary, but I do not want to?—Are you thinking of our proposals for the transfer of subjects as mentioned in the illustrative list attached to the Report?

2412. Yes?—I would rather not deal with both at once. I think you referred especially to our transfer proposal?

2413. Chiefly?—You will see in the Joint Report and in the illustrative list attached to it—it was only, of course, an illustrative list and was not put forward as a recommendation—it was suggested that certain subjects should be divided, and that as to education, for instance, primary, secondary and technical education should be transferred, but that university education should be reserved. We came to the conclusion that that division was really not a possible division—there was very strong expert opinion to that effect—and that no other division such as that suggested between primary education and any other portion of the educational system was a desirable division. We advised that the whole of the subject of education as a Provincial subject should be transferred with those further recommendations to which Sir Henry Craik has referred about university education.

2414. So far as your answer goes, it confirms what I suggested?—In that case. Then you have forests and you have irrigation, and this illustrative list suggested some sort of division of those two subjects. We were satisfied that no division would be satisfactory, and in those two cases we recommended reservation, except as regards Bombay in the case of forests.

2415. Why did you make a difference in the case of forests between Bombay and, say, Madras?—I think our attitude towards that is stated in the note on the transferred list.

2416. I did not follow it, but I do not think it is necessary to follow it?—It was partly an experimental proposal.

2417. Why should the one be the body for the experiment and not the other?—I think it is difficult for me to go into it beyond the note that is contained in the list.

2418. Your Committee apparently, unlike the others, does not even include a Brahmin?—I think Dr. Sapru is a Brahmin.

2419. Is Mr. Couchman a representative of Madras?—Yes, in this sense, that he is a member of the Indian Civil Service from that Province.

2420. He produced a list of transferred subjects under duress from his Government, did he not, which acted under duress from the Government of India?—I do not think that is quite the position. Mr. Couchman did not produce the list of the transferred subjects proposed for Madras; the Madras Government produced the list, subject to the reservations and under the circumstances stated in the note.

2421. Did they not do that under the orders of the Government of India, and were they not very unwilling to do it themselves?—You will see exactly what they say in their own note which we quote in our Report.

2422. How far was the Government of India a party to this Report of yours, Section 2? Were they a party to it in any way?—They were not a party to our Report. You are referring to the Functions Committee Report?

2423. Yes?—We received valuable assistance from the Government of India in the form of the memoranda which are annexed to the Report, and with the proposals contained in which we deal.

2424. Did you send it in under the impression that they were generally agreeing with it?—I think I did my best to keep in touch with the views of different members of the Government of India, but until the Government of India had seen the Report I could not regard them as in any way committed to it.

2425. Did

Sir *J. D. Rees*—continued.

2425. Did I rightly understand you to say just now that it was maintained that land revenue was a subject unsuited for Parliamentary control? Those are your own words I took down; did you mean Parliamentary control through the Government of India or what did you mean?—If I used that term "Parliamentary control," I meant control by a Parliamentary body in India. I was referring to the Provincial Legislative Councils.

2426. But you make it indirectly subject to Parliamentary control?—In this country?

2427. By reserving it as a reserved subject in India you make it to a certain extent the subject of Parliamentary control by the British Parliament?—As I say, I used the term "Parliamentary control," as I think I have made clear, and as the words show in relation to direct control by a Parliamentary body in India.

2428. You mean the Indian Parliament, surely?—The sort of control the British Parliament exercises over land revenue in India is by no means direct.

2429. I asked Sir James Meston some questions about Clause 23 of the Bill, which he said was under consideration. Have you taken time in considering it since, because I do not find anything indicating any change of view in the India Office about its items?—I am afraid I am not in a position to answer that question.

2430. This is a functions matter. In your Report, Paragraph 21, this sentence occurs: "It appears to be clear, therefore, that the sphere of influence of the new Provincial Councils will extend beyond the actual area of the transferred subjects." It appears to me to do so. Is that generally realised. In the evidence which has been given here it struck me that it was not?—That was a point to which the Committee attached considerable importance in considering what the effect was to be of putting a subject in the Provincial list. The conclusion stated in the sentence you quote is a conclusion drawn from a study of the scheme as set out in the Joint Report.

2431. You adhere to it?—Certainly.

2432. It is very important, is it not?—Very important.

2433. It does not appear to me from the evidence that it has been appreciated. I will ask you another question of the same character with regard to paragraph 33 on page 15: "The general effect of these proposals will be to leave the Provinces free to legislate without previous sanction on Provincial subjects whether, reserved or transferred, which are not specially made subject to Indian legislation." That remains correct?—Certainly that states the effect of our proposals.

2434. That is very important; that also did not seem to me to be appreciated in the evidence which has been given?—I agree, it is important.

2435. Why, while religious and charitable endowments are made Provincial, are Bills affecting such, or affecting religion or religious life, reserved for consideration of the Governor-General? What is your reason for that division between a subject and Bills regarding it?—The position about that is this: Under the existing Government of India Act any Provincial Bill affecting the religion or religious rites of any class of British subjects in India is made subject to previous sanction; that is, a Bill cannot be introduced in a Provincial Legislature of that class without previous sanction.

2436. The object is not to disturb that, is it?—If you would allow me, the effect of that provision has been to make legislation on that subject almost impossible. For fifty years a discussion has gone on as to legislation on the question of religious endowments, as to which some action is considered, by a large body of opinion, to be much required. It seemed desirable to us to give the Provincial Legislatures freedom of initiative on this subject. At the same time, we recognised that it was a delicate subject, and that in India particularly these questions required very careful handling. That security which I have just referred to with regard to previous sanction had stood on the Statute Book for a long number of years, and if it was removed, and nothing put in its place, there was reason to fear that alarm might be caused and harm might be done. Therefore, while recommending that the restriction should be removed, we proposed that Bills falling under that description, which were no longer subject to previous sanction, should be subject to what has been called compulsory reservation; that is, that the Governor of the Province should not assent to the Bill on his own authority, but reserve it for the consideration of the Governor-General; and we further proposed that certain matters, which would normally fall under (e)—that is, the personal law with regard to Hindoos and Mohammedans—should be treated as a central All-India subject, to be dealt with by the Indian Legislature.

2437. Irrigation continues to be a reserved subject in all the Provinces, I think?—Yes.

2438. Was the case of the rain-fed tanks specially put before you—the case for making such tanks a reserved subject which require no engineering skill, and which are merely catchment areas?—I think probably it was mentioned. You will see that we have added to the list of transferred subjects a note that there were certain matters falling within the limits of reserved subjects which might be dealt with by the local authorities, and we have said, "It is contemplated that other matters will from time to time be entrusted to local authorities by legislation; where such matters form part of reserved subjects the Bill will be reserved for the consideration of the Governor-General." We have allowed—that is, we have left the thing open in our proposals—that the subject of local self-government may be extended so as to include matters of purely local interest, which belong to reserved subjects, and to that extent we provide for the transfer of those matters through their becoming part of the work of local self-government.

2439. These local rain-fed tanks may come in that way under transferred subjects?—Yes.

2440. Under paragraph 67 of your Report there are a great many duties laid upon the Governor *qua* Governor, and these are to be laid upon him specifically by his letter of instructions. Is there any new letter of instructions that you have been taking part in the preparation of, because the only draft that I have seen would not cover these things, in my judgment. I ask you for yours?—I have been taking part in discussions on the matter, but I do not think I can conveniently give evidence as to the part I have taken in discussions at the India Office.

2441. They are not so far dealt with. Who would know why the Andaman and the Nicobar Islands were not adopted as all-India subjects?—The reason of that is that it is proposed that this list should be a list applying to Governors' Provinces, and therefore matters which are the concern of the Government of India, and which fall outside the limits of the Governors' Provinces, why that was omitted, and I think one other entry referring to territory other than Governors' Provinces no longer appears in the revised list.

2442. I now ask you a question which I do not ask you to enlarge at all, but I am greatly interested in it, as to the regulation of higher language examinations. The Government of India proposes to make that an all-Indian subject—I think for a very good reason. Can you say why it was not adopted?—The terms of Subject 30 in the list of central subjects have been extended in this revised list so as to cover the work done by the Government of India under that head, and it now reads as proposed: "Central Agencies and Institutions for Research (including Observatories), and for professional or technical training or promotion of special studies."

2443. That covers it?——

Mr. *Spoor*.

2444. I notice, Mr. Feetham, you transfer Excise in all the Provinces except Assam. Had you any information ever put before you which would indicate that the revenue from Excise is likely to become a diminishing quantity?—It was suggested that a policy might be adopted which would cause it to be a diminishing quantity. It was stated that the existing policy with regard to Excise was to raise the maximum revenue from the minimum consumption.

2445. It has been pretty generally suggested that India might go dry, and I was wondering whether you had any information brought before you which would bear that suggestion out?—What I derived from those

upon

Mr. *Spoor*—continued.

upon whose knowledge of India I relied was that the possibility of India going dry was a very remote one. As to what course liquor reform may take in India under the new scheme it is difficult to say.

2446. My point was as to whether there would be an appreciable reduction within, say, a limited time, because, if so, you said this morning that you thought there should be no reconsideration of this transferred list until we had a statutory Commission which would have the mark of finality on it, but if there is likely to be a change in the direction I have just suggested, it appears to me to be a reason why there should be an inquiry at an early date?—You mean owing to the financial resources for transferred subjects being diminished. They would only be diminished owing to a change of Excise policy or a development of Excise policy, which would not necessarily fall, under the scheme proposed in the joint Report, upon transferred subjects; it would fall on the joint purse.

2447. You do not think that is a reason for an earlier inquiry than you suggested this morning?—No.

2448. The only other point I should like to ask about is this. You agreed with the Secretary of State in what he said, that except in details your transferred list was the same in practically all Provinces. We had a question asked here two or three days ago as to whether it would not be possible even at the start to give complete autonomy in certain Provinces, and a suggested system of diarchy in others, remembering of course that some Provinces are very much in advance of others. Do you think that that is a practical suggestion?—I do not think it is, for the reasons I indicated in my reply to the Secretary of State. I think it is difficult to justify such a very great differentiation between Provinces in the form of Government as the adoption of that proposal would involve, and, as I say, our proposals leave room for what might be called automatic differentiation owing to the greater influence that the legislative councils in more advanced Provinces will naturally obtain over the reserved subjects.

2449. Do you think at the present time there is no Province sufficiently advanced to take over the management of all its subjects?—That was not a point which, as a Committee, my Committee had to consider, because in working out the problems put to us in our reference we had to assume the scheme, and proposals either for transfer of all subjects or transfer of no subjects were ruled out as being equally inconsistent with the basis of the scheme.

2450. You felt under a certain compulsion to reserve certain subjects according to your terms of reference?—There is no doubt under our terms of reference it was not our business to report upon proposals for what is called complete responsible government in any Province. That was the position as far as the Committee was concerned. Do you want my personal opinion?

2451. I was going to ask you, did you form a personal opinion as to whether that could be done in any case?—My personal opinion, which I have formed from a study of the subject, is that it would not be justifiable to take that step at this stage in any Province, apart from the difficulty of differentiating between Provinces.

Mr. *Montagu.*

2452. I wanted to ask one question, because I did not understand your answer to Mr. Spoor. You did not feel yourselves precluded from recommending that each function of a Province in turn should be transferred until there were no reserves left; there was nothing in your terms of reference that precluded that?—Yes, I should personally have regarded it as outside our terms of reference to recommend that there should be no reserved subjects, as well as to recommend that there should be no transferred subjects, because it seemed to me to be inconsistent with the basis of the scheme with which we were dealing. I point out that. I do not mean to say that had the terms of reference been wider the Committee would have recommended complete transfer in any Province.

2453. Supposing you had set yourself, in Bombay for instance, to consider each function of Government in turn, as to whether it should be reserved or transferred, and you suddenly came to find yourselves face to face with the fact that you were transferring all of them, would you have said, "Hullo! we must not consider the next one on its merits, because we shall be left with no reserved function at all"?—No, because I think we should have started with a general view of the position instead of being suddenly caught at the end by finding that we had only one subject left.

Mr. *Montagu*—continued.

Major *Ormsby-Gore.*

2454. May I take you through one or two of the items in the paper circulated this morning? In the list of Central subjects No. 3 is "relations with Native States." Did you have evidence in Bombay of the desire of some of the very small Native States in Bombay to continue in direct connection with the Governor of Bombay rather than to have to be in direct relation with Simla or Delhi?—We did not hear any evidence in Bombay, as far as I recollect, from Native States directly. We were told that there were a very great number of Native States dealt with by the Government of the Bombay Presidency—over 300. We contemplated that under our arrangements it would be open to the Government of India to deal with their work in relation to Native States on an agency basis—that is, the use of Provincial Governments or the Presidency Governments as their agents in dealing with the Native States with which they were directly concerned.

2455. I asked the question because I have had representations during the last week from a ruling chief in Bombay who, on reading your Report, thought that point was not clear. You contemplated, by making it a Central subject, that, although it is an All-India subject, it could be dealt with by delegation?—Yes.

2456. About the Land Revenue. I gather your main argument against the transfer of Land Revenue is that the conditions of Land Revenue administration are not at all uniform throughout India, and that you think that statutory legislation will be necessary in the coming year, and that that legislation will have to be done either as All-India legislation or by the executive half of the Government which has been accustomed hitherto to the administration of Land Revenue?—I am not sure that I can deal with that question in one answer. You put it that my main argument against the transfer of land revenue was the fact that I thought it an unsuitable subject for direct Parliamentary control?

2457. In its present form?—I do not know that it would be correct to say that that was the main argument. Transferring the Land Revenue Administration would involve a very far-reaching change, not only because of the importance of the subject itself, but because of the way in which that particular work of administration is linked up with the whole system of the government of the country and the special character of this subject, which is more than one subject really—it is a whole group of things—was certainly a very strong reason against recommending transfer at the outset. There was also this consideration, which is referred to in one of the paragraphs of the Report, that the whole question of the interest which the Central Government should retain in the administration of Land Revenue still requires to be decided. That point we expressly abstained from attempting to deal with, as stated in paragraph 24 of this Report. That point must require further consideration when the question of transfer of land revenue comes up for further decision.

2458. On that last point am I to understand that the revenues which are available for All-India purposes are very largely dependent on revenues which are ultimately received in the way of land revenue, and the transfer of the administration of that revenue to popular control might diminish the revenue available for the Government of India. Is that a consideration?—Yes, it would affect a change with regard to land revenue, such as the introduction of a permanent settlement. I am not now suggesting that that is probable in any Province, but it is a possibility that such a change might be proposed. Such changes as that would affect the resources of the State in India, and must have a great effect on the prosperity of the people as a whole.

Major *Ormsby-Gore*—continued.

2459. I want to ask a question about the division of functions regarding industry. I see in the All-India subjects, 20A, you have, as an All-India subject, "Development of Industries in cases where such development by a Central Authority is declared by Order of the Governor General in Council expedient in the public interest." Then you have as a reserved Provincial subject, No. 24, "Development of Industries, including Industrial Research and Technical Education"?—As a transferred subject.

2460. Then the reserved one is Factories, Welfare of Labour, and that kind of thing. Would it not be very difficult in practice to make that triple division? Taking the position of an individual industry, say the factories in Bombay, I suppose it is conceivable that the Governor General in Council might say, "It is necessary for All-India purposes, the position of Bombay being what it is, that the development of the industries of Bombay, in the public interests of the whole of India, should remain a central subject." Then you have the Factory Conditions and the Welfare of Labour, Housing, and that kind of thing a reserved subject, and the Industrial Research and Technical Education in connection with Factories handed over to popular control. It seems to me that industry must be in one category?—May I take those points in succession? The first point is the point raised as to this new entry now reserved in the list of central subjects: "Development of industries in cases where such development by a central authority is declared by order of the Governor-General in Council expedient in the public interest." Apart from that entry, the list, as proposed by the Functions Committee, in effect, I think, confers on the Government of India power to promote the development of certain major industries. You will see the terms of No. 20, "Control of Production, Supply, and Distribution" of certain articles, and then you have to bear in mind that the Government of India is the military authority for the country, responsible for the defence of the country, and is the railway authority for the country, and in connection with both those subjects it must have freedom to provide for the production of its own requirements. We have added this now—this 20A has been added owing to the view pressed by the Government of India that their power to promote the development of a particular industry, the development of which might fall under a Provincial Government, should be made clear. That is the object of that entry. Then, as to the use of this term, "Development of Industries," the stress is on the development, as distinguished from administration of the existing industries. The subject so described is intended to cover direct Government activity towards creating or pushing on a particular industry, not the ordinary work of Government in relation to private enterprise. The ordinary work of Government in relation to private enterprise would fall under the Factory Administration, the Regulation of Mines, and other heads, and that we have left as a reserved subject. I do not say the division is a clean-cut one. I do not know that in the nature of things it was possible to make it so, but it seems to me possible to work out in the course of administrative practice a reasonable system on the basis of the division as proposed. We were confronted with this, that in the illustrative list it was proposed that the "Development of Arts, Crafts and Local Industries" should be a transferred subject. We could find no satisfactory means of distinguishing between local industries and industries which were not local. Then we had the Report of the Industrial Commission, which dealt with the whole subject, and included amongst its recommendations the attaching of technical education to the Department of Government dealing with the development of industries; and with a view to securing the freedom of Provincial initiative in the development of industries we thought the best plan was to transfer the development of industries generally, not attempting to distinguish between local and other industries, and allowing technical education to be linked with that.

2461. So that you really transferred technical education and industrial research and the development of industries as the result of the Report of the recent Industrial Commission?—In the light of that Report. That Report did not deal with this question.

2462. Following upon that Report?—We had that Report before us, and also a statement from Sir Thomas Holland. The Government of India also had the Report before them, and they expressed an opinion against the transferance. I do not want the Committee to imagine that we based our proposal on that Report, although it was made in the light of the Report.

2463. That is one of the points on which your opinion and the Government of India's opinion differ?—Yes.

2464. On this question of the welfare of Labour, including provident funds, industrial insurance (general health and accident), and housing, do you not think that might be transferred? Is it not very important that social questions of his kind should come under the responsibility of a Minister as soon as possible, so that the responsibility may lie with the Ministers who are responsible for social and economic questions of that kind?—Did you take one only of the heads of 25?

2465. I was thinking principally of one?—That was a point we considered. We felt it was impossible to split that up, because that would have involved two administrative authorities dealing with the same subject, or rather the administrative authority with regard to factories and mines, and so on, being divided between the official and the popular branches of the Government. Such a division we endeavoured to avoid.

2466. The next question is what is your principal objection to the transfer of the whole of (a) to (g)?—That is under Subject 25.

2467. Subject 25, on page 5?—We did not consider that this subject 25, "Industrial matters included under the following heads," and then follow, "Factories, settlement of labour disputes, electricity," and so on, which may be regarded as falling more or less under the description of administrative control of industry, was a suitable subject for transfer at the outset, first of all because it was apparent that such a transfer would have caused alarm to big industrial interests, which might interfere with the development of industry in the country. It was undesirable that this should be dealt with at the start for that reason, because of the alarm which any such step would have caused. Secondly it was not a subject which responded to the criteria laid down for our guidance in paragraph 238, speaking generally. You recollect what those criteria were, and this subject did not appear to answer to those criteria. Thirdly, as regards the relations of capital and labour, until some experience has been obtained of the working of the new electoral system and so on, it seemed inexpedient to bring those questions directly under the control of the new Councils, somewhat for the same reason, that it was inexpedient at the start to bring the questions relating to landlord and tenant directly under the control of those Councils.

Lord *Islington*.

2468. As regards Nos. 23 and 24, which are to become Provincial subjects, "Development of mineral resources," and "development of industries, including industrial research and technical education," you say that you came to those conclusions you did after reading and considering the Report of the Industrial Commission?—Yes, we had that Report supplied to us.

2469. If this is carried out, and these matters become Provincial matters, would you say that the recommendations in the Industrial Report would have to undergo very substantial modification to comply with those proposals that they should become Provincial subjects? I mean by that, are not many of the important proposals in the Industrial Report based upon central control and central management?—That subject, I think, is very fully dealt with in this Memorandum of 27th June, both with regard to making the development of industries a Provincial subject, and with regard to making it a transferred subject. We did not think our proposals were inconsistent with the terms of the Report of the Industrial Commission, as interpreted in the light of the Memorandum we received from Sir Thomas Holland, and which was quoted.

2470. You did not regard them as inconsistent?—No.

2471. By

Lord *Islington*—continued.

2471. By that I take it you mean that you would be prepared to assent to certain important branches of control being retained in the hands of the Central Authorities?—I am not modifying our recommendations. I am explaining that we regarded them as consistent with the proposals of the Report of the Industrial Commission, as interpreted in the Memorandum we received from its President.

2472. I will read that Memorandum?—It is quoted in this Memorandum which I have referred to.

2473. I will read it again, because it is difficult for me to reconcile the suggestion, having read the Report of the Royal Commission, and seen what their proposals are, and seen these proposals here, that you should have the development of mineral resources and the development of industries as Provincial matters?—As regards the development of mineral resources, that is made a Provincial matter only to the extent that authority is given to the Provincial Government under regulation framed by the Secretary of State. It is only partially, therefore, a Provincial subject. As regards the other question, the terms of the Report were not perhaps perfectly clear in some places as to whether it was contemplated that the Indian Department of Industries would have the power of command and control, or only be a source of advice. As interpreted to us by Sir Thomas Holland, the idea was that they should rely on such control as they would obtain over Provincial activities through the excellence of the advice they would be able to give; and, of course, you will recollect that the Report proposes——

2474. It would be constituted, therefore, of a purely advisory character?—Yes.

2475. What you have just said means that it would be advisory?—That follows, of course, from making the development of industries a transferred subject.

2476. I gathered by your putting this in anywhere ——?—As you know, where a subject is transferred it is proposed that the rights of the Central Government to interfere administratively should be restricted to certain purposes to safeguard the interests of its own subjects, and so on, and beyond that it would not be able to do more than advise.

2477. As far as possible, I take it, you desire to see the development of these industries and resources undertaken by the energy and enterprise of the Provinces themselves?—That is the idea.

2478. I see on your list, under "Central Subjects," that railways and tramways are to be retained as central subjects. Why, tramways, other than those that are municipal, because I see that light railways, or feeder railways, and so on, are to become Provincial. What was in your mind when you proposed that tramways should go along with railways under central control?—It will be seen that we except from the tramways, which we put under central control, tramways within municipal areas, which are, I suppose, the most important class of tramways. We included tramways with the railways otherwise, owing to the extreme difficulty of making a clear distinction by definition between railways and tramways, but we left it open to the Provinces under our proposals to provide by their own legislation for the construction of tramways, and to the extent to which they did so provide either for the construction of tramways or for the construction of light or feeder railways, those light or feeder railways or tramways would become Provincial affairs.

2479. Officially, I suppose, you had no oportunity of considering, because it was no part of your reference, as to whether any subjects should be transferred within the Central Government?—It was no part of our reference.

2480. Would you be prepared to give us any opinion on the subject from the experience you derived when in India? As you will have heard, we have had a great deal of Indian evidence and Indian applications that certain subjects might be placed under Ministerial control of the Central Government?—It is a point quite outside the reference to the Committee of which I was Chairman.

2481. I realise that, but I merely ask if you would feel disposed to give an opinion?—I am not satisfied, so far as I have studied the question, that a case has been made out showing that it is expedient at this stage to have any such division of subjects in the Central Government.

2482. Now what impression did you derive as to the extent to which under the present system the Provincial Governments are unduly controlled, or unnecessarily controlled by the Central Government? Could you give us any of your mind upon that point? I am not talking to you on the transferred subjects; I am now asking you whether you consider in the case of a reserved subject more latitude or not might be allowed to the Provincial Executive in its relations to the Central?—We have advised that more latitude should be allowed under the new system, but it is difficult for me to criticise the present system. That, obviously, was not part of the work we had to do. Under the changed conditions which these reforms will bring about we made certain recommendations as to the principle upon which the control of the Central Government should be relaxed, owing to the fact that you get this new power coming into being, the Provincial Legislative Council containing a majority of elected members, and elected on a comparatively speaking wide Franchise.

2483. You are not prepared to give us any more information on that point, apart from your official investigation. I am asking you really from your personal experience?—The subject of our inquiry was in itself wide enough.

2484. Would you be prepared to give us any information as to the extent to which detailed supervision on the part of the central authority might be relaxed with regard to these reserved subjects beyond what has hitherto been the case?—We have stated in the Report that under the new system there should be on certain principles a relaxation of control with regard to reserved subjects. We have made that an important point in connection with this Provincial list. The effect, according to our proposal, of including a subject in the Provincial list is stated in paragraph 22 of the Report.

2845. In detail, is it?—No. We state the principle which should be applied. The important point is that the relation between the Governor of the Province—that is, the Governor in Council—in the case of reserved subjects and his Provincial Council, must be one of the factors to be taken into account in the future with regard to the exercise of control by the Government of India in the administration of reserved subjects.

2486. Would you suggest that that modified control should be embodied in the Act?—No. What we propose in detail is stated in paragraph 26. We say there, "We have received from the Provincial Governments a number of detailed proposals for the relaxation of this control" (that is the control of the Central Government) "in particular matters, either by the delegation of powers or by the amendment of the Act concerned, and the Government of India have also supplied us with departmental memoranda treating the question on similar lines. We are not in a position to deal with these detailed suggestions, but we recommend that the matter should be carefully examined now in the light of the material collected and of the new relations to be established between the Central and Provincial Governments"; and we quote the Government of India's own pronouncement on the subject in favour of the overhauling of the position on the lines indicated.

2487. You recommend that the Government of India should overhaul the matter, and recommend to the Secretary of State the extent to which they should relax their powers of control in the future. Is that the extent of your recommendation?—Yes; we recommend that the existing Statutes should be revised.

2488. You cannot give any opinion on the subject which may occur to you whether the Secretary of State might become the best agent of Parliament for control over the Provincial Government rather than the Government of India?—We had not the last point in mind. Generally speaking it seems to me difficult to contemplate the cutting out of the Government of India, because it has still very large administrative responsibilities for great departments, such as railways, customs, the Army, and so on.

Lord *Islington*—continued.

2489. I am not talking of the Central functions?—Would you allow me——

2490. I am talking of the purely Provincial functions?—But it has these big responsibilities which bring it into touch with the Provincial Administrations at every turn, and it also has responsibilities as the guardian of the well-being of the public services, and as the ultimate guardian of public order, and in connection with relations with the Native States, which, again, bring it into touch with the management of Provincial affairs. It is difficult to be able to see how you can get questions as between the local governments and the superior authority adequately dealt with if you cut out the Government of India, which exercises control over all these matters directly, and which is therefore affected by the Provincial proposals.

2491. Did you ever hear, when out there, complaints that Provincial Governments were either checked or delayed in their activities owing to the control of the Central Government?—Nobody could be in India without hearing complaints of that kind. I imagine you would get them anywhere where you had a central authority in relation to local authorities. The local authorities always think the central authorities are slow, and exercise too detailed a supervision.

2492. In those complaints, which apparently were numerous with you——?—It was not our business to hear complaints.

2493. Did any of them strike you as substantial complaints?—It was not our business either to hear or to assess those complaints; our business was to find out the best conditions for the operation of the new scheme.

2494. Your business was to assess the future relationship and control between the Central and the Provincial Governments?—Under the new conditions.

2495. Particularly control in the case of reserved subjects, and whatever control there ought to obtain in regard to transferred subjects?—I thought you were inviting me to criticise the present work of the Government of India under the existing conditions, and that was not a matter which it was our business to investigate.

2496. I will not put it in that way. The reserved subjects, as we see, in the future will not be so very dissimilar from what they have been in the past, and they will be the subject of Parliamentary control: that is so, is it not?—You mean control by the British Parliament?

2497. Yes, Parliamentary control?—Subject to Parliamentary control? In that connection there is a new factor.

2498. It is to have the superior authority. But what I asked you was whether in your experience you thought that agency of control, which hitherto has been the Government of India, has been the cause of delay and undue check on the activities of Provincial Governments?—I am not prepared to go beyond paragraphs 24 and 26 and the other passages dealing with that matter, because it was no part of the business of the Committee to pass judgment upon the Government of India, and I certainly should not have been able to undertake it.

2499. I will not press you; it is a very vital and important question, and I was very anxious for information upon it——

Lord *Sinha*.

2500. I want to get the position of those lists you put in to-day clear in the record. There are lists of Central subjects and Provincial subjects on the one hand, and as regards Provincial subjects, lists of transferred subjects and reserved subjects in your report. That is the Functions Committee's Report; is not that so?—Yes.

2501. Then after that come the criticisms of the Government of India in their despatch?—Yes.

2502. Those criticisms were considered by an informal Committee in the India Office—the India Office Reforms Committee, of which you have been a member throughout?—Yes—that is since my return from India.

2503. Yes. As the result of that consideration, alterations had been made in the original lists appended to your Functions Committee's Report?—Yes.

Lord *Sinha*—continued.

2504. Those alterations appear in the lists which you handed in to-day, which are headed, "Lists of Central and Provincial subjects proposed by Functions Committee, showing amendments approved by India Office Reforms Committee, 31st July, 1919"?—Yes.

2505. This list showing the amendments puts the amendments in italics?—It puts the added words in italics, and the omitted words in brackets.

2506. That is what I want to get clear on the record; the excluded words are in brackets, and the subsequent list which you put in to-day is a clean copy?—Yes, we have taken the lists as contained in the Report of the Functions Committee as the basis for the purpose of those prints, and we have one print showing the amendments with the words it is proposed to omit in heavy brackets, and putting in italics the words proposed to be added. Then there are also clean copies of the lists as revised with those amendments.

2507. That is what was not clear to my mind, and I wanted to have it clear on the record. Now I ask if you would look at the first list—that is with the amendments either in italics or with the words struck out. Will you tell the Committee, please, as to what are the important amendments which are made in consequence of the criticism of the Government of India—that is, the despatch on the Functions Committee's Report?—The important amendments?

2508. Yes?—I have to take first the lists of Central and Provincial subjects?

2509. Please?—It is rather difficult for me to select the amendments. I do not know whether you wish me to run briefly through them and say what they are.

2510. Perhaps it would be sufficient for my purpose if you told us what are the two principal ones, as I consider them, or the principal amendments in your view?—I have already explained why Item 4 is proposed now to be omitted, because the list would only deal with the transfer to Governor's Provinces. No. 5, "Excluded Areas," was included in the All-India list in view of the passage of the Joint Report with regard to the treatment of backward areas, which appeared to us to involve that that subject should be dealt with as a Central Government subject. After discussion it was considered it could more conveniently be dealt with as a reserved Provincial subject, and it has been transferred therefore from the All-India list to the Provincial list, where it now appears as No. 33A.

2511. From Nos. 6 to 20 are really all drafting amendments?—I think they may be so described. Then there is 20A, with regard to the development of industries, which I have already quoted and attempted to explain. No. 20B is not really new; it is simply a portion of 20.

2512. That is really drafting again?—The new version of 30 is merely drafting; it has slightly extended the effect of the entry.

2513. Nos. 38A, 38B, and 38C?—Those are additions proposed by the Government of India for specific mention; otherwise they would have fallen under the general heading No. 40, "All other matters not included in the list of Provincial subjects." It was thought that these three items were of sufficient importance to require special mention.

2514. Then we come to the Provincial subjects?—Yes.

2515. The change in No. 1 is in the description of local self-government?—That is drafting. The alteration in No. 3 makes Public Health, Sanitation and Vital Statistics "subject to Indian legislation in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian Legislature." That is also a drafting amendment; that is framed to give effect to a proposal made by the Functions Committee, to which formal effect had not been given in the lists as actually appended to the Report. The same explanation applies to the words added to No 9, Agriculture, and 10, Civil Veterinary Department.

2516. And 13, probably?—No. 5, perhaps, I should refer to; 5 provides that certain monuments and burial places should be left in the charge of the Government of India.

2517. No. 16 is more or less drafting, is it not?—No. 16, I think, might be described as a drafting amendment, and also the alteration in 6 with regard to water supplies and irrigation.

Mr. *Montagu.*

2518. There is nothing of any importance really.

Lord *Sinha.*

2519. No. 4 is practically drafting?—Yes.

2520. May I take it with regard to the criticisms of the Government of India that, so far as it was a question of drafting, the modifications suggested by them have been adopted?—Yes.

2521. The two points of importance with regard to which there was any difference between the Functions Committee and the Government of India were, firstly, as regards the question of Education and the question of Industrial Development?—Yes.

2522. Those are the two main points?—Yes, they were certainly the two main points on the question of transfer.

2523. On the question of the Provincial subjects there is not anything very essential?—No. I do not want to minimise these things; there are important points with regard to the exact relations between the different Legislatures and so on.

2524. That does not affect the list?—It does affect the list to some extent; it affects those entries which are subject to Indian legislation, but in that case these lists adhere to the proposals of the Functions Committee.

2525. These lists are according to the Report of the Functions Committee?—On that point, yes.

2526. Then with regard to the reserved and transferred, the two subjects I mentioned are the only two important points on which there was any difference of opinion?—Yes.

2527. With regard to the Education question, the India Office Reforms Committee has recommended the Functions Committee's Report on that point?—Yes.

2528. With regard to Industries, as I understand, a good deal of the recommendations of the Government of India have been accepted?—There is no alteration as regards transfer. The subject of the development of industries, so far as it is a Provincial subject, still stands as a transferred subject. The alteration is that the authority to be left to the Government of India to declare special industries to be such that their development required the action of the Central Government is made clear.

2529. That practically, as you have told us, is to be applied to the bigger industries which the Provinces are not likely to be able to take up?—That is what is contemplated.

2530. Therefore, with regard to the industries which the Provinces are likely to be able to take up, having regard to their financial condition, they are transferred?—They remain transferred.

2531. So that substantially it is an agreement between the Government of India and the Functions Committee Report; there is substantial agreement with regard to that also. The Government of India does not, as I understand it, desire to undertake the control of industries which the Provinces can develop and ought to develop?—No, the views of the Government of India are expressed in their despatch. I think that is probably a fair statement of the views, but the Government of India, of course, wished the Provincial subject of the development of industries to be a reserved subject. That is the main difference between their proposals and ours.

2532. Having regard to the fact that the most important industries are likely to be undertaken, if undertaken by anybody, by the Government of India, is there any object in reserving the smaller industries in the Provinces?—I think the question of reservation or transfer is an important question in the case of the development of industries as a Provincial subject.

2533. I quite agree, and all I want to know from you is this: Is there any reason why the smaller industries, or industries already in the charge of the Provinces, should not be transferred to a responsible Minister, advised by technical experts as he would be, of course?—No doubt arguments could be found against it, but my own conclusion is in favour of the transfer.

2534. That is, of course, the conclusion of the Committee?—That is the conclusion of the Committee, to which I adhere.

Mr. *Bennett.*

2535. May I ask, Mr. Feetham, if your Committee were unanimous in holding that land revenue was not a suitable subject to transfer?—That is a point with which I have dealt. The position with regard to the Committee appears from paragraph 46 of the Report. There was not actually a note of dissent on the subject, but certain members would rather that the decision had been otherwise.

Mr. *Montagu.*

2536. In Bombay?—In Bombay only.

Mr. *Bennett.*

2537. Did you find amongst the witnesses you examined a strong desire to see land revenues transferred?—A number of witnesses asked for the transfer of the revenue in some Provinces, but, of course, the transfer of every subject was asked for in turn. The extent to which the transfer of land revenues was pressed varied in different Provinces.

2538. You have held that by the nature of the land settlement, where the settlement is for a term of years, it is inherently unsuitable for parliamentary treatment; you have expressed yourself somewhat to that effect, have you not?—Dealt with as the question of resettlement is dealt with to-day, the subject is unsuited for direct parliamentary control.

2539. The Committee recommended that light or feeder railways should be a transferred subject?—Within certain limits, yes.

2540. And the Government of India have not quite agreed with that; they dealt with it as a reserved subject, I take it?—There is a difference of opinion about that. It is rather a confused point, because the Government of India proposed to classify light or feeder railways as a Provincial subject in far more general terms than those we proposed to employ. They proposed to make light or feeder railways generally a Provincial subject instead of restricting the subject as a Provincial subject, as we proposed, to the light or feeder railways which were constructed under Provincial legislation.

2541. Did you find a prevailing interest in this matter of light-railway extension in India?—Well, in certain Provinces, especially in Madras.

2542. Did you find it in Bengal—I mean railways constructed by municipal resources?—We did not hear very much about it in Bengal.

2543. Did you find there were traces of a distrust of the Government of India in its attitude towards feeder railways and light railways?—We found that in Madras district boards had been imposing rates in certain cases for years for the construction of light or feeder railways, the construction of which had not even yet begun, and it seemed extraordinary that that position should go on, that people should be willing to pay these taxes for non-existent railways. The money, of course, was accumulating with the view to having a fund out of which these could be constructed, but in the meantime the question as to whether they would be constructed or not was hung up.

2544. The Government append to these papers, apparently with approval, a note by the Railway Board, objecting to your proposals. I take it you do not agree with the contentions in that note. For instance, they allege as a reason why these matters should not be dealt with by the Local Legislature the existence of contracts between the Secretary of State for India and the companies which were working the railways. Do you regard that as an insuperable objection to legislation by the Provincial Councils for railway extension?—No, clearly not. We proposed that special conditions should be laid down as to the notice to be given of any proposed legislation in the Provincial Councils on the subject of light or feeder railways, so that all interests concerned might have an opportunity of putting their case, and the subject is dealt with in this Memorandum, where we discuss the views of the Railway Board.

2545. Your scheme would somewhat derogate from the power and authority of the Railway Board, would it not? You do not leave so much in their hands as is in their hands at present?—They would not have such complete control over provincial initiative as they have to-day.

2546. Did

Mr. *Bennett*—continued.

2546. Did you find anything like what might be called extravagant appreciation of the working of the Railway Board in India?—You see, it was not our business to assess criticisms, and I do not think I can enter into that.

2547. There is no reason why the Provincial Governments should not arrange terms, is there, for the construction of feeder railways?—No doubt those projects have to be considered in the light of the question of railway development as a whole, because a railway may be a feeder railway one year, and next, owing to some development, it may become a main line, and, therefore, you must consult the central railway authority.

2548. They speak of the utter unsuitability of the English system of Private Bill legislation for India; they say that nothing of the kind has ever been introduced into India, and they speak of the difficulty of applying that system in India, but would it not be simpler than it is in England; for instance, there would be no, or little, question with regard to land rights. Did you take that fact into view?—The question of land acquisition, of course, was considered separately—the present machinery for that, which requires some expansion and development.

2549. But that would scarcely arise in the inquiries into these schemes?—It depends how far they revise the existing provisions as to land acquisition.

2550. In most instances the Government provide the land for the railways, and very often these light railways run up roads, do they not, so that these difficulties to which the Railway Board refer would scarcely exist?—We refer to the desirability of some procedure similar to that applied to Private Bills under British Parliamentary practice. That, I think, was mainly with a view to an inquiry, where witnesses could be heard, and so on.

2551. By a Select Committee?—Yes.

2552. Then I take it generally you adhere to your proposals with regard to the light railways under the conditions which you have laid down; you adhere to them?—We adhere to our proposals; that is stated in this Memorandum we have put in dealing with the Government of India's objections.

Mr. *Montagu.*

2553. I wanted to ask Mr. Stephenson a question or two: Have you anything to add to Mr. Feetham's statements?—(Mr. *Stephenson.*) No; I entirely agree with the answers.

2554. You were in the room this morning when Sir Frank Sly gave his evidence?—Yes.

2555. Is there any point of his which you would like to deal with?—I do not think so. I think I should put the estimation in which the Civil Service is held—as to which you, sir, asked a question—rather higher than Sir Frank Sly did.

(*The Witnesses are directed to withdraw.*)

Die Lunae, 11° *Augusti* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR

THE HONOURABLE N. M. SAMARTH, THE HONOURABLE C. Y. CHINTAMANI, MR. K. C. ROY, and MR. PRITHWIS CHANDRA RAY are called in; and Examined, as follows:—

Chairman.

2556. Mr. Samarth, you are from the Presidency of Bombay?—(Mr. *Samarth*) Yes.

2557. You were a member of the Legislative Council?—Yes, on behalf of the University—elected representative of the University in the Bombay Legislative Council.

2558. At one time you were Secretary of the National Congress?—I was Secretary of the Provincial Congress Committee for several years, and of the Bombay Presidency Association.

2559. Did you take any part in the work of the Southborough Committees?—I was a co-opted member for Bombay on the Functions Committee, presided over by Mr. Feetham.

2560. Mr. Chintamani, what is your Presidency?—(Mr. *Chintamani.*) The United Provinces of Agra and Oudh.

2561. Were you on the Legislative Council?—I am.

2562. I think you are connected with an important newspaper?—Yes; I am editor of the "Leader," an English daily paper.

2563. Mr. K. C. Roy, which is your Province?—(Mr. *Roy.*) I come from Simla and Delhi.

2564. Are you connected with the Press?—Yes; I am a journalist by profession, and I am the head of the Associated Press.

2565. Mr. P. C. Ray, which is your Province?—(Mr. *Ray.*) I come from Bengal. I am joint editor of the "Bengali," of Calcutta.

2566. And you four gentlemen are members of the Liberal Party?—(Mr. *Samarth.*) Yes.

2567. Will you act as spokesman, Mr. Samarth?—I wish to supplement some of the observations made by

Chairman—continued.

Mr. Banerjea, and Mr. Chintamani may be permitted to supplement me.

2568. Will you supplement each other, and not cover the same ground?—Yes. I and the party for whom I stand accept the announcement of the 20th August, 1917, in its entirety. We do so because it is, as I said on another occasion, a happy paraphrase of Article 1 of the Congress Constitution. The Congress Constitution lays down, as its first Article of faith, that the objects of the Indian National Congress are the attainment by the people of India of a system of government similar to that prevailing in the self-governing dominions of the British Empire, and that Article further goes on to say that these objects are to be attained by a steady reform of the existing system of administration. The system prevailing in the Dominions is responsible government. It is to be obtained and attained by a steady reform of the existing system of administration. That means the progressive realisation of responsible government. Therefore the announcemnt, as I have already said, was welcomed by us as a very happy paraphrase of Article 1 of the Congress Constitution. Now, the latter part of the announcement lays down that the time and measure of each advance is to be regulated by His Majesty's Government and the Government of India, and the guiding principle of that is the co-operation to be obtained from the elected representatives of the people, and the confidence which the Government may be enabled to repose in their capacity and judgment. I am not quoting the exact words. I think that is the latter part of the announcement. The exact words are these: "The British Government and the Government of

Chairman—continued.

of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility." We hold that legally and constitutionally no other position is tenable. Having said so much about the announcement with all its limitations and implications which we accept, we ask what are going to be the promised substantial steps in fulfilment of that announcement, because the announcement itself promises that substantial steps will be taken in realisation of that goal. We accepted the Montagu-Chelmsford scheme of Reform as on the whole a substantial measure of reform so far as provincial reconstruction and progress went, and we would be satisfied if that scheme is embodied in the Parliamentary Statute; but if anything short of that scheme is going to be given to us, depriving the scheme of what we consider to be its vital features, the large body of sober opinion in the country which has accepted the scheme will not be ready to accord support to any such Bill or any such Statute.

Your Lordship will permit me to emphasise two or three points upon which my party is keen. By my party, I mean the bulk of the thinking portion of the people of India. The first question is: What are the evils of the present excessively centralised system of government in India? I think Lord Islington asked that question of Mr. Feetham the other day. Mr. Feetham felt himself unable to answer that question, because he thought it was not proper for him to do so.

2569. It was outside his experience?—Yes. I propose as briefly as possible to place before your Lordship's Committee the evils under which Provincial Governments suffer at present in order that the measure which your Lordship's Committee is going ultimately to evolve may not contain any of the defects and evils and drawbacks from which the present Provincial Governments have been suffering. I cannot put that case better than by quoting one or two passages from a statement presented by the Bombay Government before the Royal Commission on Decentralisation, the Bombay Government being at that time presided over by Lord Sydenham, who was Governor of Bombay. In that document—which was a very able document, presenting the whole case for the Provinces in a manner in which it was not presented by any other Government—the Bombay Government, after pointing out how the excessive control exercised by the Government of India has increased the labour, worry, and annoyance involved in making proposals for reform or improvement which may or may not be accepted by the Government of India, and may be summarily rejected on the authority of some official at Simla who is not expected to have the necessary knowledge and information at first hand of local requirements and circumstances, observed as follows in one or two passages to which I respectfully invite your Lordship's attention. The Bombay Government observe: "Administrators and officers subjected to a long course of this treatment must be reduced to the condition of oxen in an oil-mill, which tread their little circle unconsciously with blinded eyes. All sense of responsibility must disappear, since those who have no definite power can feel no responsibility." I apply that also to the Legislative Councils. "Already it is difficult to see where the responsibility for any particular action or decision lies. The effect on the people of the country is pernicious. They go to the Local Officers about a certain business and find that it rests with the Local Government. If they get as far as the Local Government they find that it is the affair of the Government of India. The Government of India is far off, and no one can tell who in any particular matter is for the moment the Government of India."

Then in another passage of great significance they observe as follows: "The existing system of centralised administration is unknown in any other portion of the world of comparable area and diversity. Already this system is tending to break down under its own weight, while it inevitably prevents or delays progress and destroys initiative and responsibility. Even if we had to deal with a purely passive population the drawbacks of the exaggerated centralisation which has been allowed to grow up without deliberate intention are manifest. The forces"—and I beg to draw your Lordships' Committee's attention to this passage particularly—"the forces which are now producing what is called unrest in India will unquestionably broaden and deepen with the years. While there is yet time it is necessary to lay the foundation of a system of administration which will readily adapt itself to the new conditions without shock or dislocation involving grave danger to the stability of British rule in India." I cannot put my case more forcibly than that, so far as the evils of the present system are concerned. I am anxious to impress upon your Lordships' Committee this, that whatever the measure which your Lordships' Committee may now evolve, let us not have this centralised system perpetuated in any form; otherwise in the name of Provincial autonomy you will be perpetuating at the same time a bureaucratic rule over the Provinces, which will cause the same worry, annoyance and trouble to the Provincial Governments in important respects, and hamper the progress of an advanced Province like Bombay, with whose conditions I am acquainted.

I plead more especially in this connection in favour of a Province like Bombay; I cannot speak with equal knowledge or authority in regard to other Provinces, but I place in this respect, Bengal, Madras and the United Provinces more or less on the same level, though not in all respects. I have a grievance in regard to that, and I say that the special claims of Bombay have scarcely been done justice to by the two Committees presided over by Lord Southborough—the Functions Committee and the Franchise Committee. I will give your Lordships' Committee only such information as is available for public use, and will be careful not to place before this Committee any information which may have come to me in my capacity as a co-opted member of the Functions Committee. If your Lordships turn to the Government of India's letter of the 5th March, Command 123, page 198, you will find in the Minute of Dissent written by an Indian member of the Bombay Executive Council, Sir Ibrahim Rahimtoola, what the view of the Bombay Government was in respect of the reserved and transferred departments. I am reading from paragraph 5, at page 198: "In considering the question of transferred and reserved subjects this Government"—that is to say, the Bombay Government—"has come to the conclusion that if the scheme is to be given effect to in the form it is published, then the following should be reserved: Peace and Order, Law and Justice, Political, Major Ports"—that is Bombay, Karachi and Aden—"Services (Imperial), and that all other subjects should be transferred." In the marginal note it is mentioned that the Honourable Mr. Carmichael dissents as to Land Revenue, which he would reserve. When this Minute of Dissent was written, the majority of the Council was in favour of the transfer of Land Revenue. Only one member of the Executive Council dissented.

2570. Out of how many?—There are four in all, including the Governor. Lord Willingdon was then Governor, and only one member of the Legislative Council, Mr. Carmichael, differed. Another member of the Council, the Honourable Mr. Curtis, who had spent 30 years of his life in the Revenue Administration of the Presidency, apparently agreed to the transfer of Land Revenue in the Bombay presidency. I am not going to say what he said. He apparently agreed to treat Land Revenue as a transferred subject in Bombay. Then I say as this was the view of the Bombay Government, why should the Functions Committee whittle down the proposals of the Bombay Government and give us less than what our own Government was willing to give us? I cannot account for it, except on the ground that there is a nervous fear of differentiating between one Province and another, with the result that a standard is set, as in the case of an incompetent teacher, if I may say so, who sets his standard by the dullest boy, with the result that the talented boy in the class suffers.

2571. You

Chairman—continued.

2571. You do not expect us to have the invidious task of picking out the dullest boy do you?—No. My complaint is that the Bombay Presidency has suffered, and consequently whatever measure is ultimately passed should leave sufficient elasticity to each Government to promulgate a measure of reform in such a way as to suit its own conditions, and not to hamper the progress of an advanced Province, like Bombay, by laying down a certain standard which will be an invariable common standard for all the Provinces in India.

I will now very briefly touch some of the other important vital issues which are considered to be necessary in any scheme which will give satisfaction to the bulk of sober opinion in the country. In that respect I lay great stress on the Budget provisions for the Province. I heard here the evidence of Sir James Meston, who contested the correctness of the interpretation which has been placed upon the Budget provisions of the scheme in a document to which I am a signatory also signed by Sir Dinshaw Wacha and published in Command 123 of the Government of India's Letter, at page 128. He referred to a passage in paragraph 11 printed at page 133, and said that was a gloss practically which was not justified. I maintain that that passage contains the correct interpretation of the provisions of the Montagu-Chelmsford Reform Scheme, so far as the Budget proposals are concerned.

2572. Are you talking of the Montagu-Chelmsford Report now?—Yes; of the Report proposals upon which we commented in the memorandum which we published on the 26th July, 1918.

2573. What I want to get is, you are commenting on the scheme as it originally appeared?—Yes; the correctness of which was questioned by Sir James Meston. That passage is paragraph 11 of Command 123, Letter of 5th March, at page 133. "But we attach the greatest importance to the provision that the Ministers alone will be responsible for additional provincial taxation, and that no such taxation will be imposed except with their approval." There seems to be here some confusion as to the original proposal of the Reform Scheme on the part of those who criticise our commentary. The Reform Scheme only stated that no additional taxation shall be levied except with the approval of the Ministers. That does not mean that anybody else in the Government will not bring forward a taxation proposal, but the taxation proposal cannot be brought forward unless it has got the assent of the Ministers. The point was this. The Provincial Government will have to bring forward taxation proposels in order to make provision for the expanding growth of the departments which will be transferred, and many of the transferred departments belong to this category. The scheme was that there should be joint deliberation between the Ministers and the Governor and the Executive Council. Estimates will be made as to the revenue. The revenues will be allocated by mutual deliberation and consultation; the reserved departments will be provided for and the Ministers will then get the residue, and if they want more for their purpose they will have to go to the House for additional taxation. The object of it was this: We objected in the interviews which we had with the Secretary of State and the Viceroy to any piecemeal treatment of the finances of a Province, and we put forward this concrete instance. We said: If the finances of a Province are to be treated in a piecemeal fashion like this—namely, one portion to be entirely in the hands of an uncontrolled part of the Government and another in the hands of a controlled part of the Government—there is bound to be immediately a deadlock, because the Minister, or the member of the Executive Council, whoever he may be, when he comes before the House with such a proposal, would be met by the answer: We are not going to pass that taxation because we have absolutely no voice in what you call reserved departments—in departments over which we have no control, and in respect of which extravagant expenditure we think is going on. Unless we have a voice in controlling that expenditure we are not going to listen to your demand for taxation, with the result that there would be immediately a deadlock. The way to avoid it is this: You must give to the members of the Legislative Council, through their

Chairman—continued.

Ministers as well as through Standing Committees elected by them, a voice in the reserved departments and a vote to the Legislative Council also in regard to reserved allotments. If their vote is so perverse, or absurd, that the department, in the opinion of the Governor, cannot go on, then you give the Governor the power to restore a particular estimate. But if the Governor thinks, after all, there is not much of a difference between the vote passed by the Legislature and the estimate proposed to the Legislature—supposing the latter estimate was a million and the vote of the Legislature was to reduce it to 900,000, and the Governor thinks: "Well, after all, I can accept the vote of the Legislature," there should be nothing to prevent the Governor from doing so. Unless the vote of the Legislature is perverse or absurd the Legislature should have the power to vote upon all allotments, reserved as well as transferred. If this is provided for then alone there is likelihood of co-operation, mutual goodwill and smooth, harmonious working of the machine; otherwise there will be at the very start a temper and a sulkiness resulting in untoward consequences. It is with a view to meet that that the scheme provided the proposals contained in the Report, and we immediately accepted that as an excellent *via media* for the purpose of starting the country on the career of responsible government. I have explained without reading the passage that what the considered scheme really gave was this: If the scheme is given effect to, there will be nearly five-sevenths of the financial control in the transitional period over the whole of the finance except in regard to what may be called certificated items or allotments of government. If this is not granted, if this is whittled down, then the main provision of the scheme which elicited cordial support from the vast bulk of the thinking part of the population will have been taken away, and we shall regret any such step being taken by your Lordships' Committee.

One word as to what has been considered to be the introduction of Parliamentary procedure in regard to Budget provisions. I submit with great respect that there is no analogy between the procedure which is followed by Parliament and the procedure which must be given effect to in a transitional stage where you have diarchy. In the first place, whatever the procedure of Parliament, it is based on this basic idea that the whole of the Executive Government can be removed from office and another party can come into office. Secondly, in the Parliamentary procedure there are certain taxes which are renewed every year—it is annual taxation—in order to give an opportunity, as I understand, to the House to either vote its confidence in the Government in power or not. There is no such provision in the proposals which are now to be found in the Bill, and I therefore do not accord, and my party does not accord, support to the provisions as formulated in Clause 9 of the Bill. We want the original proposals of the Montagu-Chelmsford scheme to be given effect to and embodied in the clause—the proposals, as we have explained in paragraph 11 and the previous paragraph 10 of this Memorandum. We want also the original proposals of the Under-Secretaries and Standing Committees to be incorporated in the Bill, and not to be relegated to rules. I should not have minded their being embodied in the rules but for the fact of the opposition which those proposals have elicited from the Government of India, and I do not like the Government of India to be given power to either, at its own sweet pleasure, institute these Standing Committees or not in any Province that it likes by giving power to the Province to do it.

I attach the greatest importance to the educative influence of Standing Committees and Under-Secretaries. The whole idea is that there should be harmonious working, between the Legislature and the Executive. How are you going to bring about this result if you keep away the Legislature practically from the working of the machine, and then bring forward, spring upon it, proposals at the last moment once in the year in respect of which the bulk of the Legislature has had no previous opportunity of going into and investigating? The Standing Committees, both on reserved and transferred subjects, will, from month to month, and day to day, have opportunities, papers being placed before them which will acquaint them with

Chairman—continued.

with the difficulties of the administration and communicate those difficulties to their brethren in the Council and bring a sort of steadying influence to bear upon the whole Legislature. I attach importance to the Standing Committees on this ground. Another is that the Standing Committees will also have an opportunity —that is, a number of men, elected men of the Legislature, will have an opportunity which is now denied to them of studying these questions, and thus acquainting themselves with the inner working of the administration.. I attach great importance to this training also; consequently I regret that the proposal for Standing Committees has not been given effect to in the Bill. I regret that the Government of India have opposed it. I strongly emphasise the necessity of introducing this in the Statute itself, so as to prevent the Government of India, or any Government afterwards, whittling down that proposal.

I come then to the five years' inquiry. Already in the memorandum which we have submitted there is a long paragraph which I need not repeat, in which we lay emphasis upon the five years' inquiry. My main point is this: We have heard Sir James Meston saying that the progress made in India during the past five years has been so marked and rapid that a man who has not been there for five years will have hardly any conception of the rapid growth of self-consciousness and of patriotism and public spirit that has taken place. In years to come I may assure your Lordships' Committee that this process will go on with a momentum which it is impossible to assess. In any case the progress in the five years under the new scheme will be so rapid that it will be a grievance with an advanced Province if its progress is hampered on account of the arbitrary ten years' limit which will be laid down for the Statutory Commission to come. It should be permissible to a Province like mine, that is Bombay, to make headway even during the interval of ten years. After five years, if the Government and the Legislature agree, why should there be any difficulty in making any progress we like, commercial, industrial, and in agricultural matters, in respect of all matters which may not have been even transferred at present? The majority of the Government of the Province to which I belong were in favour of transferring land revenue at one time. After two periods of the new Legislative Councils, or, it may be, even after three years, the Government may unanimously think we had better transfer land revenue; why should you prevent the Bombay Government from doing it? Why should you lay down a hard and fast limit that for ten years there should be no progress? That is my complaint.

Another point is this. Diarchy is, after all, an experiment. We have tried to visualise as many of its difficulties as possible, and provide for them in the scheme—I mean Mr. Montagu and Lord Chelmsford have done so. There may be certain departments which may overlap. The Governor is given power under the scheme to regulate these matters. It may be that experience, even of three years, may show that it is much better to transfer the whole of the department instead of being made up into two, and if that is the opinion which the Government arrives at, nothing could be done under the Bill for ten years, and no power will be given to the Government to do it. I submit that the five years' inquiry, upon which we laid great stress, should not be abandoned. Either progress will be made or no progress will be made. If progress is made further progress should be facilitated. If no progress is made no harm is done by having that five years' investigation. That is the position which I respectfully submit for your Lordships' Committee's consideration.

I go next to the question of the Governors. Our position throughout has been that if you are going to start these Parliamentary Institutions, as you have wisely decided to do, then let us have men trained in the public life of England to guide our destinies in all the Provinces as far as possible. The Bill should take the form that ordinarily the Governors of Provinces shall be men from the public life of England. I do not exclude talented civilians. Sir Richard Temple was one Governor. There may be sometimes talented Governors from the Civil Service. I do not wish to

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exclude them, but that should not be the rule, that should be rather the exception.

In respect to the United Provinces, my friend, Mr. Chintamani, will have his say. I will only say this, that I desire the United Provinces to be raised to the level of the Presidency Governments, namely, Bombay, Madras and Bengal.

I come next to the Executive Councillors. We laid stress upon the fact that the Montagu-Chelmsford scheme provides that there would be two members of the Executive Council, one an official, and one an Indian. Combined with that we took the other proposals that there will be one Minister, or it may be in advanced Provinces two Ministers, chosen by the Governor from the elected members of the Legislative Council. The composite government, the Executive Government therefore will consist of a Government in which the Indian element will have a predominant voice. That was the proposal which the Bombay Government at one time made. The Bombay Government, even in the proposals for Unitary Government, which they put forward when Lord Willingdon was Governor of Bombay, was willing to have a majority of Indian members on the Executive Council. That is my personal knowledge of what the Bombay Government wanted to do, but whether they wanted to do so or not, I say supposing my Government is willing to work the machine with a predominant Indian voice, why should it be prevented from doing so. We attach the greatest importance to that in order that there may be harmonious working between the Legislature and the Executive. We therefore would insist upon the original scheme being given effect to, namely, that in all Provinces there should be only two Executive Councillors, one an Indian and one British, otherwise the transfer to Ministers of subjects will be considerably delayed and hampered by the number of Councillors if the number of Councillors are four. No four Councillors have been yet appointed, though the Statutory Provision says four; only three have been appointed, one of whom is an Indian. The work will go on very well if there are only two members of the Executive Council, one official and one Indian, and the rest of the work is given to the Ministers. Now I come to the position of the Ministers upon which I have one word to say.

2574. You understand we do not want you to repeat what is in the memorandum already?—No, I only emphasise one point. The Montagu-Chelmsford scheme started with this, that Ministers will not be in the first instance responsible to the House; that they will be not removable by the Legislature, but responsible to the constituency, and at the end of six years the Government of India may either place their salaries on the estimates or the Legislature may, by resolution, ask the Government of India to do so. Consequently, the proposals took this form, that Ministers shall during that interregnum be guided by the advice and control of the Governor, because they are not removable by the House. Now, the change you propose—and we welcome the change—is that Ministers shall from the start be responsible to the House. Very good. If they are going to be responsible to the House they cannot serve two masters. They can only serve the Legislature, and consequently their position in respect to the Governor can only be the position which they would occupy to the constitutional head of an administration. You cannot have it both ways. You cannot make the Ministers responsible to the House and at the same time controlled and overridden by the Governor so as to let the Governor do anything he may like to do in regard to Ministers and their transferred Departments. No self-respecting Minister will be found ready to undertake such a task. Consequently, the original proposals which are retained in the Bill—namely, making the Minister controllable by the Governor, and giving the Governor power to do over the head of the Minister what the Minister may not even have advised—is a position which is incompatible with the Minister's responsibility to the House.

I next pass on to the provision for Grand Committees. I have hitherto heard the evidence as to Grand Committees, but no stress has been laid upon the

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the necessity for the provision contained in the Memorandum to which I have referred, published in Command 123, at page 128. We attach importance to Grand Committees for two reasons—not only that they are necessary for the purpose of enabling the Governor to have legislation passed——

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2575. Where is this?—It starts at page 128, and the passage I am referring to is at page 134, paragraph 14, the last few lines of that paragraph. We say: "This machinery is devised not only as a check on the Legislative Council in respect of Legislation affecting peace or tranquillity or 'reserved' subjects, but also as a constitutional safeguard against the arbitrary exercise of discretion or authority by the Governor in Council in respect of Legislation on such subjects." The choice is between two things—either give a veto to the Governor, so that whatever he says will be final, which will produce irritation, or provide the machinery which will act as a safeguard against the arbitrary exercise of discretion or authority by the Governor. After all, we are all human; we have to provide for a machinery against a tactless or unstatesmanlike Governor. I do not think it is an impossible contingency, and in any scheme you have to provide a safeguard against that. I look upon, and my party looks upon, Grand Committees as a safeguard against such arbitrary exercise of discretionary authority by Governors. A Governor may certify wrongly that the Bill trenches upon the peace and tranquillity or reserved subjects. If he has a veto, that is an end of the matter. The wrong exercise of the discretion will only produce irritation in the Legislature. Therefore, he must be compelled to go to a Grand Committee. The Grand Committee therefore must be such that it must be constituted, as proposed in the original scheme, of a bare majority in favour of the Government elected *ad hoc* from the Legislature and nominated by the Government. So that if the Governor is right, then, with the aid of nominated members, he would be able to have his opinion emphasised. If he is wrong, then the Grand Committee, consisting also of nominated members, will fail to support him. If the Grand Committee thus constituted fails to support him the Governor may take it that the exercise of his discretion was wrong and must not persist in the Legislation which he had attempted to certify. We therefore look upon that Grand Committee as a necessary safeguard, and if that is to be a necessary safeguard against the Governor the original proposals must be given effect to.

I pass on now just for a moment to the consideration of the Central Government. I will not repeat the arguments which have hitherto been addressed to your Lordships' Committee, for the purpose of the further liberalisation of the Central Government; I will only ask your Lordships' Committee to visualise what is likely to happen. In the Provinces you are going to set up a fairly good machinery, which will throw open to men of talent and capacity opportunities of service and distinction in their own Province. In the Central Government you are only having an elected majority and a Deliberative Assembly with recommendatory functions; that is to say, the present Morley-Minto model with the advance made that there is going to be an elected majority in the Legislative Assembly of India. Do you expect men of talent and capacity to go away from their Provinces and waste their time and energy and money at Delhi and Simla in taking part in an Assembly, which, after all, will be more or less a glorified debating society? Men with more money than brains will no doubt go, but you do not expect, you should not expect, others. So far as I know my countrymen, none of my countrymen of capacity and wisdom and ability will care to go to Delhi and Simla, throwing away the opportunities open to them in the Provinces. What is going to happen? You are going to set up in the Central Government a Legislature in which there is an elected majority, and that elected majority will be men of mediocre ability. They will have no effective voice, no determining vote; they will merely have power to recommend. The Government of India will remain

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bureaucratic all the same. To my mind the prospect is that within three years there will be an agitation of such a character set up in the Provinces for the purpose of liberalising the Government of India and making it responsible to the House that it may stagger imagination. I am, therefore, anxious in the interests of securing co-operation, mutual goodwill, and harmonious working throughout, from top to bottom, to provide some machinery by which men of talent and capacity will in large numbers, at any rate, be attracted to the Central Government. How are you going to do that unless opportunities are thrown open to men of talent and capacity to run the machine effectively—for certain purposes, at any rate, if not for all purposes? Therefore it is that we say that at least some beginning should be made in the Central Government towards responsible government. So that if even one man is taken from the elected members of the Legislative Council, who will be the Minister chosen by the Governor-General, then at any rate there is a possibility of a stream of talented men going in the expectation of being able to be at the helm of the machine and inside the arcana of the Executive Council or Ministry, as the case may be, so that they may be able to mould the destinies of their countrymen to some extent at least. That is the one thing which has dominated the wishes of the party to which I belong, and on July 26th, 1918, when we published our Memorandum in the Press, we gave expression to this view. I have not hitherto seen, either from the Government of India or from anybody, any answer to this contention. They are not going to tell us how they are going to attract men of talent and capacity to the Central Government under this scheme. I will not dilate more upon this aspect, because the other reasons have already been placed before your Lordships' Committee.

One aspect of the matter to which I invite the attention of your Lordships' Committee is also to be found in the Memorandum to which I referred. I refer to page 135, paragraph 17, in which we say that an advisory financial Committee should be set up in the Government of India of non-officials, and that Committee should be taken into confidence by the finance member before he finally prepares his budget for submission to the Legislature. It should be open to the Government to withhold information, to disclose which may be deemed inconsistent with the public interest, but "subject to this necessary restriction, the non-official voice must be heard in the preparation of the Budget"—in the Government of India Budget, of course. If the Budget is going to be put to the vote of the Legislative Assembly of India, no doubt that will be a welcome advance. If that is not going to be done, then, at any rate, we ask, in paragraph 17, at pages 135 and 136, for an advisory financial Committee to be set up in the Government of India which will be consulted and taken into confidence by the finance member before the Budget is framed and placed before the Legislative Assembly of India.

I will pass on now to the India Office and the Secretary of State and his Council. I gave evidence before Lord Crewe's Committee, and it is a personal gratification to me that most of the suggestions that I respectfully submitted have found favour with that Committee. Here I am anxious to emphasise three broad principles which I ventured to place before that Committee, and I am desirous that those principles should find statutory recognition in the Bill now under the consideration of your Lordships' Committee. In the Memorandum which I submitted I laid down these three canons: First, in the matters in which the Legislative Assembly of India and the Government of India concur there should be no intererence by Parliament, and therefore none by the Secretary of State. Secondly, in all matters in which the Provincial Government and the Provincial Legislature concur there should be no interference by the Government of India, and therefore none by the Secretary of State. Thirdly, in matters in which there is a difference of opinion between the Legislature and the Executive (that is to say, of either the Government of India or the Province), or where a Governor overrules his Minister—this was made at a time when I had not the proposals of the Bill before me—namely, making

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making the Minister responsible to the House at the start—"the Secretary of State shall review the matter and shall have the power to intertere in such manner as he may deem fit after taking the advice of his Council, which it should be made obligatory on him to take in all such matters, assuming that the personnel of the Council is democratised as suggested above." These are the three principles which are necessary to be given effect to for making the machine work smoothly. I think they are so evident that I need not dilate upon them. If any questions are asked I shall endeavour to answer them.

One more matter upon which I wish to address your Lordships' Committee relates to the Indian States I happen to be connected with several of them—members of my family having held high positions—and I am also in my professional capacity connected with five first-class Indian States. There is a clause in the Bill which permits rulers of native states or subjects of native states to be nominated to the Council. That is Clause 6, Sub-Clause 4 of the Bill, which reads: "Subject to any such rules any person who is a ruler or subject in any State in India may be nominated as a member of a Governor's Legislative Council." I am in a position to say this, that at least it will be well for your Lordships' Committee, before going in for that Clause, to ascertain the wishes of the Indian Princes. So far as I know there will be unwillingness on their part to have that provision retained in the Bill. The Government of India have criticised the proposals. Long before that I wrote an article in a magazine called the "Bombay Political Reformer" on the question of the status of the Rulers of Indian States and their constitutional position. I took the same view then as that which the Government of India have now urged, and further went into the question, What will be the effect upon Indian Princes if they are members of Legislative Councils? Whether they are nominated or whether they are elected makes no difference whatever. As soon as an Indian Prince is a member of a Legislature, the vote of which is not going to affect his State or his subjects, the elected members of the Legislative Council are bound to ask: "Why should he have any part or lot in legislation or in a Legislature, the operation of which does not extend to his State. And if he is going to have a voice in our Legislation, then we should have reciprocally a voice in questioning his administration and the way in which his State is being conducted. It is therefore right and proper that this matter should not be complicated by the insertion of a clause like this, and personally I would strongly suggest that that clause be deleted. That is all I wish to submit.

Chairman.

2576. Then I will ask Mr. Chintamani what he has to say in supplement. I am afraid I must strictly keep you to a supplementary statement?—(Mr. *Chintamani.*) I desire in the first place to submit to the Committee a very few matters relating in particular to the Provinces from which I come, the United Provinces of Agra and Oudh. I desire to mention that I speak on behalf of the United Provinces Liberal Association, which has deputed me and my friend, Mr. Kunzru. The first point relates to the status of the Governors. In the Second Schedule 2 to the Bill, the Committee will find that while the salary of the Governors of Bengal, Bombay, and Madras is fixed at 120,000 rupees per annum, the salary of the Governors of the United Provinces, the Punjab, and Behar and Orissa is fixed at 100,000. These figures represent the present salaries of the Governors of Bengal, Bombay, and Madras on the one side, and the Lieutenant-Governor of the Provinces on the other. An explanation of this differentiation can be found in the Montagu-Chelmsford Report, and still more pointedly in the Government of India's despatch of the 5th March, where it is stated that, as a rule, the present practice of selecting the heads of provinces other than the three presidencies from among members of the Indian Civil Service shall be continued. My submission is that the present practice should not be continued, at all events in the case of the

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United Provinces. I do not ask that there should be any statutory limitation. There is nothing now to prevent a member of the Service being appointed a Presidency Governor, and I do not suggest that there should be anything in the future to prevent such appointment. But I protest against what the Government of India speak of as the understanding, that ordinarily the Governors of these Provinces shall be selected as the Lieutenant-Governors have been selected until now. And we shall be assured that this will not be the case if in the Schedule of salaries the figure with regard to the Governor of the United Provinces is raised from 100,000 to 120,000. In fact we want our Province to be the United Presidency of Agra and Oudh and to be treated in all respects as a Presidency. As long ago as 1833 it was provided that the Province of Agra shall be under a Governor. The provision was repeated in the Act of 1853. But in between a measure was passed enabling the Government of India to continue to keep the Province under a Lieutenant-Governor, and all these 83 years that Act has remained a dead letter. In the plea that I make I am happy to say that the people of the Province are in entire agreement with the Government of the Province. The Government, the Legislative Council, the Zemindars and the middle-class, non-official Europeans, Hindoos and Mohammedans are all of one mind in this matter, and in the Despatch of the United Provinces Government appended to the Government of India's Despatch of the 5th March there is this sentence, "These Provinces have a larger population than the Presidencies; they constitute the heart and core of India; they contain all that is most venerable to the greater masses of Hindoos and Mohammedans; they are the scene of some of the greatest events in Indian history; and under the proposals of the Report they will occupy the second place in the matter of Provincial contributions to Imperial Revenues." I am content to rest my case on that.

2577. Are you speaking only in respect of the United Provinces, or do you recommend that the Governors of all Provinces should receive the same salary?—I do recommend that the Governors of all Provinces shall, as a rule, ordinarily be selected from among the public men of the United Kingdom. With regard to salaries, I confine myself particularly to the United Provinces. I cannot speak with equal knowledge of the other Provinces.

The second point with regard to the United Provinces relates to the financial contributions to be made by the Provincial Government to the Government of India. A perusal of the paragraphs relating to this in the Montagu-Chelmsford Report will show that the Presidency of Madras and the United Provinces suffer most by reason of the principle adopted that it shall be a percentage of the gross Provincial surplus that shall be taken as the basis of calculation. I realise the difficulty which the authors of the Report dealt with, that they cannot start Provinces under the new regime with a deficit, and if they are to avoid that difficulty they have not found it feasible to adopt any basis of calculation other than the one they actually did. They admit that it perpetuates inequalities of treatment, and I believe they would also admit that the arrangement is particularly hard on two of the poorest Provinces in the country, Madras and the United Provinces, whereas the richer Presidencies of Bengal and Bombay will practically continue to be the beneficiaries of those Provinces. I do not suggest to the Committee that any alteration should be made which would result in starting Bengal or Bombay or any other Province with a deficit, but I make this suggestion, that you might provide that the excess contributions levied from Madras and the United Provinces shall be treated as a loan given by them to other Presidencies through the Government of India, and that when the other Presidencies have so far improved their financial position as to be able to make both ends meet and lay by a surplus, the first charge on that surplus shall be a refund to Madras and the United Provinces of the excess contributions levied from them in the intervening period.

My third point relates to the composition of the United Provinces Legislative Council. I may say in general terms that I accept the recommendations made by

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by the Franchise Committee in that regard, but I would submit that it is a great hardship on the landholders of the Province of Agra that the taulukdars of Oudh through their Association, the British Indian Association, should be given five seats on the Council as against the one which they now have, while the landholders of the Province of Agra would have either no seat or only one seat. In this respect I entirely agree with the observations made by the Government of India in their Despatch on the report of the Franchise Committee, and I would recommend that there should be three seats for Oudh and three for Agra—three seats for the talukdars of Oudh and three seats for the landholders of Agra, as the Government of India recommend, in place of the recommendation made by the Franchise Committee. The arguments put forward in the Government of India's Despatch I entirely adopt.

One word about university representation. I personally am not very keen that Universities should continue to enjoy the representation, but I accept the recommendation made in the Memorandum of our Deputation. I would make one suggestion. The University electorate should not be restricted to Fellows of the Universities, but should be enlarged by the inclusion of the registered graduates. Each University keeps a register of graduates. I understand that in this country the University electorate which returns a member to Parliament does not consist exclusively of persons who correspond to the Fellows of our University, but the graduates are also included. The Government of the United Provinces told Lord Southborough's Committee that they had absolutely no objection to the enlargement of the University electorate by the inclusion of the registered graduates.

I differ from the Southborough Committee in the matter of Woman Franchise. I warmly advocate Woman Franchise.

I hope that the recommendations of the Functions Committee that the entire subject of education and of the development of industries shall be included in transferred subjects, will utlimately prevail as against the proposal made by the Government of India in their Despatch on the Report of that Committee. The Lieutenant-Governor of our Province was the first Education Member of the Government of India, and he has told the Functions Committee, and also stated in his Despatch to the Government of India, that he does not want the subject of education to be divided between reserved and transferred, but that the whole of it may be transferred.

I have only a few minutes to take with regard to some general points. My friend Mr. Samarth has informed your Lordships' Committee that we represent a party of supporters of the Montagu-Chelmsford scheme. While according a general and discriminating support to that scheme, we have also indicated in various ways, for the last time in the Memorandum which is now before this Committee, a number of improvements which we regard certainly as desirable—some of them as essential—in that scheme in order to make it more conveniently workable, and in order that it may produce a livelier satisfaction among the thinking men of India. Anything less than the proposals embodied in the Joint Report it will be impossible for us to support or to enthuse over. The Government of India's Despatch of 5th March proposes modifications the cumulative effect of which is undoubtedly, despite the intention of the Government of India, to whittle down the scheme. I do not say that every modification proposed by the Government of India is bad, that every one of the modifications is reactionary, that every one is of equal importance; but, speaking of the majority of the suggestions made by them and of the cumulative effect of those suggestions, I am sorry to say that I have unhesitatingly to maintain that the effect is to whittle down the scheme.

Coming to the Bill, there are a lot of omissions left for rules. I recognise that not all those things can be brought in as provisions of the Statute, and must necessarily be left to rules; but at the same time I feel that some of them can be inserted as sections of the Act itself; for example, what subjects shall be transferred, what subjects shall be Provincial, and what

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subjects shall be All-India, and, in more precise terms, the control of the Legislature in matters of finance, and so on.

Taking the Bill with its omissions, and with the clauses as they stand, with the light thrown upon the omissions as well as the clauses by the Secretary of State's explanatory Memorandum, and reading the whole thing in the light of the Government of India's Despatch of the 5th March, an uneasy feeling is left in the mind that, in spite of all the endeavours that have been made by politically-minded India to get something more than is in the Joint Report, one section advocating much more, another section advocating only something more, no advance is indicated in any matter whatsoever, and the Bill shows that even the propositions of the Report are not left intact, and it is felt that if the Bill does not undergo some improvement and expansion we shall eventually have to be content with something less than what is in the Montagu-Chelmsford Report. I repeat what my friend Mr. Samarth has said, and what I believe we have also stated in our Memorandum, that, taking into account the totality of circumstances, we cannot be supporters of anything less than the Report scheme.

I have to add one argument to what has already been said with regard to the point of the Inquiry by the Governor-General in Council at the end of five years. I would invite the attention of the Committee to the proviso to Sub-clause 2 of Clause 1, which is on page 2 of the Bill: "Provided that, without prejudice to any general power of revoking or altering rules under the principal Act, the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council." Apart from the form in which this is put, the meaning of it is clear. Unless I very gravely misread it, this proviso confers power upon the Executive Government of India, with the sanction of the Secretary of State in Council, to revoke or suspend a transferred subject at any time. The Legislative Council of the Province concerned need have no voice in the matter. Now, if you turn to the passage in the Joint Report, you will find the provision made is this. It is in paragraph 260 of the Joint Report: "After five years' time from the first meeting of the reformed Councils we suggest that the Government of India should hear applications from either the Provincial Government or the Provincial Council for the modification of the reserved and transferred lists of the Province; and that after considering the evidence laid before them they should recommend for the approval of the Secretary of State the transfer of such further subjects to the transferred list as they think desirable. On the other hand, if it should be made plain to them that certain functions have been seriously maladministered, it will be open to them, with the sanction of the Secretary of State, to re-transfer subjects from the transferred to the reserved list, or to place restrictions for the future on the Minister's powers in respect of certain transferred subjects." The difference between the two positions is this: In accordance with the Montagu-Chelmsford Report scheme, for the first six years, i.e., for the lifetime of two Councils, after the new regime is started, the Governor in Council, as well as the Ministers and Legislative Council, are on sure and certain ground. In the sixth year of the new regime it shall be open on the one hand to the Legislative Council to apply to the Governor-General in Council to enlarge the list of transferred subjects, and, on the other hand, to the Governor in Council to move to curtail the list of transferred subjects and retransfer some of them to the reserved sphere. The result will depend entirely upon the inquiry which the Governor-General in Council will make, and the relative merits of the cases which the Governor in Council and the Ministers and the Legislative Council will place before the Governor-General in Council, the result of the inquiry. But in accordance with the provisions of the Bill it shall be open to the Executive with the sanction of the Secretary of State any day to revoke a transferred subject, and that without opportunity to the Legislative Council to make any submission. It is significant that this proviso does not include any power to the Executive Government, and the Secretary of State similarly, to in-

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crease the list of transferred subjects. I submit this is a very serious setback, and that there should not be this power given to the Executive Government and the Secretary of State to revoke a transferred subject except after six years. I plead for the restoration of the proposal made in the Joint Report and its embodiment in terms of the Act in place of this proviso.

I have only to endorse the observations which have already been made with regard to the financial control of the Legislature. I would ask you respectfully to reread sub-clauses (a), (b), (c) and (d) of Clause 9 relating to financial control of the Legislature, and to visualise what is the amount of reservation given to the Governor, and what is the residue of control left to the Legislative Council. If I am told that after all these exceptional powers given to the Governor are not meant to be used in the ordinary process of administration, but they are really reserve powers to be used sparingly, I will invite you respectfully to be so good as to make an assumption that it is not only the Legislative Council and the Ministers who are liable to go wrong, but that even the Governor may do wrong. I ask you to proceed upon the assumption that you have to provide against mistakes which may be made by the Governor, on the one side, and by the Legislature and the Ministers on the other, and not merely for an infallible Governor and constantly erring Ministers and Legislature.

2578. You must always remember that behind the infallible Governor is a hypothetical infallible Secretary of State?—Yes, my Lord. My only complaint is that it is merely hypothetical.

2579. And Parliament, which of course is infallible?—Our complaint throughout has been that the responsibility of the Indian Government to Parliament through the Secretary of State is much less real than nominal, and while neither in law nor in fact is the Government of India responsible to the people of India, but is responsible in law to the British Parliament, yet, in fact, to quote the words of an ex-President of the Congress, Mr. Yule, the 650 odd Members of Parliament have thrown back on Providence the trust that Providence committed to them for the good government of India.

2580. You may take it from me, having been a Governor of a Dominion, that the control of the Secretary of State is a very real one?—Of course, I take that from your Lordship, and I do not pretend that I know that the control is not real; on the contrary, it may be very real. I am speaking of the control of Parliament, whose agent the Secretary of State is.

One word about the position of the Services. I desire particularly to bring to the notice of the Committee a paragraph in our memorandum on this subject on the position of the Services. I wish it distinctly to be understood that we do not want any act of injustice done to the present members of any service in India; we do not want any dislocation of the administrative machinery; we do not want that the Minister should start with an entirely new personnel in the administration of his departments. We cordially approve of any decision that you may come to in order to guarantee beyond all possibility of doubt the privileges and rights of the present members of our Services. But we do say that it is going a trifle too far if you seek to provide for the position of future entrants into the Services, and take away the legitimate control which the Ministers and the Legislatures should have over the services in the transferred departments. The Government of the United Provinces and the Government of Bihar and Orissa have both recommended to the Functions Committee that the conditions of service in the transferred sphere should itself be a transferred subject. That recommendation has not found acceptance. Reading the paragraph in the Government of India's despatch of the 5th March, and the Secretary of State's explanatory memorandum, there is an uneasy suspicion in our minds that executive regulations may be made which will take away from the control which it is essential that the Minister and the Legislative Councils should have over the services, apart altogether from the other question of guaranteeing to the present members of the Services all the rights which they have at present. In this matter we accept the recommendation made in paragraph 29

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of Professor Keith's minute of dissent appended to Lord Crewe's Committee's Report.

The proposed Select Committee of the House of Commons is an arrangement which we most heartily approve, and to which we attach great importance. In point of fact, the Indian National Congress recommended it as long ago as 1894. The arguments which are put forward in the Montagu-Chelmsford Report in favour of a Select Committee of the House of Commons are, to our minds, convincing, as against the arguments put forward by the Government of India Despatch for a Joint Select Committee of both Houses of Parliament, and as against the argument in the Crewe Committee's Report against a Select Committee at all. I would invite the attention of your Lordship's Committee to that part of our Memorandum.

With regard to the Governor-General in Council, I do not personally approve of the proposal to do away with the statutory limitation of the maximum strength of the Executive Council. I do not think a strong case has been made out to do away with the maximum which there is now in the Statute.

Next, if the maximum remains at eight, including the Governor-General and the Commander-in-Chief as an extraordinary member, and if there should not be the initiation of a system of responsible government in the Central Government, as we whole-heartedly wish and desire and recommend that there should be, then I would most earnestly plead that the Indian element in the Council should be fixed at three members, and not two. The ordinary members of the Governor-General's Executive Council are six; one-half of that would be three. Any person who may think that there is some lack of safety in increasing the Indian element in the Government of India may feel reassured by the reflection that the ordinary members of the Executive Council are not the whole Government of India—that there are two more, the Viceroy and the Commander-in-Chief, and that three will be only three out of eight, and not one-half, and even without the use of the casting vote of the Viceroy the European element will still be in the majority.

Without in the least impinging upon the third formula of the Montagu-Chelmsford Report, a formula the soundness of which is not accepted by our party, but without in the least impinging upon it, accepting it for the sake of argument as sound and inevitable, even then I would say that the proposal that there should be at least three Indian members, and not two, in the Executive Council can be accepted without any jeopardy. Even if the Commander-in-Chief will not be in the Executive Council hereafter as extraordinary member, there will be three out of seven; but I presume that if the Commander-in-Chief will not be a member, the Indian Army Commission which is going out to the country is certain to recommend the restoration of a military member, so my argument is not affected.

With regard to the Council of State, while I prefer that there should be the Grand Committee procedure instead of a Council of State to give the Governor-General in Council the power to carry affirmative legislation, if the Council of State is to be retained I attach great value to the proposal of joint sessions of the two Houses in order to compose differences which is made in the Montagu-Chelmsford Report; and, further, I would urge that in no circumstances should it be open to the Governor-General in Council to carry a Bill through the Council of State and declare it law without ever placing it before the Legislative Assembly. You may retain power to the Governor-General to declare it law, even if it is carried only by the Council of State, but full opportunity of discussion should be given to the Legislative Assembly, and the device of the Joint Committee should also be resorted to before the extreme step of declaring it law without any concurrence on the part of the Legislative Assembly is taken.

2581. Now, Mr. Roy, what have you to say?—(Mr. *Roy.*) Mr. Samarth has already told your Lordships' Committee of our acceptance of the famous pronouncement of August 20th. I should like to remind your Committee that since then India's international position has been greatly improved. Thanks to the British Government

11 *August* 1919.] The Hon. N. M. SAMARTH, The Hon. C. Y. CHINTAMANI, Mr. ROY and Mr. RAY. [*Continued.*

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Government, India is one of the signatories to the Peace Conference. She has thus secured for herself an international status, and it is your Lordship's Committee's high privilege to give India her rightful place as one of the self-governing units of the British Empire. This can only be secured by the adoption of the Bill which is now before your Lordships' Committee. The principle of the Bill is diarchic. I look upon diarchy as the necessary step in advance from the Minto-Morley reforms. The Minto-Morley reforms gave us all the evils of the unitary system, and a further expansion on unitary lines will only result in a deadlock, and will lead to the eventual paralysing of the executive machinery of our Government. I therefore hold that the only scheme which can fulfil the August pronouncement is diarchic. It has been suggested that diarchy is a novel experiment; but I do not think so. In fact, the British Government in India has been founded on diarchy. Lord Clive got the revenue administration of the country, and he left the criminal and civil administrations in the hands of the Hawak Nizam of Bengal. A great improvement in our constitution can only be made on the diarchic principle.

I should like to mention that in the past, since the Act of 1861, with which the name of Sir Charles Wood is associated, all our constitution makers have only added to our Legislative Councils without thinking what would be the function of the Council if one day the elected members and unofficial members were to outnumber the nominated members.

I now come to the home control of Indian affairs. I was a witness before the Crewe Committee, and I gave my evidence. I generally accept the conclusions of the Committee. I should like to see Section 21 of the Government of India Act so amended as to take away the vetoing power of the Secretary of State's Council. I should like to see the Secretary of State always acting in concert with his Council, or in conference with his Council, and I should like to see the power of veto vested in the Secretary of State, and not in the Council.

As regards the other points raised in the Crewe Committee's Report, I am very keen that the Secretary of State or Parliament should never intervene in matters in which there is unanimity between the Government of India and our Legislative Council. This is very important to safeguard our coasting trade, which is threatened, and to regulate our inter-Colonial emigration, as well as to give our industries a proper start, the proposals for which are now before the Government of India.

I should like also in the matter of certain subjects as grouped as popular by Sir James Brunyate, that the Secretary of State should, by custom, and not by any legislation or regulation, give up his control over them, and should more or less leave it to the Government of India and the Legislative Assembly. The other day Lord Islington asked Mr. Feetham about the agency power which should be exercised on behalf of Parliament, whether by the Provincial Governments or the Government of India. I believe in matters of transferred subjects the agency of Parliament should be exercised by the Provincial Governments. Although in transferred subjects the Secretary of State is supposed to have no power, in future he will have power; he will be asked questions in the House of Commons about public health, questions which are practically now international questions; he will be asked about the excise policy, and for this purpose I think the Secretary of State should communicate direct with the Provincial Governments, and not with the Government of India.

There is another matter which has been recommended by the Crewe Committee, which I should like to see embodied in the Bill, and that is the appointment of a High Commissioner for India in London. I want to see provision made in the Bill sanctioning the appointment of a High Commissioner who will carry on the agency work of the Government of India which is now performed by the India Office.

Now I come to Central Government. My leader, Mr. Samarth, made some observations about that which perhaps are his own opinions, and not the considered opinions of the Moderate Party. This was a point on

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which I had to give some evidence before the Feetham Committee, and I still hold to the views expressed there, that the control of the Government of India has always been for good, but if I am given the option of choosing the bureaucracy of the Government of India or the bureaucracy of a Provincial Government, I should certainly choose the bureaucracy of the Central Government. This is a considered opinion of many who have had the privilege of coming in contact with the Government of India, either in the Legislative Council or as their officers.

I welcome the idea which we have put forward, that we should have a certain amount of responsibility in the Government of India. I have not been able to put forward any constructive proposition, nor can I find that any constructive propositions have been put forward by any of the witnesses who have preceded me.

Mrs. Besant has suggested that three heads of administration should be placed for popular control; one is customs, another is tariffs, and the third is cotton excise. In my own opinion none of these subjects can be suitably transferred, because they have intimate relations with our foreign trade, which is in the hands of aliens. At the moment, when we are anxious to start this reform scheme with good will and the tacit consent of all, it would not be the right policy at all to antagonise our critics or give them an opportunity for suspicion.

As regards the suggestions made in our Memorandum, the first is the railways and post office. Of railways and the post office I saw a good deal as a member of the Central Transport Board during the war. I had exceptional opportunities of studying the transportation question. These two are indissolubly bound up with our military defence. The Post Office I found was more or less controlled by international convention rather than by the executive action of the Government of India. I do not think—this is my personal opinion—that these two subjects are suitable for transfer either.

Now I come to three other things which Mr. Sastri has suggested—salt, income tax, and "General Stamps." These are propositions for consideration, and I am prepared to see that your Lordships' Committee will consider whether they are suitable for transfer. I do not propose to express an opinion after what Sir James Brunyate has said in his Memorandum.

If the control of the university and higher education is to be retained in the hands of the Central Government, I think university education should be a transferred subject. In discusing this matter we are greatly handicapped by absence of official opinion. No expert opinion has been expressed on this Neither the Government of India nor any of the Provincial Governments, nor even Sir James Meston has expressed any opinion. I find one sentence in Sir Sankaran Nair's Minute of Dissent. He writes at the end of paragraph 33 on page 74: "Responsible government in the Provinces demands responsible government in the Government of India in the same subjects, as otherwise provincial responsibility will be diluted." I cannot conceive one diarchy in the Central Government controlling another diarchy in the Provinces. In my opinion, one diarchy in the Central Government controlling a diarchy in the Provinces is the negation of diarchy. I am therefore clearly of opinion that the subjects which should be chosen for transfer in the government of India, if they are chosen at all, should be absolutely independent of the subjects which are chosen in the Provinces. They should be Imperial and not Provincial subjects.

In addition to the diarchies, there are one or two propositions which I want to put before your Lordships' Committee. We want some degree of Budget control in the Government of India. We want to limit the powers of the Council of State, and we think that at least 50 per cent. of the members of the Executive Council should be Indians. I am very glad that in the draft bill, the Secretary of State has not given any clause for appointments of Indians on racial grounds, but only an indication that an appointment shall be regulated by the needs of the State. That is a proposition which I entirely endorse. Now the whole question of the Government of India is to be examined by a competent Committee which the Vice-

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roy is going to appoint. Until the findings of that Committee are known, and there is a complete redistribution of portfolios consequent upon the changes to be brought about by the Feetham Committee's Report, it is impossible for us to put any definite limit on the personnel of the Viceroy's Executive Council. We are clearly of opinion that 50 per cent. of the seats should be assigned to us.

With regard to the Legislative Assembly, we are in entire agreement with the Southborough Report. Since the Morley-Minto reform came into existence Madras has been invariably represented by at least one non-Brahmin. In the first year a Mohammedan gentleman came through the general electorate, and a non-Brahmin came through the landowners' electorate; in the second year a Mohammedan came through the general electorate and a non-Brahmin came through the landholders' electorate, and in a third election only the non-Brahmin has been displaced by the Brahmin.

As regards the Council of State, I am clearly of opinion that so long as the Council of State has no oligarchal or aristocratic basis, and is likely to develop as a second Chamber, it will meet with a substantial amount of support from educated public opinion.

With regard to the Privy Council, we do not see why it should be established in India at all. They have been given no functions whatever. If your Lordships' Committee is prepared to transfer a Judicial Committee of the Privy Council from here to Delhi it is possible there will be some justification for the creation of a Privy Council in India.

Now I come to the question of the President of the popular Houses. We are absolutely bound to press that the President of these popular Houses should be elected. But two other alternatives are also suggested to me for the transitional period: one is that the Governor or the Viceroy may ask his Council to recommend somebody for the appointment, or that should the Viceroy or the Governor appoint anybody to be the President he should immediately resign his office, if he is an official, and absolutely leave the Executive Government. As regards the inquiry at the end of the fifth year, it is very essential, because the Government of India——

2582. We have had that already?—If an enquiry is made your Lordship will understand that it will pave the way and do the spare work for the Parliamentary Committee, which will meet at the end of the tenth year.

With regard to the Provinces, as to the appointment of the Governors, I entirely endorse what has been said in our Memorandum; but in recent years the men you have given us do not belong to what are known in India as front-rank politicians. If we can get front-rank politicians for our high offices in India nothing can be better; if we do not get them I should not like men belonging to the permanent services in India who have made their name to be debarred. I do not see any reason why they should be debarred from these high offices at all.

2583. I understand your point to be this: That you prefer front-rank politicians as your Governors?—Yes, men who know something about public life.

2584. But, rather than have second-rank men, you would say that the leading men in the Indian Civil Service should have their opportunity?—I should not like to see India the dumping ground for those for whom you have no need in this country.

Now I come to the Provincial Executive Councils. The Bill has an enabling clause on the subject of Executive Councils. Mr. Montagu has provided that there shall be four members—two Indians and two Europeans. I think that enabling clause may stand as it is, but I would like to say that one Indian and one European should suffice for all future purposes. But if as the result of devolution or decentralisation too much work is thrown upon a Provincial Government, the Governor or the Governor-General in Council may, with the consent of the Secretary of State, appoint two other members—one an Indian and the other a European.

Now I come to the Budget control in the Provinces. I am in favour of the joint purse, but I

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should like to see the joint purse placed under a Joint Treasury Board consisting of one Executive member and another—the Minister. That will smooth away a lot of difficulties in the preliminary stage of Treasury control and Budget procedure and Budget preparation.

I want to say one word as to the Statutory Commission. They should also be given the power of inquiring into the administration of the Government of India with a view of ascertaining what powers could be suitably transferred to popular control.

2585. Now, Mr. Ray, will you give us your evidence?—(Mr. *Prithwis Chandra Ray.*) Yes. Speaking for myself, I think that if the Bill had accepted the proposal of a bi-cameral legislation for the Central Government and the Provinces—a system of government which not only obtains in England, but in almost all the self-governing Dominions and in several parts of Europe—the Government could very well have avoided the scheme of diarchy with all its sequel of complicated and doubtful machinery, such as the institution of grand committees and a Council of State. A revising chamber, with all the sanest elements of Indian public life represented in it, partly by election and partly by nomination, and with all the restrictions that have now been imposed upon such a chamber in England, would have cut the Gordian knot of Indian administration, obviated all difficulties and complications, and made responsible government at once possible without any risk. In rejecting the proposal of upper houses for the provinces, Mr. Montagu and Lord Chelmsford observe in their Report (para. 258):—"We bear in mind that, as Provincial councils approach more closely to Parliamentary forms, the need for revising chambers may be the more felt; and we think that the question should be further considered by the periodic Commission which we propose hereafter."

If revising chambers are likely to be necessary later on, why not start the experiment of responsible government with it? The reply that the Secretary of State and the Viceroy give to it seems very unsatisfactory. They say that "in many Provinces it would be impossible to secure a sufficient number of suitable members for two houses," that a revising chamber "might prove too effective a barrier against legislation which affected moneyed and landed interests" and might "discourage" members of the aristocracy "from seeking the votes of the electorates," and, lastly, "the delay involved in passing legislation through two houses would make the system far too cumbrous to contemplate for the business of Provincial legislation." If in no other part of the civilised world have the second, third and fourth reasons been found to be very serious objections to the institution of bi-cameral Legislatures—sometimes they exist in the Provinces also—why they should be so in India it is difficult to comprehend. As regards the first objection, there is now no Province of India where it would at all be difficult to "secure a sufficient number of suitable members for two houses." The rejection of the proposal of upper houses for the Provinces seems the more surprising when one remembers that the constitution of Indian society peculiarly lends itself to such a legislative organisation, and in view of the following significant admissions in the Report itself:—"Its advocates urge that in creating upper houses we should follow the system which generally prevails in countries where popular government has firmly established itself. We might also expect that the representation of minority interests would become more effective in an upper house than in a single composite chamber, because minority representatives sitting in a chamber of their own might feel themselves freer to defend the interests which they represented than if they sat together with other elements in a lower house. We might secure men for the upper houses who would not seek election or even accept nomination to a composite assembly where the majority of members were of a different status from themselves; and so the second chamber might develop a conservative character which would be a valuable check on the possibly too radical proclivities of a lower house." I hope, in the best interests both of India and England, that the Joint Committee will reconsider the whole matter at this stage instead of its being allowed to hang fire till the first periodic Commission proposed in Mr. Monagu's Bill. The postponemen

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ponement of the institution of bi-cameral Legislatures in the Provinces may jeopardise the whole scheme and throw the experiment into doubtful orientation from the start.

There are some other minor matters which I hope the Joint Committee will not overlook. The Southborough Committee have not been very fair to the educated community *per se*, to the womenfolk of India, and the Zemindars of Bengal. To start a scheme of popular government with all womenfolk disqualified for suffrage is an outrage upon the basic principle of democratic rule. To give to the Bengal Zemindars—the acknowledged leaders and protectors of the masses—no more seats in a Council of 125 members than they already have in a Council of 50 is an insult to their position and growing intelligence. And as for the educated community, it is a pity that the Southborough Committee, slavishly imitating the case in England, recognise no other qualification for a voter but property. Even in the case of the Universities, it is only the Fellows that will enjoy the right to vote, and not the graduates and the under-graduates, as here. It is difficult to see why, in such a matter the position of the Indian graduates should be differentiated from those of the English Universities.

I would also beg of the Parliamentary Select Committee to go into the whole question of the representation of minorities or backward classes and examine the wisdom and feasibility of instituting either plural constituencies with special seats reserved for them in every Province or a system of proportional representation. There is a great chance in India of the interests of minorities and backward classes being overlooked or trampled upon, and no scheme is likely to give satisfaction which would fail to afford to these classes the protection and the encouragement which they so richly deserve.

In conclusion, I would urge the deletion of Clause 12 and Sub-Clause 2 of 27 of the Bill under consideration. Clause 12 says that the Governor-General will have the power to divide certain Provinces into Deputy Governorships, and "The Governor-General in Council may declare any territory within any Governor's Province to be a 'backward tract,'" etc. I want that all deleted. Then clause 27 (2) says: "Subject to any rules made by the Secretary of State in Council no office may be added to or withdrawn from the public service," etc. I think the Legislative Council in the Province should have the right either to add to their services and fix up their emoluments as best they can, instead of leaving the whole thing to the Governor-General to determine.

Mr. *Bennett.*

2586. (To Mr. *Samarth.*) I think you are not a Brahmin?—(Mr. *Samarth*). No, I am not. I am a non-Brahmin

2587. You have not found that your position in political life or in public life in Bombay Presidency has in any way suffered from that fact?—I am glad to say it has not suffered.

2588. You do not think it is likely to do?—So long as they think I have merit in me I do not think it is likely.

2589. You represented the University on the Bombay Legislative Council?—Yes, by election.

2590. What view would be taken in Bombay of the abolition of the University qualification for a seat on the Council?—In Bombay they are anxious to have a seat reserved no doubt to the Bombay University at present, but in addition they would have one seat thrown open to graduates of a certain standing, graduates for instance who have got the highest degree in any faculty or who have double degrees, or graduates holding one degree of not less than ten years' standing. This was the constituency which until a few years ago elected a certain number of Fellows to the University. I was one of the Fellows elected by this constituency of the Graduates of the University. Then Lord Curzon's Indian Universities Act was passed. Before that Act was passed our tenure of office was a life tenure, but that Act ousted us from the university, and we had to come back to the constituency to seek re-election. That was the last time the constituency was in existence, namely, this larger constituency of Graduates. I had the honour and privilege of being sent at the head of the poll to the university as a fellow by this larger constituency, and I regret, and many people regret, that this constituency has been abolished since. It was about 3,000 votes of the *alumni* of my University that I had then canvassed.

Mr. *Bennett*—continued.

2591. You referred to the proposal that the rulers of the Native States shall be eligible for Provincial Councils. Is it not the case that until now questions relating to matters in Native States have been held to be so far out of the purview of the Provincial Legislative Councils that they have always been ruled out of order?—That is one of the standing rules.

2592. You are a man who I know weighs his words. You said that unless the constitution of the Central Government were very much liberalised there would be an agitation which would stagger imagination. Can you suggest what particular action or operation of the Central Government, on the basis proposed here, would provoke such an agitation as you have in view?—I used those words advisedly because of this: You have a Central Government on the Morley-Minto model—that is to say, as constituted as at present—and if legislation is passed by the Executive Government over the head of such an assembly, and ignoring the opinion of such assembly, you can well imagine, having experience of recent agitation, how virulent the agitation in five years' time will be. I think your Lordships' Committee will have in mind the agitation which has recently been set up on account of a certain piece of legislation having been passed in the teeth of the unanimous non-official opposition. If that sort of thing is going to happen hereafter, as it may happen in the case of a Central Legislative Assembly in which the bulk of the people are the elected majority, then I say one can well imagine what the agitation will be and how virulent it will be.

2593. But assuming that we have genuinely liberalised Provincial Legislatures and Executives, is it likely that any action taken by the Central Government, or the policy of the Central Government, would be so provocative as to bring about such an agitation as to stagger imagination? Are not those words a little extravagant?—I hope the Central Government takes a lesson from past experience, and abstains from legislation in the teeth of unanimous non-official opposition, then no such thing will happen.

2594. You are in favour of Grand Committees?—I am.

2595. You attach importance to them—Grand Committees which will have a nominated majority?—A bare majority.

2596. Is it still the case in India that legislators who have been nominated by the Government are under the impression, many of them, that it is their duty to go with the Government always and vote with them?—No.

2597. Was it ever the case?—No.

2598. Do you remember the time when it was the case?—Well, I do not think that all nominated members have that view.

2599. I did not say all. But was there a tendency on the part of people nominated to think it was their duty to vote with the Government?—Yes.

2600. That is a matter of historical fact. Now, with regard to the Parliamentary Commission, you object to the ten years' limit?—For the Parliamentary Commission I accept.

2601. You object to the ten years' limit?—Yes, because in the interval I want a five years' investigation.

2602. What would you want as an appropriate time for instituting these inquiries into the operations of the reformed system of government? You say you would not fix a limit?—No. I accept a limit of five years, which was contained in the Montagu-Chelmsford Report as a period of investigation for the purpose of adding to the transferred subjects, if the Governor of a Province or the Legislature of a Province so recommend it to the Government of India. That I consider

Mr. *Bennett*—continued.

sider is essential. After that comes the Parliamentary Commission, after ten years, which I accept, but meanwhile I do not wish to see an advanced Province hampered or prevented from making progress during the ten years.

Duke of *Northumberland.*

2603. I think you said an impossible situation would arise in the new Provincial Legislatures unless they were given full control of all money estimates?—I made this exception—except with regard to certificated items by the Governor.

2604. I think you said they would refuse the voting of allotments?—Yes, if they had no voice whatever in the reserved allotments of the Government.

2605. Is it your opinion that if the scheme embodied in the Bill is allowed to pass, if it is introduced in its present form, it will be absolutely unsatisfactory, both to the people of India and to their elective representatives?—That is my view, and that is the considered judgment of the delegation here.

2606. And that they would not be content to wait the ten years until the Parliamentary Commission introduced some further measure of reform; they will not be prepared to wait for ten years?—I have not made myself clear. I am talking of the financial proposals, Clause 9 of the Bill.

2607. That is in the Bill; it is all part of the Bill?—That part of the Bill is unsatisfactory; it does not embody the provisions of the Montagu-Chelmsford scheme. If that is so remodelled as to embody those provisions then no doubt it would be satisfactory.

2608. But there is another thing which, according to you, is absolutely unsatisfactory, because you say—Mr. Bennett has quoted your words—that there would be a very widespread agitation unless the Central Government can be liberalised?—Yes.

2609. Therefore, if you take the scheme as it stands it will be absolutely unsatisfactory in very vital respects?—If the scheme, so far as the Provinces are concerned, is given effect to at once, then no doubt there will be a large body of supporters of the scheme, and they will work it in the Provinces. They would, at the same time, be dissatisfied with the absence of further liberalisation in the Central Government; and, further, I ask this Committee to visualise (because that is my personal view from the conditions I know of) what will happen if a large body of mediocre men, forming an elective majority in the Central Legislature, have to exercise merely the powers which are given to them of influencing the Government, and so forth.

2610. I would like to ask Mr. Roy this: You made some remark about the High Commissioner—I think you said to represent Parliament in India?—(Mr. *Roy.*) No; to represent the Government of India in London for their agency work.

Lord *Sinha.*

2611. Mr. Samarth, with regard to standing Committees and Under-Secretaries, were you quite correct in saying that the Government of India oppose it with regard to the Local Governments?—(Mr. *Samarth.*) No; not with regard to Local Governments.

2612. You did not qualify that?—I did not. They do not support the original proposal of the scheme. That is what I meant.

2613. But they do oppose it with regard to the Government of India?—Yes, they do.

2614. May I take it your view is that as regards the Government of India, you desire the institution of Standing Committees and Under-Secretaries, and you desire it with regard to the Provincial Governments also?—Yes.

2615. And with regard to the latter, they should not be left at the discretion of the Governor, but should be instituted in every case?—Yes.

2616. With regard to Grand Committees, you regard Grand Committees as a safeguard against the arbitrary discretion of the Governor?—Yes.

2617. Is it not the machinery of carrying through affirmative legislation which the Executive cannot get through the Legislative Council?—I do not read the proposal for Grand Committees as expounded by the Montagu-Chelmsford scheme in that light.

2618. You look at it differently?—Yes.

Lord *Sinha*—continued.

2619. With regard to what the Duke of Northumberland asked you, did I understand you to say that unless there is an element of responsibility introduced into the Government of India your party do not accept this scheme embodied in the Bill?—No; I do not say that.

2620. But I mean your party does. You suggest as an improvement that there should be the adoption of the principle of responsible government in India; you say it would make it more generally acceptable to the people of India?—Yes.

2621. But without it you would be content to work the scheme in the Bill for all it is worth?—Yes; most certainly.

Mr. *Montagu.*

2622. You said you wanted to see provision for Under-Secretaries and Standing Committees in the Bill?—Yes.

2623. Supposing this Joint Committee were in its Report to state that they were of opinion that there should be Under-Secretaries and Standing Committees, and supposing that Report were accepted by Parliament, that would be good enough for you, would it not?—Provided it is obligatory upon each Provincial Governor to resort to that procedure.

2624. Can you conceive a Provincial Governor not appointing Under-Secretaries and Standing Committees if Parliament were to lay it down that he should appoint them?—No; not if Parliament laid it down that he should.

2625. I think it was Mr. Chintamani who said that he would like to see the list of transferred and reserved subjects in the Statute?—(Mr. *Chintamani.*) Scheduled to the Bill.

2626. Then, later on, I think you said you wanted provision made for increase of the transferred subjects in five years. If they are in the Bill, if they are in the Statute, would not that mean a new Statute at the end of five years?—Not necessarily. Lists of reserved and transferred subjects would be given in a Schedule, and instead of the proviso there is to Sub-Clause 2 of Clause 1 there would be a proviso that: "It shall be within the power of the Governor-General in Council, at the end of five years, to receive applications from Provincial Governments or Legislatures for a variation of these lists, and after such inquiry as he may be disposed to make, and with the concurrence of the Secretary of State, the appended lists may be varied in that manner."

Lord *Sinha.*

2627. Extended or curtailed?—I said "May be varied" so as to include both.

Mr. *Montagu.*

2628. Have you discovered in this Bill as it is in print anything that prevents the alteration at any time of the rules embodying the transferred subjects?—No; I have not seen that, but I would again invite your attention to the language of this proviso: "Provided that without prejudice to any general power of revoking or altering rules under the principal Act, the rules shall not authorise the revocation or suspension of the transfer of any subject, except with the sanction of the Secretary of State in Council."

2629. I quite appreciate that. That is a special proviso with regard to the suspension or revocation of the transfer, but there is nothing in the Bill, in your opinion, which prevents the increase of transfer by rules at any time?—If you will excuse my saying so, there is nothing to prevent an increase, but the experience we have in Indian administration leads us to think that there will not be an increase.

2630. You are not complaining of the Bill but of your experience?—I judge the Bill in the light of our experience, and we want provisions in the Bill which we shall regard as safeguards against a repetition of that experience.

2631. Do you suggest that in drawing up a constitution there is no necessity for a power of re-transfer?—I do not suggest it.

2632. In

Mr. *Montagu*—continued.

2632. In your evidence you said that under the financial arrangement the United Provinces suffered most?—After Madras.

2633. It has the largest contribution taken from it after Madras, and it has left the largest surplus after Madras?—Well, it is incidentally so, because you take 87 per cent. and leave 13 per cent., and the initial revenue and the gross surplus being larger the 13 per cent. of the gross surplus which is left will necessarily be larger.

2634. You do not really mean that the United Provinces and Madras suffer most? You mean that nothing is done to mitigate the suffering which they are already exposed to?—That is exactly what I mean. I quoted the language of the Report on this continuance of existing inequalities.

2635. Do you suggest, Mr. Samarth, that the Government should be deprived of its power of legislating when it has not got a majority of the elected members of the Legislative Assembly?—(Mr. *Samarth*) No, I do not suggest that.

2636. You do not look forward to a reform which will prevent the Government, to use your own words, legislating in the teeth of the majority?—No, I would not; I would have safeguards.

2637. Has the party to which you belong ever considered the possibility of a Council of State whose only function is that of a revising chamber, nominated for a term of years?—On that the opinion of our party is divided.

2638. Has your party ever considered the question of giving to the Governor of a Province the power o ordinance instead of a Grand Committee?—That was considered.

2639. And rejected?—And rejected.

Lord *Brodrick* (Viscount *Midleton*).

2640. You laid great stress on there being no piecemeal treatment of finance reforms. Do you mean you do not like the division of finance between two parties, or do you mean that you want the whole of the finance to be under the control of the Legislative Assembly?—In both senses I use it. The meaning of the expression was this: You cannot treat finance as though one portion was absolutely outside the control of the Legislature, and only a small portion, or another portion coming under the control of the Legislature. That is fundamentally my objection to it.

2641. Are you aware that even in the British Parliament some portions of finance are outside the control of the House of Commons?—Yes.

2642. That is the Consolidated Fund?—Yes.

2643. Do not you think you are asking more for the Indian Legislature than has been found workable here for a great number of years in the British Parliament?—I answered that in my evidence. I said that there is no analogy between the two, because, as a matter of fact, you have the Consolidated Fund which we have also in the Bill—permanent charges such as fixed payments to the Government of India, interest on the public debt, and so forth, which will have to be set aside. That will be our Consolidated Fund under the scheme. Then in Parliament you have got annual taxation which we have not got in the proposed Bill. Some taxes are annually voted upon. The whole Executive is removable from office. In the absence of that you cannot go in for the whole of Parliamentary procedure in a diarchal form of Government.

2644. You are not afraid of over-weighting these new Parliaments with finance, in the first instance, at the very start?—I do not think the scheme, if given effect to, will over-weight them.

2645. Are you aware that in all our municipal bodies in this country a considerable amount of finance is reserved by the Central Government? Do you know that is so?—Yes.

2646. Take the City of London, the largest municipality in the world, do you know that in many points the finance—I mean the whole County of London—is under the control of the Government?—I have heard that question put. I have no personal knowledge of the working of finance here.

2647. I will take one point. Do you advocate for these new assemblies that they should have the control of the finance of the police? Would you consider that they ought to have the power of voting or not voting the police finances?—Yes, I do mean it; I mean whatever powers we exercise at present should not be curtailed. The whole of the Budget is placed before the Legislative Council at present. Each member in charge of a branch brings forward his proposals and they are voted upon.

Lord *Brodrick* (Viscount *Midleton*)—continued.

2648. Take the County of London, with seven million inhabitants. You will admit, I suppose, that the general level of education of the inhabitants of London is higher than that of the country districts in India?—Well, I thank I may admit that.

2649. You claim for these Provincial Assemblies the control of the finance of the police; they must vote it every year. Do you know that in the County of London, although it votes large sums, and has to pay large sums to the police, the whole administration of the police is in the hands of the Government, and the whole of the expense is in the hands of the Government; it is not in the hands of those who vote it?—But the scheme is this: The estimated expenditure on the police would be one of the items of the Budget. It will be brought forward by the member in charge of the police department, that is a reserved department, before the Legislative Council. The vote of the Legislative Council on that will be taken. If the vote is so perverse or absurd that the Governor thinks the estimate must be restored, he will have power to restore it, but if it is not so perverse and only lowers it by a few thousands, the Governor may accept it. Except in regard to peace, tranquility or reserved subjects, in which the certificate is valid, all other uncertificated items or allotments shall be voted upon and the vote of the Legislative Council shall be given effect to. That is the scheme.

2650. Do not you think that the newly-created Provincial Assemblies might be well content to have the same sort of powers as is given to the greatest municipality in the world, namely, London, in regard to these matters?—I am sorry I am unable to answer that because I have no first-hand knowledge of financial matters in London.

2651. I know you feel strongly about the principle, but in practice what are you afraid of if a certain amount of the finance is not in the hands of the Assembly? Are you afraid that certain services will not be provided for; if so, what sort of services?—Not services. I gave this instance: I was speaking of a financial arrangement in which one-half of the finances, or some portion of them, will be allocated over the head of the Legislature, without the Legislature having any voice in voting upon them; that is to say, a separate purse. I had in my mind a separate purse.

2652. I am not talking of a separate purse; I am taking your contention that all finance ought practically to come under the purview of the Assembly. I am asking you, are you afraid of any service being starved if that is not done, and if so, which?—I took the question of taxation. My anxiety is as to a growing department, which will be a transferred department, education, agriculture, industry, sanitation, that will require more money, and therefore taxation proposals will have to be brought before the Legislature, and if the Legislature has to vote them it must satisfy itself that there is no extravagance of expenditure going on in the reserved departments. In order that it may assent, it must have the opportunity to assess the expenditure on the reserved departments and vote upon it. The vote of the Legislature, if it is absurd or perverse, will be set aside, but in all other respects, if the Legislature is satisfied that there is no extravagance going on, it will vote the extra taxation.

2653. You are apprehensive that the reserved department, and those concerned with it, will obtain some sort of preference as compared with transferred department?—Speaking personally, I am not apprehensive, but I say the system must be such that no reasonable ground should be given to the Legislature to say that it has no voice in the particular branch of the expenditure in which it may suspect, rightly or wrongly, that there is extravagant expenditure going on.

2654. You spoke of the question of the five years transition, and I gather from your remarks that you

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Lord *Brodrick* (Viscount *Midleton*)—continued.

are anxious those new Assemblies should do the best possible work?—Yes.

2655. Do you think any Assembly will concentrate on the work if all the time they are thinking about what should be done at the end of five years in the way of new powers?—Certainly; I can only speak of Bombay. I am perfectly certain that the Bombay Legislative Council will concentrate its attention and show its capacity and judgment in regulating and controlling the departments transferred to it, with the result that it will make out a case that at the end of five years there must be more departments transferred. I feel certain about that so far as my Presidency is concerned.

2656. Do not you think that with the Bill before you, if you are thinking the whole time of what powers you will get by-and-by, that will blind you to the very large amount of work there is to be done under those powers you have got?—I pointed out that our Government was desirous of reserving only a few Departments and transferring the others. The Functions Committee has not given us that. Why should our Government be prevented after five years from doing what it is willing and ready to do now at the start?

2657. Have you ever heard of a constitution being reconsidered after so short a period as five years?—Conditions in India necessitate this. If precedents alone are to be relied upon I am afraid no precedents can be found for this sort of thing.

2658. You base yourself upon what has been given to other people—the Colonies, and so on. Do not you think you must consider that?—I did not carry my analogy with the Colonies so far.

Lord *Sydenham.*

2659. You represent the Moderate Party?—Yes.

2660. Has it any organisation covering all India?—There is the Western India Liberal Association for Bombay and the United Provinces Liberal Association, the Madras Liberal League, the Bengal National Liberal League and the Central Provinces National Liberal Association.

2661. These are all new bodies?—Yes.

2662. We are told the electorate of the Congress was the whole of British India. You now claim part of that electorate on the side of the Moderates?—Yes, newly created.

2663. Therefore the Congress is in a sense split?—Yes, there is a split in the Congress.

2664. We were told there was no split. You understand that? I think your administrative experience was mainly gained in Baroda?—That is my brother. I am a lawyer by profession.

2665. It is your brother, I remember. You have spoken about the Native States, so you have some knowledge?—Yes.

2666. In a Native State are not the whole of the Executive experienced persons who have either been brought up in that State, and worked their way up to the top or been selected with great care from the outside?—Yes; that is so.

2667. That, therefore, is probably the reason for the success which some of the Native States have obtained in Government?—That is not the only reason. So far as my observation goes Indian administrators have succeeded most during the minority of Indian Princes.

2668. For the reason that they were very experienced servants?—Yes; besides, they had it all their own way, and they were not subject to the caprice of autocracy.

2669. Are you certain, that by the wholesale transfer of very important and complicated services to Ministers who must have no experience, this great progress that you expect will be accomplished in five years?—I do think so; in Bombay, I do think so.

2670. I suppose you understand perfectly that you are setting up a kind of Government which has no parallel in any Presidency in India?—Yes; I have realised that, but I do think so.

2671. We were told that the effect of civil servants has been to stunt the development of the people. Do you see a great difference in the people of any Native State where civil servants exercise no power? The Indian civil servant has nothing to do with Native States except they are sometimes called in to help. Do you see any difference in the absence of this stunting effect in the people of Native States?—No; the people of the Native States are better situated in this respect that they consider their government to be self-government.

Lord *Sydenham*—continued.

2672. That is not an answer to my question. If the stunting effect has had such a serious result as we have been told——?—I cannot follow it.

Chairman.] It was not Mr. Samarth who used that word, was it?

Lord *Sydenham.*] No.

Chairman.] Lord Sydenham's point is that another witness said that the Indian civil servants had in British India had the effect of stunting the development of the people of India.

Lord *Sydenham.*

2673. (To the *Witness.*) Have you noticed a difference in the people in Native States where this stunting process does not go on?—That assumes the truth of the remark that the stunting process is going on in British India.

2674. You think there is no stunting process?—Not on account of that. The stunting process is on account of the higher rungs of the ladder not being open to us.

2675. I think you said you were in favour of Grand Committees?—Yes.

2676. If the Government has a certain majority on a Grand Committee what is the use of it?—No use.

Chairman.] Did you say if it had or had not a certain majority?

Lord *Sydenham.*

2677. If it had. (To the *Witness.*) If the Grand Committee has, *ex hypothesi*, a certain majority on the side of the Government, what use is it?—It is no use.

2678. Then what sort of Grand Committee do you contemplate?—A Grand Committee as described in the Montagu-Chelmsford Report, in which there shall be a bare majority, exclusive of the Governor, in favour of the Government.

2679. If you have a bare majority the thing is settled, is it not?—No. The majority consists of this: The Grand Committee is to consist of 40 to 50 per cent. of the Legislature; it is to be constituted *ad hoc.* Say half of it to be elected by the Legislature, the other half to be nominated by the Governor, with one more added to give him a bare majority over the elected.

2680. If the majority was effective, as it is intended to be apparently, the Grand Committee would be of no use whatever, would it?—I question the use of the Grand Committee as a device for the purpose of giving to the Governor only the affirmative power of legislation.

2681. Then you are ready to give up your support of the Grand Committee?—No. I am in favour of the Grand Committee with a bare majority.

2682. You said no men of talent and ability would ever come to the Legislative Council of the Government of India unless certain conditions were fulfilled. Have no men of talent and ability been attracted to the Legislative Assembly in present circumstances?—Certainly, in both the deliberative Assemblies; but when, under the new scheme, opportunities of service and distinction will be thrown open to the people of capacity in the Provinces then they will be attracted to the Provinces unless there are similar opportunities thrown open to them in the Central Government.

2683. Surely the position and the powers of the Legislative Councils in India under the Bill will be considerably greater than they are now, even if they are not so great as you desire?—Not in the Central Government.

2684. Greater than they are now?—Not in the Central Government, which is merely a Morley-Minto model.

2685. You think the Bill does nothing to give any power to the Legislative Assembly?—Except having an elected majority.

2686. You

Lord *Sydenham*—continued.

2686. You spoke in serious terms of the gigantic agitation which you expected. Who will conduct and manage that agitation?—I cannot say who will. The men will come with the times.

2687. Will it be the same people as those who engineered the agitation against the Rowlatt Bill?—It may be the same people; it all depends upon the attitude of the Government.

2688. Would you take part in that agitation?—If it comes to that I may.

2689. It is quite impossible that the 96 per cent. of illiterate people in India can organise such a tremendous agitation on their own account. They could not do it, could they?—During the past five years rapid strides have been made in that direction; I do not know what may happen five or ten years hence.

2690. You think the masses could organise this great agitation on their own account?—Not unless they have leaders.

Sir *J. D. Rees.*

2691. I gather you are opposed to a separate purse; you accept the recommendations of the Report?—Yes.

2692. You are a representative of the highest *intelligentia*, are you not?—That is more than I can say.

2693. You represent a University?—Yes.

2694. Is the opinion generally held that a separate purse would deprive the Indians of any control over finance?—Yes.

2695. The contributions from Madras and the United Provinces to the Central Government have come under criticism, either by yourself or by some of the cross-examiners. Could not that inequality be to some extent redressed by levying in Bengal some other tax which would enable this contribution to be equal to its position, population and wealth, and so relieve the other two great populous Provinces from the necessity of paying such a very disproportionate amount?—I am afraid I am not in a position to answer that. I have not considered that aspect.

2696. As you have said, in answer to Mr. Bennett, I gather from your answer that you are yourself not of opinion that the acceptance of these reforms means the handing over of power to a tyrannical Brahmin or other oligarchy which will oppress other people?—No.

2697. In asking questions from a witness, designed to elicit a similar answer, I asked whether the rulers of Native States were ever Brahmins. In examining subsequent witnesses, Lord Sydenham said: "Are there not eleven Native States under Brahmin rulers in Bombay?" I want to ask you whether there are not in Bombay some hundreds of petty native States which do not really count as such, and whether those eleven are of any importance whatsoever as Native States?—I think seven or eight of them are really important Native States.

2698. Are they large?—Yes.

2699. Are they known as Native States outside Bombay?—They are the Southern Mahratta States.

2700. Are you aware that those who conducted Dr. Nair's agitation in Madras, described themselves as including Zemindars and landowners and persons owning the bulk of the property in the Province, paying practically the whole of the taxes collected?—I am not conversant with the Madras conditions.

2701. You were asked some questions about Native States by Lord Sydenham just now. Do you attribute no importance to the personality of the Chiefs. Have they not been able administrators with the interests of their people at heart?—Yes; some of them have been.

2702. Not many? Is it not a common occurrence?—Prominent Princes have been able administrators, no doubt, but I do not know that it is desirable to answer the rest of the question.

Sir *J. D. Rees*—continued.

2703. You were also asked a question implying that Civil Servants had no influence in Native States. Seeing that British residents are either Civil Servants or Military civilians brought up on the same lines would you say they have no influence in Native States?—They have their influence according to the usual official routine.

2704. They have some influence?—Yes. That is within their jurisdiction and powers.

2705. Are they not in most cases empowered under treaty to offer advice which must be accepted?—Yes; that is in the case of some of the Indian States, not all.

2706. As regards Grand Committees you prefer the scheme of the Report to the recommendations of the Government of India?—Yes.

2707. Would you enlighten the Committee as to which amongst Local Governments you consider the "dullest boy." That was your own expression?—I am not in a position to characterise any of the others, but I only claim that Bombay is the most advanced.

2708. Mr. Chintamani, you belong to the North-West Provinces and Oudh?—(Mr. *Chintamani.*) At present. I am a Madrasi.

2709. You have spoken for the United Provinces?—Yes.

2710. You know Sir John Hewett, the distinguished Lieutenant-Governor is about to give evidence before this Committee?—I hear it from you.

2711. His opinions, I have reason to believe from his writings, are not those which you have expressed?—I believe not.

2712. Can you explain that? Have you any explanation how it happens that that distinguished officer is not in favour of these reforms?—His point of view is not the same as ours. His point of view is that of an administrator, a permanent official who attaches more importance to order than to progress. Our point of view is to obtain a legitimate share in the government of the country for ourselves, and to come into line with advanced nations.

2713. Even if progress led to impairing the efficiency of the Government, you are still in favour of it?—Assuming it would lead to impaired efficiency, which I do not admit in fact.

2714. You said the control of the Secretary of State over the Government of India was rather vague and shadowy?—I said the control of Parliament was vague and shadowy.

2715. To what do you attribute that fact?—From all that I have heard, read and observed, I attribute it to equal ignorance and indifference.

2716. May it not equally be the confidence which Parliament, with more knowledge of the subject, feels in particular officers who hold the office of Secretary of State?—It is possible. I do not think it is often the case that that is the reason.

2717. You feel that the explanation does not commend itself to you?—It is not adequate.

2718. Mr. Roy, with regard to the opinions that you laid before the Committee, whose opinions were you expressing and whom do you represent?—(Mr. *Roy.*) I belong to the Moderate Party, but in giving my evidence I was only supplementary to Mr. Samarth, and in some cases I represented my own views. I have used the word "I" always.

2719. Were they representative of anybody?—Yes.

2720. Are you a Press representative?—Yes.

2721. Were you speaking on behalf of the Press or the Moderate Party?—Mostly the Moderate Party, blended with my own views.

Chairman. Thank you, gentlemen.

(*The Witnesses are directed to withdraw.*)

(*After a short adjournment.*)

SARDAR THAKER SINGH is called in; and Examined, as follows:—

Chairman.

2722. You are a Sikh?—I am.

2723. And you have come specially to give evidence?—Not on that account.

2724. You are in a position to speak for the Sikh community?—I am in a position. I come here on my own account, but, of course, I represent my people.

Chairman—continued.

2725. Do you wish to make a statement?—Yes.

2726. If you please?—I would like this opportunity to say this much, my Lord, that the notice given to me for my evidence was, compared with the subject, too short. On Friday morning I was, on inquiry, told that there was no knowing whether my evidence would be

Chairman—continued.

taken at all; but I was in the afternoon informed that I am to be examined to-day. Thus I have had practically one day only. I have thus had no time to study the complicated questions with regard to the form of Government, etc., and would therefore confine my remarks to Lord Southborough's proposals only. I would beg to submit at the same time that I am not a politician, and so I am only to deal with subjects which are concerned with practical questions. I have the honour to belong to a family of soldiers. Two of us have been recently in France for four years, and are still in Mesopotamia serving as officers with the Lancers. I have myself worked in the Settlement Department, and have done general revenue, magisterial, and a little bit of executive work as well. Thus, whatever little I say will be from practical experience.

Coming now to the practical side of the proposals. (1) Qualifications for voters. First, as to the revenue limit, it is a question that does not particularly concern the Sikhs alone, but it is of equal importance to all landowners alike. The limit of fifty rupees is apparently very high, and I can assure the Committee, from personal experience, that under this limit village after village, especially in more populated districts, is sure to go unrepresented excepting, of course, through their privileged voters. This is sure to be resented, because it is evident from the statement itself, that out of 65,000 in number 50,000 Headmen or Lamberdar will be such as will have to be excluded under this limit if they are to be included in that list. This shows that some headmen, with no position in reality, and income-tax payers who are looked down upon by the landed classes, will get a thing which men of comparatively real importance may not get at all. Then the number of voters would be little less than 1 per cent. of the total rural population, while for the urban it would be a little over 3 per cent., though I think it would actually come out to more than that, because townspeople know how to get in. Anyhow, as the figures stand, the townspeople would get nearly two-thirds more compared with the rural classes, and this the latter are sure to feel. In fact I may be allowed to say that the time has come when every class realises its position. The agriculturists cannot be expected to be an exception to this general rule, especially when their soldier sons, with new ideas and new aspirations acquired during their stay in the Western atmosphere, are among them to influence almost every sphere of their life. The chief objection against the lowering of the revenue limit seems to be an apprehension of making the electorate unmanageable; but I would submit that even if the number of votes in rural areas were double that of urban, I am of opinion that still the former will take less time than the latter—at least in the preparation of the electoral register. I would therefore suggest, in the interest of making the representation real, that the revenue limit should be brought down. As to giving votes to village and rural notables, I would like to submit—and I do this only to explain the situation to the Committee, otherwise it does not particularly concern my community—that if their intention be to make the representation real, if the desire be that voting should not be subject to any pressure, if the idea be to arouse interest in the system and to train the people for still higher responsibilities, and, above all, to keep the harmonious relations in villages intact, then the qualification should generally be one and the same for each and every individual, and there should be no exceptions in favour of any particular class.

(3) As to the qualification of income tax, if it includes Government servants, as I think it does, I would like to submit that it would be to the interest of the Administration as well as to the object of giving these votes that Government officials should be given no votes in places where they are stationed in their official capacity. When the number of officials on local boards is being deliberately cut down, their entry into a new system may, I am afraid, produce consequences which are being felt now in local bodies. As to the ordinary income tax payer, there are strong objection against his inclusion in rural constituencies. This class consists chiefly of money-lenders, though some are traders as well. They have very little in common with landowners. As a rule the agriculturists have a great dislike for them, but, nevertheless, cannot at present get on without their help. This class is as a whole wealthy and can afford to spend as much as the occasion may demand, only if they could secure some means to win their declining prestige. They are now wonderfully organised, and do make their voice heard and their influence felt. Under those circumstances I am not only of opinion but feel as sure as anything that some if not many of the seats are sure to be captured by this class. The natural result is therefore expected to be the frustration of the object for which these separate electorates have been created. I would consequently urge upon your Lordships' Committee that this class like commerce and industry should be transferred to some other constituency.

Chairman—continued.

(4) As to communal representation, the past history of the Councils in the Province of the Punjab proves that any scheme which does not make specific provision for the adequate representation of Sikhs can be of little use to them. They have seldom been able to get a member elected to the Provincial Council and they have seldom been able to get any such member on the Municipal Committee of Amritsar, where they have, although in a minority, much at stake. If any further proof were required I would refer to the discussion in the Provincial Council, where a very simple request on the part of our members to add to the resolution the words "subject to the just claims of the Sikhs" was refused by our Hindoo as well as Mahommedan brethren, and why? Because we did not go to the Congress League platform, as one of the members said in his arguments. We are prepared to plead guilty to the charge, if charge it can be, that we have so far taken little part in the deliberations of the Congress, but surely this could hardly be a reason to refuse even to consider our just demands. Nobody would be more glad than the Sikhs themselves to dispense with communal representation when the time comes, but under the circumstances we feel compelled to say that the scheme can be of benefit and help to the Sikhs only if an adequate number of seats is reserved for them.

(5) Then comes the question of representation. The basis for the distribution of seats is said to be in the case of Sikhs the census enumeration plus their political importance, but the Sikhs are of opinion that in practice the allotment goes by their correct number alone, because they believe, and they think that the Government knows it is well, that our number was not correctly turned out at the last census. There were reasons for all this, but I would like to submit only this much from personal experience, that not only bona fide, but deliberate mistakes have been committed in favour of Hindoos. Then, an impartial eye would at once see that Northern and Western districts of the Province, like Moltan, Muzzoforgah, etc., consist of with few exceptions people who belong to the Sikh faith, and yet they have been shown as Hindoos. The case outside the Punjab seems to have been worse, because little trouble appears to have been taken in studying this question. For instance, we have several lakhs of our co-religionists in the Bombay Presidency, the United Provinces, the Central Provinces, and Behar, besides our big Talukdars in Oudh, and yet we find no mention made of them anywhere, and, apparently, no safeguards provided to protect their interests. Anyhow, the Sikhs believe this question of enumeration has not met with the treatment which its importance to them required. Under this impression my community is of opinion that as far as the Punjab is concerned the correct enumeration would bring their number to a much higher figure than what it has been shown at present. This leads them, therefore, to the inevitable conclusion that the number of seats assigned to them go by their correct enumeration, plus a little less. I submit, therefore, that if it were declared in plain words that the census were the only criterion for representation in the affairs of the State, although I feel compelled to say that never before in any period of Indian history has this principle ever been recognised, then the Sikhs will try to feel themselves contented, because it will at least spare them many unwelcome and unpalatable remarks at the hands of those of our advanced brethren who do not look upon our political attitude with favour. But when it is said, my Lord, that our services and political importance do count we consider ourselves entitled to ask in what way and what have we been given?

Chairman—continued.

given? We appreciate that the principle has been recognised, and so the only thing I would like to submit is that justice demands that the distribution of responsibilities in the civil administrations of the country ought, if not wholly at least approximately, to go with the quota which each community contributes towards its preservation. Taking our stand on this principle, I say that my community has put in nearly one-third of the total forces recruited from the whole of the Indian Empire, but we find that only nine seats out of 83, or 61 elected in the Provincial Council, one out of 80 in the Legislative Assembly, and one out of 24 in the Council of State, are proposed to be given to us. Leaving alone even the question of the last two, we find ourselves in a hopeless minority in the Provincial Councils. Our members here will, even with the impartial official votes, hardly be able to carry through any measure which may concern the Sikhs and the Sikhs alone. Under these circumstances it is requested that our case may, with due regard to our interests at stake, our status before the annexation of the Provinces, and our past and present services to the Empire, be kindly considered, and a representation that may be adequate, effective and consistent with our position be given to us.

(6) There is a very important point with regard to the declaration. I would like to bring to the notice of your Lordships' Committee a point which is of vital importance to the Sikhs. It is the difficulty recognised in Lord Southborough's Report of distinguishing between some classes of Sikhs and Hindoos. It has been suggested in the Report that the officer responsible for preparing the electoral roll should accept the declaration of an elector unless he is satisfied to the contrary; but the interests of the Sikhs demands that when a doubt arises in the case of a candidate standing for a Sikh constituency the question should be referred to the Chief Khalsa Dewan, the representative body of the Sikhs, or to a special committee consisting of Sikhs of recognised position. I think only such a body can be the best judges. Unless a provision is made to that effect I am afraid that men of other communities will creep in, with the result that the object of the grant of communal representation to the Sikhs would be frustrated.

(7) As regards the constituency, the only point where the Sikhs are to feel its pinching—and very strongly, too—is where the rural and urban people are put in one and the same constituency. It is, in the first place, apprehended by the Sikhs that their position is being undermined in different ways, thanks to the sagacity of some of our Judicial Courts. Any man with some influence in the town can pose as a Sikh and stand up as a candidate. The voters living within a small area can be easily influenced and their votes secured. On the other hand rural votes would be scattered far and wide. Thus the latter would in no case be able to compete with the former. Thus we fear that the rural seats may be captured by urban people. In the second place, as mentioned by the Local Government itself, the interests of the two sections are quite apart from each other. One knows nothing at all about the affairs of the other, and consequently the election of the one is sure to be detrimental to the interests of the other. I would therefore suggest that the two classes may be kept apart from each other; the interests of the agriculturist are otherwise sure to suffer in the long run.

(8) The only subject on which depends the whole future of the agricultural classes is the revenue. It does not concern the Sikhs alone, but all landowners of whatever caste or creed they may be have their all attached to it. I would be failing in my duty if I were not to bring to the notice of your Lordships' Committee that, although it is a fact that this class is not only from the economic point of view the mainstay of the nation, but supplies men and material for the protection of the country as well, and yet by an irony of fate it is this class whose lot is at present the most unenviable one. The less said the better will it be, and so I would submit only this much, that my personal experience, derived from having constantly remained in touch with allmost all classes in the Punjab, tells me that this class as a whole has reached

Chairman—continued.

a point where the interest of all parties concerned demands a change of attitude in connection with the land revenue policy of the Government, and suggests that means should be devised to raise if necessary taxation from sources other than land. But this can be done only if the Revenue Department is controlled by a person acquainted with the difficulties of this class. I would under those circumstances submit that in case revenue be a transferred subject, it should be put under the charge of a man who personally knows the conditions of the agricultural class, and if it remains on the reserved list it should be under the control of one who has seen for himself how the persons concerned with it feel the pressure from all sides.

(9) The only question now remaining is the question of Women's Suffrage. As to this, I would like, in order to avoid any misunderstanding, to bring to the notice of your Lordships' Committee that the Sikhs regard their women as their equals. We have practically no purdah system among us, and our very religion places women on an equality with men. We are as much solicitous for the welfare of our girls as we are for that of our boys. It may interest your Lordships' Committee to hear that, although in a minority, we have at present more high schools for girls than any other community. Anybody who has been to our annual Education Conference would attest that out of the whole audience of several thousands of people coming from far and wide, nearly one-third consists of our women. Moreover, they do not come as mere spectators, but take an active part in our deliberations as well. Nevertheless, it is a fact that we feel we are yet far off from that stage which may make us even to look for votes under that head. The division of our duties is such that both parties feel quite satisfied with the present arrangement. Our women would not like to enter into the domain of their male protectors, and the very idea looks to them a strange one. Very few in the present state of society are expected to avail themselves of the opportunity even if it be given to them. Plainly speaking, the prejudice pertaining to questions like this is so strong that I know of examples in which highly-placed and educated gentlemen would prefer to forego the benefits of the scheme rather than give out the names of their wives. We therefore think that this question should at present be left alone.

That is the evidence I have to offer, my Lord.

2727. I know we gave you rather short notice, and I am sorry that was so; but if anything occurs to you that you would have wished to have said you have only got to put in a Memorandum afterwards?—Thank you.

Lord *Sydenham.*

2728. I think you told us that the Sikhs were not properly enumerated in the Census?—Yes; that is the fact.

2729. Why is that; what made it wrong?—In the first place, this question is rather a complicated one, in one way, because we are all intermingled with each other. Then there are certain parties who know that the more our number becomes the more they will be losing, and so they will not like that the correct number of Sikhs themselves should be allowed to stand in that way. Then we have two sections; one is the Sahjdaris, and the others are called Singhs, so that the Sikhs include two sections, one the Sahjdaris Sikhs and the other the Singhs. One take to shaving and the other party have got hair on their head like myself. We have got these two sections, but the majority consists of the Sahjdaris. The idea was that those who have got hair on their heads were to be enumerated as Sikhs, so that the other party is left alone in that way and included among Hindoos. Now the difficulty is that when anybody, may he be a Sahjdari or what, goes to a judicial court he can get himself declared a Sikh.

2730. What do you think is the main cause of the great agitation which was begun in India during the Great War?—I would not like to answer that question in public, probably because it might throw some reflection.

2731. You would rather not answer that question in public?—I would rather not, with your permission.

2732. You are aware that there will be a great increase of the Indian Civil Service from Indians, and that in a short time, perhaps six years, something like 60 per cent. of the higher appointments of the present

Lord *Sydenham*—continued.

Civil Service will he held by Indians. In that great increase, do you think the Sikhs will get a fair chance of a proper representation in it?—I have not been able to study the scheme that is to come into force, but if it has made any provision to safeguard the interests of any special community, then the Sikhs may, to some extent, be protected.

2733. If it rested purely with competitive examination you think that would not give justice to the Sikhs?—I will not say to the Sikhs; it may only apply to certain classes, because we are now a little bit far advanced.

Chairman.

2734. I do not think "justice" is quite the word; it may be expedient or inexpedient, but your point is that the system of competitive examination would result in few Sikhs getting into the Civil Service; is that your opinion?—What I mean to say, my Lord, is that I have not studied that point, and I do not know whether the examination is to be for the whole of India or whether there is to be any provision with regard to the Provinces.

2735. Your answer would depend a good deal upon that?—Yes.

2736. I think you told us that you regard the political power of the towns as too great?—Yes, it is, compared with rural.

2737. And you think that under the new scheme embodied in the Bill that preponderance of the power of the towns will still continue?—It will still continue.

2738. Are the interests of the town dwelling politicians identical with those of the rural population?—If I were to speak from the circumstances which are at present prevailing, then the agricultural classes are disappointed in the townspeople in different ways. So far nobody seems to have taken up their cause and to give what they want, so that it will be by a sacrifice if the townspeople are going to get more and more.

2739. In all the local bodies in local self-government do the Sikhs get what they would consider a proper measure of representation?—As far as elections are concerned we have not been getting anything at all; but the Government has been making certain provisions; for instance, Amritsar has now got probably three seats reserved for the Sikhs. In that way provisions are being made to assist.

2740. But unless the Government had made these special provisions the Sikhs would have come off badly?—Up to the present we are backward in that way.

2741. Is it not the case that the cultivating classes are always working very hard, and have not much time to devote to politics?—That is quite true. I should say that, notwithstanding their working hard from morning to night, sometimes they do not get even time to sleep, and they have got certain bills and certain things which I would not like to speak of now.

2742. That is why the political power tends to fall into the hands of the town-dwellers?—Yes. My point is this: That the village people are suffering because they have nobody to speak for their cause. If the town leaders had taken up their cause they perhaps would not have suffered to such an extent

2743. Considering the enormous preponderance in India of the agricultural population and the classes living on the land, you would not think any scheme of reforms would be satisfactory unless it gave sufficient power to that large cultivating class?—That is quite true.

2744. Then you do not think agriculture will benefit if it is transferred to a popular Minister who might very probably be a town-dweller also?—In that case it would not.

Mr. *Spoor.*

2745. The only question I would like to ask is with regard to your statement about Women's Suffrage. We have had, as you know, a number of witnesses here, and I think you are the first Indian witness who has expressed himself as definitely opposed to Women's Suffrage. Did you hear the statement made by Mrs. Naidu?—No.

2746. And you have not read the Memorandum that she put in?—I would like simply to know what you mean to refer to?

2747. Her argument was that the women of India

Mr. *Spoor*—continued.

were all well qualified to exercise the vote, and not only that, but that there was a very real desire amongst many of the women in India to have the Franchise?—In the first place, whatever I have said I have said with regard to the women belonging to the agricultural classes.

2748. You speak simply regarding the rural areas?—That is so.

2749. You do not express any general opinion on the question?—As I said, I can give an example in which a gentleman whose name I could give, belonging to one of the educated families and holding one of the higher appointments in the Punjab, declined to give out the name of his wife to the Accountant-General rather than have the benefit of the second scheme.

2750. I hope that is not a general attitude?—I am simply telling you that there are some educated people as well in the towns who are against it.

2751. You yourself are not personally opposed to votes for women, are you?—As far as the agricultural classes are concerned, I am.

Mr. *Montagu.*

2752. Would you give us a rough shot at what you think the number of Sikhs is in the Punjab? You say that the census enumeraton is wrong?—We generally think that it would be nearly double to what it has been shown to be.

2753. It is now nearly 11 per cent.; the representation given by the Southborough Report to the Sikhs is to be nine members out of sixty-one?—Yes.

2754. Do you think that is not sufficient?—What I mean to impress upon you is this: That that 11 per cent. consists of the Singhs, just as I have explained, and not the Sahjdari Sikhs; and when that class (Sahjdari) is included among the Singhs, then even this is not sufficient.

2755. Supposing one considers communal representation for the Sikhs, as was recommended in the Montagu-Chelmsford Report and in the Southborough Report, would the whole of your community be willing to accept as Sikhs those gentlemen to whom you refer who are not enumerated in the census?—You will excuse me if I do not quite follow.

2756. You referred to the Sikhs who cut their hair?—Yes.

2757. And you suggested that if you really wanted to find out how many Sikhs there were you should include those?—Yes.

2758. What would the orthodox Sikhs say to their inclusion?—But there is a difficulty which perhaps I have not been able to explain myself in that way. The Judicial Courts are including this second class (Sahjdari) among us. The Sikhs are at present given representation for the "Singhs." The "Sahjdaris" have their number included among the "Hindoos." Thus, the "Singhs" lose the benefit of the number of their "Sahjdari" brethren, while they are now ordered to share whatever they have got, or are expecting, with the latter (Sahjdari). The question is, if we are left alone just as at present, they are giving us representation for the Sikhs; we are not getting any advantage from their numbering, and we are going to lose what we have got.

2759. You were telling Lord Sydenham, I think, that the people who live in towns have an undue share in political life in India at the present moment?—Yes.

2760. They count for too much; do you not say so?—In a sense.

2761. We complain of that in this country too. Will you just give me an instance of something that the rural classes want very much that those who dwell in towns have not taken up on their behalf?—For instanee, on the particular question of revenue, unless you were to change that policy with regard to the revenue system, village people are going to have nothing at all. They cannot attend to sanitation, and if you were to say that they should be under compulsory education it would be no use to them, because nowadays their children, when they are six or seven years of age, have to help their fathers in the agricultural work, and if they are forced to go to school the agricultural work will suffer. So, unless that policy is changed I think nothing will be of any use for the agricultural classes.

2762. You

Mr. *Montagu*—continued.

2762. You do not want compulsory education?—I simply say that unless you put them in a position to avail themselves of that compulsory education, it would be of no use to them. What I mean to say is this, that a man who is earning his living has no time to spend in other places, and when a child has to help his father in his ordinary work if he disappears from that work, of course the father will suffer—rather, starve.

2763. That is a Revenue problem?—Yes.

2764. It is really Revenue?—That is the first and foremost question.

2765. What chance under the existing system has the politician who lives in a town to alter the Revenue system?—I do not say that; I have never said that.

2766. Therefore, you do not suggest that the people who live in the towns would not help you with your Revenue, do you?—No; whatever I have said relates to up to the present time. I do not mean to say that they might not do so. What I mean to say is that up to the present they have not.

2767. I put it to you that that was because they could not?—In certain respects, excuse me, they could. For instance, take the question of opening the schools. No townspeople have so far opened any school for the benefit of agriculture, though many have been opened in towns. Then you have got very many witnesses here, but you will excuse me when I say that most emphasis was laid on industries and a good many other things, but did you hear much about the Land Revenue Policy and the agricultural classes?

2768. We were studying constitutional reforms?—I do not mean that. I am talking about what has been said to you here in this room. If the educated classes wished to help they could take up their cause in that way.

2769. Have you been present at most of the sittings of this Committee?—Not most of the sittings, but some.

2770. Have you not heard a very large demand that Land Revenue should be a transferred subject?—It may have been, but the question is whether they have put forward the demand for a change in the policy. May I ask, if it becomes a transferred subject, will the policy be changed? If it means that, it is quite right.

2771. Would you like it to be a transferred subject or a reserved subject?—I have just now expressed my meaning in this way, that if it is to be a transferred subject it ought to go to a man who belongs to that community and understand how they are faring.

2772. Which would you prefer it to be, or would you rather not express an opinion?—Personally, I would like it to be transferred and to go under that head.

2773. You know of the organisation called The Chief Khalsa Dewan?—Yes.

2774. You regard that as representative of your community?—I do.

2775. They presented an address to the Viceroy and myself; did you ever see that address?—Yes.

2776. Do you agree with it?—Yes, I do.

Lord *Sinha*.

2777. The line of discrimination between Sikhs and non-Sikhs is the matter of a huge controversy, is it not?—Yes.

2778. You would not suggest an official announcing only the religious belief of a proposed elector, would you?—Not at all; I rather propose quite a different thing. My suggestion is that as it is a religious question it should go to a religious body. But I do not refer to elector. My proposal refers to a candidate for Provincial Council when faith question is challenged by another candidate.

2779. I suppose you know that Lord Southborough's Committee in this matter was being advised and assisted by a co-opted colleague, the Honourable Sardar Sundar Singh, who is the Sikh representative on the Viceroy's Council?—Yes.

2780. And what they have laid down has been with his advice and assistance?—I do not know; he may have given his agreement; I cannot say that.

2781. You have read the Report?—Not the whole.

2782. The portion of it with regard to the Punjab?—Yes; but not the whole, in the way that this member gave this opinion and that member that opinion.

2783. I did not suggest that, but you have read the Report itself as a whole?—Yes.

Lord *Sinha*—continued.

2784. You know, do you not, the recommendations of the Lieutenant-Governor of the Local Government with regard to Sikh representation: do you remember what he recommended?—He recommended on the same lines.

2785. On the same lines as the Southborough Committee?—Yes.

2786. And the recommendation was: 6 Sikh members, out of a Council of 60, I think? That was the Lieutenant-Governonr's original proposal: do you remember that?—Yes; I do.

2787. Lord Southborough has made it 9 in a Council of 85; 8 Sikhs and 1 landholder Sikh; 9 altogether out of a total of 85?—Yes; but you remember at the same time it was 5 out of 40, as far as I remember, and the number of Sikhs was increased later on in nearly the same proportion as the total number of seats.

2788. That is what I say?—And was in the same proportion to the recommendation of the Local Government.

2789. I was just putting to you that the number has been increased further than the Lieutenant-Governor himself had recommended, so far as Sikhs are concerned?—Excuse me, what I meant to say was this, that 5 Sikhs were recommended, and the total number of seats was about 40, if I am not wrong, and not 60.

2790. It was 6 out of a Council of 60?—It was 60, and it came up to 83. I meant to say that that number was increased later on proportionately.

2791. That is what I am pointing out?—The number of Sikhs instead of being 5 was proportionately to go up.

2792. I point out to you that the proportion is larger?—In that way, as I have said, 9 Sikhs out of 83. At the same time, out of other seats connected with the University, and so on, many are sure to be captured by non-Sikhs

2793. They could be captured by Sikhs, too, I think?—No; so far as general elections are concerned, we are hopeful of nothing at all.

2794. If you are an average representative of your community I do not see why that should be so?—Excuse me, it does not depend on the community itself, because nowadays we are having our second-class brethren, the Sahjdhari Sikhs coming in. Now we may have a person belonging to another creed coming in, and he is entitled to vote, so that it does not depend on one class alone.

2795. What do you suggest that Lord Southborough, or his Committee rather, might have done which they did not do?—My suggestion is that it could increase the number of seats; for instance, the urban population should have been excluded from the rural constituency and given a separate seat.

2796. You cannot have communal representation as well as seats in the General Council, and you do not suggest that?—Excuse me, but you might have done just as you have done when you put the two classes together.

2797. Do you suggest that there should be communa seats and also seats in the general constituencies fo Sikhs?—I will not say that, but they might have been given an extra seat.

2798. You mean that the eight or nine might have been ten or twelve?—Yes.

2799. Upon what basis? Can you suggest a basis different from what Lord Southborough's Committee took. That is what I want to know?—As far as the seats were assigned, I do not think they were assigned on any basis—excuse me when I say so; but if it is to be on the basis that we get some extra seats on account of our political importance, one more could be added.

2800. How would you do it?—Just as two were added before.

2801. You mean arbitrarily?—Not in that way; you added two on account of what reasons?

2802. The Committee did not do it in that way; the Committee added to the Lieutenant-Governor's number, taking into account the increase in the total number; the Lieutenant-Governor having suggested six out of 60, the Committee made it nine out of 85?—Yes.

2803. So that they got a proportion on more or less the same, only it gave a little more than the Lieutenant-Governor

Lord *Sinha*—continued.

Governor recommended?—Excuse me, but do you mean to say that whatever the Lieutenant-Governor said is to be accepted?

2804. I do not suggest that for a moment?—If you mean that, I have no reply.

2805. I do not suggest that for a moment?—If you do not mean that, then I say you have a right to do something more in that way.

2806. That is to say, when the Lieutenant-Governor said that the Sikhs, by reason of their importance and their services, deserved more than their numbers required, you say he ought to have suggested a larger proportion?—Yes.

2807. The uncertain factor of the political importance and services, or, rather, the imponderable factor, you assess at a larger figure?—I do not say that; you say that I desire on an uncertain basis another seat could be added, and I say that you should act on

Mr. *Bennett.*

the particular basis on which you think extra seats were given to us then.

2808. Practically, the one is as uncertain as the other?—That may be known to the officials who suggested it.

2809. I put it to you that your suggestion is that the one is as uncertain as the other?—I will not say that, I would not say uncertain.

2810. You stated that there was no one to take up the cause of the village community in the Punjab; is that so?—In a sense.

2811. Who do you think would be the proper and natural representative of the cultivated classes of the Punjab? Are they to go unrepresented?—No; what I mean to say is this, that you encourage them to take up their own cause—that is what I suggest.

2812. And there is no one to take it up?—Very few.

(*The Witness is directed to withdraw.*)

Die Martis, 12° *Augusti* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

RAI BAHADUR K. V. REDDI is called in; and Examined, as follows:—

Chairman.

2813. I think you come on behalf of the South Indian Liberal Federation?—Yes.

2814. Particularly to give evidence with respect to the views of the non-Brahmins of Madras?—Yes.

2815. And you have been good enough to furnish us with a list of answers to our questions?—Yes.

The same is handed in, and is as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible Government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I accept the proposition that it is desirable to bring about the progressive realisation of "responsible government" in India. I would define responsible Government as that form of Government which is really democratic, and in which the executive is controlled by the decision of a legislative body which is elected, and which is reasonably, if fairly, representative of all sections of the people, having regard to their numbers, their property, their tax-paying capacity, and their ability to contribute to the wealth of the country and to its defence. That Government which is responsible to a legislative body composed mainly, if not wholly, of a particular section of the people, cannot be a responsible Government. The responsibility must be, though indirectly, to the people at large, and not to a section thereof, however intelligent, advanced, or politically minded that section may be. In short, it must be a democratic Government. I accept the proposition contained in the preamble, with addition of the word democratic between the words "self-governing" and "institutions."

2. Do you think that the realisation of responsible Government in the provinces involves the establishment in provincial legislatures of a substantial elected majority? (Clause 6)?—Yes.

3. Do you think that the non-official members of the provincial legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present?—I think that the non-official members of the provincial legislatures should possess power to control the actions of the executive, provided the legislatures are so constituted as to represent all classes and communities in proportion to their numbers, their property, their tax-paying capacity, and their ability

Chairman—continued.

to contribute to the wealth of the country and to its defence. The legislatures do not possess such powers at present. Nor can we consent to any powers being given to these legislatures, unless they are constituted in the manner just described. Under the conditions at present prevailing in the Province of Madras, such legislatures cannot be constituted therein, unless provision is made for communal representation on the lines described in the memorandum herewith submitted.

4. Do you think that there are certain matters or functions of Government in the provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Yes.

5, 6. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view? If you have any other method to suggest, does it (i.) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way? (Clauses 2, 3, etc.), and (ii.) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the legislature and those who represent it in the executive?—We do not think that the dual form of Government embodied in the Bill is the best means of securing the objects referred to in the previous answers. Our objections are:—(1) Friction between the Executive Council and the Ministry. (2) Possible unpopularity of ministers, as compared with Executive Councillors, in the matter of taxation. (3) Divided responsibility of executive is not good in principle. Unreal nature of a "united front" by the two parts. (4) Absence of scope for ministers to be trained in all branches of administration. (5) Minister's opinion and influence, and through him of the Legislative Council, will not be reflected in the administration of the reserved subjects. (6) Trouble regarding the public services and their position under ministers, in transferred subjects. (7) Budget troubles, including those indicated by the controversy regarding joint purse

Chairman—continued.

purse and separate purse. (8) The inherent impracticability of division of responsibility in certain subjects. (9) Unfairness of judging the working of the system of government by the efficiency of the minister, and not by the record of the legislative body, in the enquiry by the statutory commission. (10) Opposition of Local Governments to the dual system. Having objected to the dual form of government, I would attempt to secure the objects in view by a system of the kind described below. The Government will consist of the Governor and four Executive Councillors or four Ministers—I would prefer the latter appellation, being akin to the English system. To begin with, two of these ministers will be Britishers, and the other two will be Indians. The latter will be selected by the Governor from the elected members of the Legislative Council. There will be a division of subjects into transferred and reserved subjects. The Legislative Council—constituted on a thoroughly representative and communal basis—will have full control under the transferred subjects, which will ordinarily form the portfolios of the Indian Ministry, but there need be no rule to that effect. English ministers also can be in charge of these transferred subjects. There need be no distinction of any kind between the Indian element and British element in the ministry. It is to be a Unitary Government, which is responsible to the Legislature on transferred subjects, and to the Government of India and the Parliament on reserved subjects. Proposals of the Ministry for the appropriation of provincial revenues shall be submitted to the Legislature whose resolutions thereon are binding on the Ministry in all matters connected with transferred subjects, except in increasing expenditure, but not so on reserved subjects, in which case the Governor's certification prevails. In fact, all the provisions of the Bill appropriate for the above purposes will remain. The apportionment of expenditure between reserved and transferred subjects will have to be determined by a financial committee for a period of nine years. Some subjects will be transferred in the beginning, and at the end of nine years in the wake of proved fitness more subjects will follow. The Governor will have full powers as in the Bill to meet all exigencies. The Legislature will control legislation, but all the safeguards provided in the Bill will remain. It provides for a Unitary Government. None of the objections urged against Diarchy can be raised against this scheme. Such a scheme makes a beginning—and a substantial beginning—in responsible government. It provides possibilities of advance by stages, and facilitates the progressive realisation of responsible government. This system will afford means of judgment to the electors and to the Statutory Committee in the same manner and to the same extent as the system in the Bill is expected to afford. The only difference is that instead of judging by the acts or the efficiency of the Minister, they will have to judge by the acts and efficiency of the Legislative Council.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—This question does not arise in view of the above answer.

8. In particular, do you think (i.) that Ministers should hold office "during pleasure"?—*i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of the Legislature? (Clause 3 (1)). (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3 (3)). (iii.) That the Executive Council should in all provinces normally consist of one official European and one non-official Indian? (Clause 4). (iv.) That the Governor should have power to dissolve his Legislative Council? (Clause 7 (4))?—(i.) Yes. This is contained in my answers to questions 5 and 6. (ii.) The Governor should have the power in the system above suggested. (iii.) Does not arise in view of the scheme. (iv.) Yes.

Chairman—continued.

9. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—(i.) Applying the limitations to the above system they are suitable. (ii.) They are severe, but may remain for the present. (iii.) They are adequate to safeguard the responsibilities referred to.

10. In particular, (i.) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i.) Yes. (ii.) Yes; because I have no better plan to suggest, nor any modifications.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to provincial Legislative Councils over provincial governments?—Yes.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Yes. I would, however, substitute eight years for ten years in Clause 28. Three terms of a Legislative Council will cover nine years. If, at the end of eight years, the inquiry is begun the Commission will be able to report and necessary steps can be taken within the ninth year. So that if any changes are to be made they can be introduced at the end of the ninth year, and they can come into force with the new Councils of the fourth term. Ten years are too long, in my opinion.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—Yes. The Brahmin-non-Brahmin question will have to be settled by making the necessary modifications in the Bill and in the Schedule. The Franchise Committee recommended that the question might be settled by the Government of India after the Bill was passed. Clause (6) proviso (*a*) of the Bill, read with Schedule (1) also seems to provide for such a course if the clause "for varying the proportions which the classes of members specified in that Schedule bear to one another" can be held to empower the India Government to provide seats for Brahmins and non-Brahmins separately in the Madras Legislative Council. The India Government themselves are against such a proposal. They say, "We have grave practical objections to this suggestion. If the reform scheme is not to start under a heavy handicap in Madras the bitter feelings which have been aroused by this controversy must be allayed. We cannot expect co-operation and goodwill from the non-Brahmins so long as no provision is made to secure their interests. . . . Our own responsibility for the contentment of the country makes it incumbent upon us to make every attempt to arrive at a settlement which will satisfy the reasonable claims of both parties *before reforms are introduced.* It is indeed not only the two contesting parties who are interested." As pointed out in the Memorandum herewith submitted, such a colossal measure as the present reform scheme with far-reaching consequences cannot be ushered in when vast majorities are groaning at the very threshold. The feeling of the non-Brahmins at the present movement has been sufficiently described in tthe Memorandum. Great disappointment and discontent would prevail if no provision is made in the Bill. It is impossible to predict what the consequences will he. We have

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pointed out in the Memorandum, in another connection, that the Government of India did not show any sympathy to the non-Brahmins till recently, and in the fifth Report they have committed themselves to reservation of seats in plural constituencies. We have always been demanding separate electorates, and it is not fair to us to be referred back to the Government of India. We also respectfully beg to state that we do not expect sufficient sympathy from the present Madras Government. We propose that the figure 61 in column 3 of Schedule I., noted against Madras under the heading "General Electorates," be altered into 49, and in the next column 18 be altered into 30. We also propose that in proviso (*a*) to Clause 6 (1) the clause "for varying the proportions which the classes of members specified in that Schedule bear to one another be omitted." We also suggest that a clause be introduced in the Bill itself to disqualify those that came in Communal electorates to take part in general electorates. We also suggest that paragraph (2) of Section 23 of the Bill should be so altered as to make it incumbent on His Majesty's Government to move the passing of the rules and obtain the consent of both Houses of Parliament.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—Our observations on the Report of the Franchise Committee, so far as they concern—the, to us, all important question of—Communal representation are contained in the Memorandum herewith submitted, and that Memorandum may be treated as an answer to question 19. In addition, we beg leave to add that the rural franchise, as given in the Franchise Report, is not broad enough. The number of rural voters is very small when compared with urban voters. Their number must be sufficiently raised by lowering the property qalification. The percentage given by the Franchise Committee at the end of page 26 of the Report is somewhat misleading. Soldiers and men of the Labour Corps shall be given the right to vote, as also wage earners. We also insist upon residential qualification for candidates. The provision of seats for landholders other than Zanindas is obviously inadequate. They must be given at least six seats. On the question of transferred subjects, our position is that no subjects shall be transferred if Communal representation is not to be granted for non-Brahmins. If Communal representation is granted we accept the division proposed by the Committee on division of functions, except as regards secondary and university education, which, in our opinion, should not be transferred until at least the first commission of inquiry sits and reports. My association had no opportunity of considering the Report of Lord Crewe's Committee. Personally speaking, I accept the recommendations therein.

2816. And also a Memorandum?—Yes. (See *Appendix H.*)

2817. It is a very full Memorandum, for which we are much obliged. Have you anything you wish to say supplementary to it?—Yes.

2818. In as brief a manner as you can, please?—At the very outset I come under certain disadvantages which are mostly known to your Lordship and your Lordship's Committee. The great man who led our party has been called away, and those that are left behind cannot expect to put their case with the clearness, ability and force with which he would certainly have placed our case before your Lordship and your Lordship's Committee. Being under that disadvantage and disability I have to crave your Lordship's indulgence and the indulgence of your Lordship's Committee to permit me to speak, not with the briefness which is expected of me, but with a little indulgence, which the greatness of the cause which I come to represent demands. With that preliminary remark I will introduce myself. As I said, I was only a camp follower, and I came here as a lieutenant of our great leader I am 45 years old, and I belong to what is known in my country as the Kapu caste. That caste represents the agricultural peasants and the agricultural labourers mainly. There are some rich men who own land, but they are very few. I personally belong to that community. I graduated some 25 years ago, in the year 1894, and took my degree of lawyer in 1900. Previous to that I was a professor in a Government College, and also a teacher in science. At present I hold the place of the elected non-official President of the Taluk Board of Ellore, which has more than two lakhs of people within its jurisdiction, four-hundred villages and nearly 1,600 or 1,700 square miles. Certain questions arose before your Lordship's Committee regarding Local self-government and certain statements were made by other witnesses which I am perfectly willing to give answers upon. I have also been a Municipal Councillor for the last 16 years; I have been a member of the Polavaram and Ellore Taluk Boards for about 12 years and a member of the Godaveri and Kistna District Boards for about eleven years, and I have served as a member on the following official and quasi-official committees:—The Franchise Conference presided over by Lord Pentland in 1918; the Elementary Education Conference presided over by His Excellency Lord Pentland in 1918; the Madras Recruiting Board; the Madras Soldiers' Board, of which I am still a member; the Committee to consider the revision and amendment of the Madras Local Boards Act; and I also served on the Committee to revise the Madras Districts Municipal Account Code and the Local Fund Code, the Kistna District Recruiting Board, the Kistna District Soldiers' Board, the Kistna District Forest Committee, the Kistna District War Loan Committee, the Kistna District Emergency Board, the Kistna District Police Committee, and the Ellore Abkari Committee. I have attended some Congress Sessions and several Povincial and District Conferences. I presided over the Chittore District Non-Brahmin Conference in 1918; I presided over the 4th Kistna District Ryot's Conference. I attach some importance to that. I was chairman of the Reception Committee of the six coasts districts (northern Circars) Non Brahmin Conference, held in November, 1917. I presided over the Nellore District Conference in 1916. I am a member of the South Indian Liberal Federation, and of its Executive body, the South Indian People's Association, and I claim to represent nearly 28 millions of people out of a population of 41 millions. Having introduced myself, I should like to place before your Lordships' Committee the position of my Association with regard to these reforms. Some misrepresentations were made, and we were not properly represented to the authorities both in England and India as regards our position. It was stated that we were opposed to the reforms, and because the Madras Government also was opposed to the reforms we were in league with them. It was even alleged that the Madras Government was backing us up negatively, and some suggestions were thrown out that there was something behind our movement. I respectfully beg to submit that all these charges are most unfounded and ungenerous. There is a motive for these ungenerous charges against us. They want to cloud the real issue before us, the one issue for which the non-Brahmin Association stands, and which it has deputed me to plead, the one issue of communal representation with communal electorates. In order to make that clear I will at once state my case. Put in a single sentence, I say any reform short of Home Rule (and that need not interfere with us because it does not arise) with communal representation and communal electorates we are prepared to accept, and we are not prepared to accept any reforms without communal representation. That is our attitude. No doubt your Lordship will be pleased to see that in answering questions 5 and 6 we put forward a scheme which in some respects differs from the scheme in the Bill and in the Joint Report. But even that issue I would not like to cloud. The real issue in the case so far as we are concerned, and if it comes to a question of accepting one or the other, if communal representation is granted I would respectfully submit that my Association and the non-Brahmins in Madras would be perfectly willing to accept any reforms which this Committee may recommend to the Houses of Parliament and the Houses of Parliament may pass.

The reason why so much misrepresentation has been made I may at once make clear. The question arises

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in this way. In the year 1916 Mr. Churchill—I should perhaps call him Colonel Churchill—made a speech in the House of Commons which was not telegraphed to us by Reuter—it came later on, about July that year. Addressing the Government, Colonel Churchill said we could raise about ten or twelve Divisions in India. Of all the people in the Madras Presidency—it was myself and my friends who set ourselves to work both on the platform and in the Press, and even approaching the Government authorities to permit us to raise two or three Divisions in the Madras Presidency. We were at once met with an outburst of opposition from the Brahmins of the Presidency, who said that we should support the Government and should support British Armies only if the Government promised Home Rule to India. It may be a perfectly loyal decision, but still it was a position with which we could not agree. We said, Home Rule or no Home Rule, we must set aside everything at that period of the Empire; we must set aside every other consideration and see that the armies were raised in India. By that very time, in 1916, Mrs. Besant's Home Rule Leagues were at work. To us Home Rule only meant Brahmin rule, and we did not want to part with British association and the benefits we have received. We believe, and others also believe, that we owe the present contentment, the present peace, the present happiness purely to our British association. Providence in its mercy placed us under Great Britain, and that intellectual servitude, that social slavery, and that political bondage in which we had been placed before the advent of the British had been removed, and though after the British advent we had not been able to occupy the position which is rightly ours, by our numbers, by the great taxes we pay for the upkeep of the whole Province, and by the vast interests which my community holds in the country, yet we are indebted to Great Britain so much that we could not expect that we could have similar benefits from the Brahmins, freedom or no freedom, to use their language. After all, freedom, however great our conception, is only intended to give happiness, to raise the standard of life, to see that happiness is increased, and all reforms, whatever be their aim, must have as their first element this happiness of mankind and this raising of the standard of life. These two ingredients of reforms we think we cannot have if a system is introduced—a system in which only a particular community in the country is to rise to power and the rest are left behind. That was our view, and we naturally thought that this Home Rule meant Brahmin rule. Non-Brahmin leaders were perturbed, and thought that something must be done to stop this flowing tide of Home Rule started by Mrs. Besant and taken up by the Brahmins. It was in those circumstances that, in November, 1916, a few days before the Congress met at Lucknow, we had to form our Association. It has been stated that our Association came into existence after the Montagu-Chelmsford Report. That is not correct. In the first place the non-Brahmin movement in a certain stage was there. As somebody said, it is as old as the days of Manu. It was in those earlier days that these disabilities commenced. Conquest after conquest followed, and in those days perhaps we had to protect ourselves against foreigners; but when peace and contentment rested in the country the same old disabilities continued, and the restrictions and rigour of caste continued, and, in fact, have been quite recently enhanced, by a school of thought which has sprung up in the country, mostly created, or at least fostered, by the activities of Mrs. Besant and the Theosophists. There was a time, about twenty or thirty years ago, when the Indian social reformers were thinking of a reform of the society of Madras. Then came the wave of Theosophy, which said that everything ancient in India was good. If a woman swept a floor with cow-dung, a scientific explanation was found which scientists could not find, and the pride of the highest castes has been so tickled that they have come back to their old ways, and the rigour of caste has become tightened day after day. That is the social condition as to which I shall presently place before your Lordship one or two pictures—a picture of non-Brahmins and a picture of Panchamas. Perhaps I had better begin with the latter. Those Panchamas, as will be seen, number about six millions to seven

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millions in our Province, out of a total population of 41 millions. Those six millions do not live in the villages proper. Their hamlets are known as Mala hamlets, and "Mala" sounds exactly like "Mal" in "malpractice," or something of that kind, and it has even been explained that Mala magnetism should not approach Hindoos, because they will be polluted with it, and that they should be kept apart, and they are kept apart sometimes even miles and sometimes furlongs from the main village. When they go to purchase the slightest thing they have to go into the village, because no caste man has his shop in the hamlets, and half a day is lost if a person has to go to the market to purchase things. As President of the Taluk Board I am compelled under the rules to tour something like sixty days in the year. I have been President of the Taluk Board, which corresponds nearly to the presidentship of your County Council. I hope I shall be able to learn something about self-government here, but it nearly corresponds to that. As President of this Taluk Board I go about the villages and see for myself what is happening there.

I was submitting that this hamlet is about half a mile or three or four furlongs from the main village. As we approach the village, and, in fact, till I reach the hamlet the schoolmaster, perhaps my sanitary inspector, and two or three Brahmins—respectable men of the place—accompany me. But as soon as we reach the nearest house they clear out. They will not enter into the hamlet. I have to go alone, and even my own teacher, a Brahmin teacher whose promotion rests with the opinion he creates on me, cuts off, and I dare not ask him to follow me into the hamlet.

Then the insanitary condition of these hamlets is something indescribable. The dignity of the Committee does not permit me to describe it in words. As we enter we find a small hut in which are huddled six or seven persons, five or six of them children, almost naked, and the man and the wife, your Lordships will be sorry to learn, are clad in something which cannot be called clothes, but rags. What they eat I have not seen, but one thing I know, when they want to go away they will say "I will go and drink my rice water." He will not say he will eat a meal, because he has none. The matter does not stop there. They are not admitted into hospitals. If a Brahmin happens to be the surgeon he will have to stand outside the hospital, and the compounder asks him what is the matter with him. His pulse is not felt, the thermometer is not applied, and the stethoscope is not applied, but something is prescribed, and he has to take it home and drink it in his place. No wonder that when cholera breaks out it is these parts mostly that are affected. I have not the figures here, but I am sure that the mortality in these classes is certainly higher than in the villages close by. There is another circumstance I must place before your Lordship. The water supply of these Panchama hamlets is bad to think of. During my tour as President of the Taluk Board I had occasion to see one clear instance which I think I should place before your Lordships' Committee. I generally halt at a big place in the morning and go to the neighbouring villages and come back to my headquarters. One day, about five o'clock in the morning, I left the village, and was going to a distant village four or five miles off. I found about twenty or thirty Mala women waiting to get their water, waiting for some man of caste to draw it out of the well, because they cannot touch the well, they cannot put their bucket into the well. I thought it was a matter of course. I went on my journey—it was a case of encroachment which we considered more important than all these things. I finished my business, and was returning in my palanquin with six or eight bearers, and at the same spot on my return journey, when it was ten o'clock (and your Lordships' Committee can understand what it is at ten o'clock in the month of May in India—it will be something like 114 deg. or 118 deg. in the sun) in that sun I found seventy or eighty women and children waiting with their pots in hand unable to touch the well, and without a man or woman in the caste to draw the water. Nothing could have been more heartrending than that. I would submit respectfully that though these Taluk

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Board and District Boards have been doing their best—it was represented to their Lordships' Committee that they have not progressed, but I do not agree—I will be able to show in what directions the Government have been able to make great advances in these Taluk Boards, but still the condition is there. It is not merely political, it is not merely a thing which the Government alone can remove, but it is ingrained in the social circumstances of the country, a thing which can be eradicated only after a great advance is made, and that can be made only when equality is recognised both in social, religious and political matters. There is no admission for the Panchama into the public schools, and I, as President of the Taluk Board, have enormous difficulties in obtaining Panchama schools for Panchamas alone. I am managing something like 120 schools, board elementary schools, and there are 300 teachers. About 220 or 230 of these are Brahmin teachers. Not one single Brahmin teacher would like to go and teach in these Panchama schools, though I promise them a promotion which they would not otherwise deserve. They would not accept it. I have got a list of all my schools, and all these Panchama schools had to be manned either by a Panchama or by a Christian, or by a Mohammedan or by a non-Brahmin. No Brahmin teacher would like to teach those boys. That is the picture that I would place before your Lordships' Committee to consider what part the system of caste plays in Madras, and in this connection I would beg your Lordships' Committee to distinguish the case of Madras from the other Provinces. I have travelled in the north. I was at Calcutta, I was at Benares, I was at Delhi, I was at Agra, I was at Bombay, I was at Nagpur. I have seen all northern India, but nothing which obtains in Madras is to be seen in all its rigour and exclusiveness, which is peculiarly Madrassee. I would therefore earnestly submit to your Lordships' Committee that the Caste of Madras might be dealt with as purely a separate entity in itself.

I forgot to give a picture of the Indian peasant. I thought some question was put—I thought it was Lord Sinha who put the question. I tried to meet it in my memorandum. There are two paragraphs concerning the Indian peasant and the influence that is brought to bear upon him if he tries to exercise his vote. In that there is a quotation from the Joint Report itself, so that I believe my task is a bit lightened there. Still, I am here for any cross-examination on that point.

2819. I think you may take it that we understand your point of view in respect of the non-Brahmins and the Brahmins in the Madras Presidency. What we would like to hear from you, if you have anything further to say which is not in your memorandum, is how you ask us to remedy that?—My Lord, I was presently coming to that. I will draw your Lordship's attention to the resolutions of our association and show how we are ourselves trying to get some reforms—not extreme reforms, but moderate reforms—which will suit the condition of the country. That is our position. I was referring to the charges made against us, that there was something behind our movement and that the Madras Government has been supporting us. The Madras Government, in its various reports to the Government of India, showed that they were not in favour of the reforms, and in order to link us with the Madras Government, to show that we are hand in glove with them, the same thing is attributed to us, and it was said that we are also not in favour of reforms. That is an absolute myth.

2820. You have told us that already?—I am going to bring to your Lordship's notice a resolution in that connection. As if by providence, on the very day on which the famous declaration was pronounced in the House of Commons, a conference of non-Brahmins met at Coimbatore and passed a resolution which would sound very like the scheme in the Report. That resolution runs in these words: "The departments of local self-government, education, sanitation, agriculture, co-operation, and industries to be placed under the control of non-official members of the Legislative Council, the administrative control of these departments being vested in Indian hands, with a view to their being placed under the executive control of the non-official members in the near future." This was on the 20th August, 1917, when we did not know the views

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of the Government of India or the Right Hon. the Secretary of State for India. When we came to know of the famous declaration we met in conference, and the second Resolution runs thus:—"The Conference thanks the Right Honourable Mr. Montagu, Secretary of State for India, and the British Cabinet, for the announcement made that the policy of His Majesty's Government is that of increasing association of Indians with every branch of the Administration, and a steady development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire, and as a first step in that direction the following scheme of reforms is strongly recommended for the acceptance of the Government." I will not trouble your Lordships' Committee with all the Resolutions, but one sentence is this: "In view of the fact that power and caste are at present chiefly centred in a single community, and that other communities have only a slender chance of securing due representation in the Councils unless proper safeguards are provided, and in view also of the fact that in the near future the powers of the Council are expected to be enhanced, this Conference declares that any scheme of reform either of the Councils of the country or of the public services in which due and adequate representation is not provided for, the larger non-Brahmin communities of this Province on the basis above mentioned is bound to result in failure and consequent discontent and disharmony, and this Conference strongly recommends the provision of a scheme of reforms on the following lines." Then is given a scheme in which communal representation is a fundamental basis.

2821. What we want more than anything else is your exact proposal for communal representation?—I will at once come to that. I have mentioned it in the Memorandum. We want not what is proposed by the Government of India, that is a reservation of certain seats, 30 seats out of 61 in a general electorate, or a plural electorate, as it is called, but we want that a separate electorate may be given to us in which the Brahmins should not take part. That is our desire. I may be permitted to draw your Lordship's attention to the paragraphs in that connection. They begin at paragraph 39.

2822. Do you wish to add anything to that?—We want separate electorates, and our reasons are those given in this Memorandum. We submit that these general electorates as proposed by the Government and hinted at in the Report of Lord Southborough are not communal representation. It may be anything else. It does not facilitate the election of persons who can be said to be truly representative of the non-Brahmin communities. It will be noticed that communal representation is given to the Indian Christians, Anglo-Indians and Europeans, and the only community which we always dreaded is not separated from us. I pointed out in another place that we would be perfectly willing to have a general electorate with Indian Christians, because most of the Indian Christians are non-Brahmins in the sense that they were converted from our communities mostly—of course, there are a few Brahmins who could be counted on one's fingers—even Mohammedans and Europeans and Anglo-Indians we have no objection to if a general electorate is wanted. Our complaint is that we cannot get on if we are linked with the Brahmins. We can never succeed against them—they are so powerful.

One or two charges have been made, and I think I may be given an opportunity to meet them. It has been said—I think Mrs. Besant said that ours is an anti-Brahmin movement. I respectfully beg to submit that we are not at all anti-Brahmin in the sense in which she meant it. If claiming one's own rights, claiming his own place in the government of the country is to be said to be anti or hostile to any others; certainly the whole constitution that is being given to us can be construed in that way, because we find Indians, almost every Indian, coming and submitting that we want our Legislative Councils to be filled with Indians in the place of European official members there. Are they anti-British when they are demanding it? When Mohammedans claim separate representation from Hindoos are they anti-Hindoo? Similarly our opposition is not one of anti-Brahmin at all but is trying to get our legitimate place in the councils

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councils of the country. That legitimate place will be understood when your Lordships' Committee look at the facts of the case which are to be found in this book. I do not wish to trouble your Lordships with it, but this fact remains that we are 79 per cent. or nearly 80 per cent. of the population, and more if the Panchamas are included, as they are included, in our constituency. In fact, I am going to plead that the three seats allowed to them are not sufficient, and they must be given at least six seats. We form the largest part of the population, we pay the entire taxes.

I brought to your Lordship's notice in the Memorandum that the Brahmins do not pay any appreciable tax at all. They own lands, but almost all are tax free. They managed to get freedom in the old days, and that continues, and the British Government never interfered. They do not even pay the water assessment.

2823. I think we have got enough about your case, but you may wish to say something at the end?—I wish to answer one or two charges which have been levelled against my party. In the course of the evidence it has been said that there was something at the bottom of our movement. I do not think I have sufficiently met that statement. Of course, in general terms I deny it, but I could prove to the satisfaction of your Lordships' Committee that those charges are thoroughly unfounded.

Lord *Sydenham.*

2824. This Committee has been told that the difficulties arising from caste are passing away. Is that your opinion?—Certainly not. On the contrary, they are increasing now.

2825. Is it your opinion that caste is tending to become more rigorous in Southern India than before?—I should think so; just as power is being given it will be employed for the purpose of concentrating that power more and more to the detriment of the other communities, with the result that the gulf between them will be widened unless equality is established by communal representation or some such device.

2826. The Varnashrama Dharma movement is designed to stereotype caste, is it not?—Yes.

2827. We have been told that Brahmins are the poorest class in India?—That is not at all correct. Those gentlemen who came here are several times richer than I.

2828. You have read Sir Alexander Cardew's Minute. Do you agree with it?—Entirely, except the reference where is means to block the reforms altogether.

2829. Your main contention is that in Madras, Brahmins wield most of the power?—They do.

2830. In education?—Yes.

2831. Is not education largely in the hands of the Brahmins?—Yes.

2832. Do you believe that under the Bill as it stands this dominance will continue?—It will enhance.

2833. You think it will not only continue, but be greater than before?—Yes.

2834. And you consider this domination of Brahmins in the past has been detrimental to the progress of non-Brahmins?—Yes.

2835. You have given a large number of instances, which mainly relate to educational matters?—Yes.

2836. There are colleges which were founded by non-Brahmins which now exclude Panchamas altogether?—Yes.

2837. Another charitable institution, also provided from non-Brahmin funds, is to be devoted to a school open to Brahmins alone?—Yes.

2838. Can you give us other illustrations of what you call oppression, apart from educational matters—in the matter of the use of the roads in Southern India?—That is with reference only to the Panchamas.

2839. I am speaking of Panchamas now?—They are not allowed to walk in certain streets in the villages. In the Amalapur Taluk there is a village called Perur, which is entirely filled with Brahmins. Panchamas are not allowed to pass through certain streets therein.

2840. Is that permitted under our laws?—It is contrary to the law. British law would never make such distinctions, I hope.

Lord *Sydenham*—continued.

2841. Are appeals made to the Law Courts against this practice?—No. Some were made on the East Coast, but, so far as my portion of the country is concerned, it is like a man who lives in a dark chamber; he wishes to get back to his dark chamber; they take it as if it is their fate. Such a philosophy has been given to us that we are contented with anything, and these poor Panchamas think it was their fate to be born as Panchamas, and therefore they must bear it. They do not complain much.

2842. And they bear what you call this oppression without complaining, mostly because it is the custom of the past?—Yes.

2843. You have said that tyranny and oppression will fall on the non-Brahmins if they are not protected by communal representation?—Yes.

2844. Do you regard communal representation as the only effective protection which can be given to the non-Brahmins and to the depressed classes?—That is the only device I can think of.

2845. Did you read Sir Sankaran Nair's dissentient note?—I did.

2846. Do you accept his statement as to the work of the Home Rule League?—Certainly not.

2847. Do you consider that League has helped the cause of the non-Brahmins and the depressed classes in the past?—Not at all. The Home Rule League and the Brahmin Associations are hand and glove—they work together.

2848. In your original evidence, in your written memorandum, you say that the Brahmin Associations consented to communal representation?—Yes.

2849. The evidence which we have had does not seem to bear out that view. Can you explain the difference?—I cannot, except on the basis that those gentlemen who at that time agreed thought they could get our consent to something, and now that stage is over they thought they could get behind their words. I have here an address which I presented in 1907.

2850. You could put that in. There is no time to go into it now. Your view generally is that some of these people have changed their opinions?—I believe so. If that is opposed here it must be that.

2851. I understand that your movement is not an anti-Brahmin movement?—Certainly not.

2852. It is not inspired by any hatred of Brahmins?—No, certainly not.

2853. Your sole object is to secure reasonable protection for non-Brahmins in the future?—Yes.

2854. You say that out of 61 seats the non-Brahmins, under the operation of the present proposed Franchise as it now stands only secure 1?—I am wrong if I said that. It must be a misprint.

2855. You say "If the theory that because non-Brahmin voters are in vast majority therefore the non-Brahmins are sure to secure most of the seats be correct, then the Brahmins can only secure one seat"?—Yes, they could only secure one seat on that basis.

2856. Have you seen the proposals of the Government of India that 30 seats out of 61 should be reserved?—Yes.

2857. Do you approve of that proposal?—No.

2858. You do not think it is sufficient?—Not at all. I may be permitted to say a few words there. Thirty seats are reserved for non-Brahmins, and 31 seats for general electorates. In those 31 electorates, taking the proportion we had hitherto of 9 to 1 in 10 seats, nine-tenths of those seats will go to Brahmins—nine-tenths out of 30. That will be 27 seats, and of the remaining seats, those reserved for non-Brahmins, they will be filled up by what I described in my Memorandum as pro-Brahmin, non-Brahmins of the Madras Presidency Association. It is not our desire that they should not come in at all, but our only desire is they should come in as our representatives, and not through the help of the Brahmins, to whom they will be obliged, if they come in that way, and they will not be able to perform their duties towards their own community.

2859. Are the pro-Brahmins non-Brahmins to a large extent lawyers?—Well, there are very few non-Brahmin lawyers on either side. They are assisted by Brahmin lawyers.

2860. In the local government and municipal elections are they badly off, or do they do better?—They do a little better recently, for the reason that the ambi-

Lord *Sydenham*—continued.

tion of the Brahmins has risen higher, and they do not care for seats on the local boards and municipalities except as a stepping stone for higher conditions.

2861. Therefore they are dropping out and the non-Brahmin is tending to get more into the local bodies?—Slightly.

2862. If communal representation is not granted to the non-Brahmins of Madras, what would be their attitude?—That is rather a difficult question to answer, but I shall attempt it. One thing open to us is to keep quiet and die a civil death. The second is that which is pointed to us as an example up in the north, what is known as the Satiagrara movement, or what would be called here direct action. That would certainly not recommend itself to the non-Brahmins who have been brought up, trained, and educated in a truly loyal spirit. There is, however, a third one which is likely to occur to some of us, and the nearest parallel in English history is that of the place occupied by the Fourth Party here under Lord Randolph Churchill in the early days of the Gladstonian Ministry. It is to oppose and obstruct the Government in all possible constitutional ways as far as the law will permit, and as far as the ability and the capacity and organisation of the few that get into the Council can do.

2863. On the whole, you think that third course is not likely to be followed?—It is too early to speak of that.

2864. You would endeavour to work the new constitution as far as you could; at all events to see how it would work?—If communal representation is given to us we are willing to co-operate with all our heart most loyally in any scheme given to us.

2865. The non-Brahmins of Southern India do not threaten this Committee and the Parliament of this country?—No, that has not been our way. If only our literature is examined it will be found how humble and how loyal we are. A non-Brahmin cannot afford to threaten.

Mr. *Spoor.*

2866. I have your Memorandum this morning. I have not had a chance of reading it carefully, but there are one or two points which it raises of some interest. First of all, I understand that the non-Brahmins of Madras refused to appear before Lord Southborough's Committee?—We did.

2867. So that your case was never stated at all in India?—That is so.

2868. You know that argument that they adopt with regard to your claim for separate representation, I mean that according to your own showing, you will have an overwhelmingly strong electorate, and as time passes if the franchise is widened, as we expect it will be widened, will it not be possible to correct the difficulties that you have mentioned?—Not so. With great respect I wish to place my case on that point here. I have given a picture of the Indian peasant who will have a right to vote here. This Indian peasant has got his own weaknesses. He will perhaps take water without letting the Government know, without application, or perhaps making a little encroachment on land, or there are some other difficulties, and on account of these he will be always entirely under the thumb of the Revenue officials. Often he has got litigation, and the lawyers are Brahmins. He does not understand the value of the vote, because he thinks that if he could get excused four or five rupees assessment that is more valuable than giving his vote to a person who can be expected to represent him in the councils of his country. If in the beginning some protection is not made nothing will be done by those interested. Mere numbers do not count. It would appear from the Government of India's statement that numbers do not count, taking into account the religious, educational and official influence of Brahmins. That is made clear by the Government of India's statement.

2869. My point is that with the passage of time, as education becomes spread in India, will not those difficulties disappear?—I fear not.

2870. We have had similar ones in England?—You have not got caste hatred, for instance. There is the Brahmin there. If he gets into power he will try to consolidate day after day, and the gulf between the Brahmin and the non-Brahmin will be widened, and

Mr. *Spoor*—continued.

we are going down deeper and deeper, and they are going higher and higher. That could not occur here. You have not got Brahmins in England, thank God!

2871. You gave your argument against practically the whole weight of the Indian evidence we have had so far?—But you have not had any non-Brahmin evidence yet. That will be all the other way.

Mr. *Montagu.*

2872. Did you say we had not had non-Brahmin witnesses?—I mean from Madras. We have to distinguish that case from the others.

Mr. *Spoor.*

2873. You suggest in the first paragraph of your Memorandum that the Home Rule movement is closely associated with the new social and reactionary movement?—Yes.

2874. Do you really suggest that the object of the Home Rule movement in India is to establish the caste system more firmly than ever?—Not that; but the Varnashramadharma movement.

2875. But you suggest a very intimate association between the two?—The office bearers and those organising it are the same.

2876. You seem to imply that there was a certain ulterior motive behind their work. You have associated it already in your memorandum with the Home Rule movement. It hardly squares with the statement which they have made to this Committee?—I draw a distinction between the Home Rule movement and the other movement. It is the latter which does it. It will be difficult for them to dissociate themselves the one from the other

2877. Further on in your memorandum you make a statement which you have borne out also in your statement this morning, as to the extraordinary amount of Brahmin influence and control in the Legislative Councils. You quote figures here?—Yes.

2878. You state earlier that the Brahmins, as a class, are clever and well educated, while the non-Brahmins are almost entirely illiterate. Is not that really the explanation of the whole position?—That may be an explanation, but it is not a satisfactory position.

2879. It may not be a satisfactory position?—It has been put elsewhere in India. I may be permitted to answer it in another way. It is this way. What is wanted in the Legislative Council is not the intellect of the country, but the interests of the country—that is, they will have to have their representatives who can protect their interests when any question comes. The place of the intellectuals is perhaps the lecture-room or the laboratory, or some other place. I do not mean to say that highly educated people should not be here, but all of them need not be. People who have a stake in the country, who have something to lose by what is happening in the Legislative Assembly, must be there to protect their own interests. That is my position, and for that it is certainly not necessary that one should be a highly educated man or a very highly cultured man. If I may be permitted to refer to Sydney Low's book on the Governance of England, there is a chapter headed the amateur Government, and the Government of this country was said to be filled with more or less amateurs. It was a criticism against this country by an American, and Sydney Low meets it by saying he who drives fat cattle need not himself be fat.

2880. My point is that the increase of political power which will come in the course of time, if the rural voters increase as you ask here—you ask for an extended rural franchise—will not that, together with the diffusion of education and the improved educational method which we hope will take place in India, solve the whole thing?—No; these things are interdependent upon one another. For instance, a man would educate his children only if he finds some relation is in the Service by virtue of his education. Where everyone round him is not educated there is not that emulation for him to send his children to be educated. Unless he sees his own men in the Legislative Councils, and unless he finds that was the result of the education they have been receiving, he will not be tempted to send his own children to be educated. These things act and inter-act. The only way you can bring about that

Mr. *Spoor*—continued.

that result is to have something to show to the ryots of the villages that so much is being enjoyed by other persons, who are their own relations, because they are educated. It is necessary to give that example to these villagers, and then they will be able to understand the value of education and of politics and of public service. Until then it will be the other way.

2881. Have you any specific suggestion to make as to how the rural worker can be best enfranchised?—The wage earners in whom you are interested are not represented here. I do not think I have stated it in my Memorandum. I would like to give votes to wage earners earning 20 rupees or 30 rupees a month. I would also give votes to soldiers that are demobilised. There are nearly 40,000 people, and even the Labour Corps I would give the vote to. As regards the urban and rural votes I would make a distinction. There is an unfortunate mistake in the Southborough Report. I think I had better bring it to your Lordships' notice. At Page 26, at the bottom, you will find the proportion of the urban electorate is stated. That is incorrect. The urban electorate would be something like 15 to 16 per cent. and the rural electorate will be only 1.5 or so. What they call the urban electorate is given on pages 24 and 25; non-Mohammedan urban seats 9, Mohammedan urban seats 2. 390,000 and 44,000 are added together, and the votes that are given to them are added to the other, and a percentage of 7.4 is arrived at. Lower down we have non-Mohammedan rural seats 52, with a population of 17,237,000 and voters 481,000. Those are taken as rural voters, but they are not really rural voters; at least half of them are urban voters. There are 72 Municipalities in the Presidency. Of these only five are taken out and separate seats given to them, and the voters therein are described as urban voters. As regards the remaining 67 Municipalities, the voters must be called urban voters because their voting qualification is the same as that of the cities mentioned here. If worked out in that way, I have the figures which the Madras Government supplied us in the Franchise Conference, and they would show that the urban votes and the rural votes are about the same, and the proportion would come to about 15 per cent. urban and 1 per cent. in the rural votes. That is an obvious injustice to the rural areas. I pointed out that the rural areas pay the entire taxes which go as a contribution to the maintenance of the Government. The expenditure of the Madras Presidency is about 7 or 8 crores, the whole of which is covered by land tax alone, if you include the water assessment. In municipalities the people do not pay a tax to the Central Government; they pay municipal rates, which go for local self-government. They do not go, except the Income Tax, to the Central Government.

2882. Assuming that the Committee decided to widen the Franchise so as to include more rural voters, do you think that the practical difficulty of polling such a large electorate and such a vast constituency can be overcome. It has been suggested that it would be an extremely difficult thing to do?—One trouble is the enormous cost which may be involved. Let it be understood that I am entirely in favour of increasing the voters' list. In answering this question, I do not want to be understood as being against increasing the Franchise.

2883. You ask for an increase?—Yes, I do. So if I am not understood in that light I will answer the question in this way. There are practical difficulties. For instance, the cost involved will be something enormous. I do not think most of my countrymen realise that the cost will have to be borne by the ryot. The second difficulty is to find men for these polling offices. As a municipal councillor, and as President of the Taluk Board, I have had sufficient experience of elections in very small bodies. There will be enormous difficulty in the way, because one candidate will say "he is a Brahmin and I do not want him," and another will say, "he is a non-Brahmin and I do not want him," or another man will say he is interested in a man and therefore he will not do for a polling officer or an identifying officer. When all these controversies are going on it is difficult to find independent men, because it will not do to have only half-a-dozen polling booths for a city. In my own constituency there will be 55,000 voters, and to find polling booths for them on one single day will be an enormous difficulty. But I do not wish that these difficulties should in any way come in the way of increasing the electorate. I mention them for the information of the Committee.

Sir *J. D. Rees.*

2884. You are a Telugu gentleman of the Kapu caste?—Yes.

2885. Do you observe the customs and obligations of that caste?—Well, just now perhaps——

2886. In India?—In India we do.

2887. No, I mean you personally?—I do, generally speaking.

2888. You refer in your Memorandum to Communal representation. When you make Communal representation for ninety-seven people out of 100 is not that making arrangements to the exclusion of three rather than to the representation of the ninety-seven?—I do not agree.

2889. I put it to you that that is the common sense of that very simple proposition?—The conditions of Madras will have to be taken into consideration when considering that question.

2890. Well, I put it to you?—With great respect, I do not agree.

2891. You go on to say that you object to the proposals of the Bill because of the possible unpopularity of Ministers as compared with Executive Councils in the matter of taxation. I want to ask you if you think that under any system any plan can be devised by which taxation can be other than unpopular?—I will submit one thing. If taxation is such that it would directly go for the benefit of those who are paying the tax, it need not be as unpopular as it would otherwise be.

2892. Are you speaking as a taxer now or as a payer of taxes?—I think I must be taken as a payer of taxes.

2893. Under the dual form of government, as it seems to be irrevocably called, you say the Minister's opinion and influence will not be reflected in the administration of reserved subjects. Is it not provided in the Report that there shall be consultation betwen the two divisions of the Government in regard to all matters?—I do not think that is sufficient to bring about that united front which is expected. Naturally, there will be friction and trouble; we cannot avoid it when you divide them into two Governments.

2894. Another objection you raise is the trouble regarding the Public Services and their position under Ministers in transferred subjects. Do you take it for granted that the Public Services—I suppose you mean both European and Indian—will object to work under Ministers with transferred subjects?—I was thinking of the European services then.

2895. You take it for granted that they will object?—I do not think it will be the same objection as is considered in other quarters, but I think there will be some objection on the part of some of the Civil Servants.

2896. You say another objection is judging the system of Government by the efficiency of the Minister. Do you not think that is a pretty fair test?—I could think of a better test, because I want to judge by the entire Legislative Council, and not by the individual Ministers. To judge it by the work of three Ministers is not so good as to judge it by the whole Council.

2897. Another objection is the opposition of Local Governments to the dual system. Do you refer to one particular Government? Have you in your mind your own Local Government?—There are five other heads of Governments who opposed.

2898. You say that the conditions obtaining in the Madras Presidency are peculiar and without a parallel in any other part of India; are you familiar with other parts of the Madras Presidency than the northern Circars?—I am not intimately familiar with them, but I know them to some extent.

2899. You will allow that it is a somewhat confident statement to make that conditions are without parallel in any other part of India when you have no experience

Sir *J. D. Rees*—continued.

experience of the Tamil or the Malayalam conditions of your own Province?—I have sufficient experience of the Tamil country which will entitle me to speak of that part.

2900. You are a lawyer?—Yes.

2901. You have heard of *petitio principii*?—I do not know Latin.

2902. You say the spirit of sectarianism amongst certain castes is greatest in the Madras Presidency. Again, how can you pretend to decide that?—I see so much of it every day.

2903. But you do not see so much of it everywhere else every day?—No.

2904. You will allow that knowledge must be comparative, and that it is a very difficult thing to say?—Yes. Only such value will be given to it as will be compatible with that.

2905. Therefore, you say, the cleavage between Brahmins and non-Brahmins is widest in Madras; they belong to different castes, which makes it impossible to inter-marry, and you say their interests are not often identical. How do you prove that? Are not Brahmins and non-Brahmins members of one great Hindoo system to which you yourself belong?—Yes.

2906. Tell me why their interests are often not identical?—Because the interests are different. We have one religion, but our interests are different.

2907. How?—Supposing a question of taxation arises. Land being there settled, it will be ready and handy to be taxed by adding to the assessment two annas on the rupee. The Minister will think that that is the easiest thing to do. The Brahmins do not pay a tax on the land.

2908. Why?—Because they managed to get the ancient Rajahs to let them have it rent-free.

2909. Is it not because they are really poor, and have little or no land?—I do not admit that they are poor.

2910. You can easily find out at the India Office how much land is held by Brahmins. You say the Brahmins claimed to be Aryans, while non-Brahmins are treated as Dravidians. Is not that a long time ago?—Can we change our nationality by time?

2911. Is it not very much the same thing to say that English people are divided into Normans, Saxons, and Danes at the present time?—Certainly not. There is this great difference: You inter-marry, and we cannot. The race idea involves the idea of blood, and the tie of blood is avoided there. How can they be the same as in England?

2912. Has not the blood got very much mixed in many centuries?—I cannot say that.

2913. Would you say it was not so? My honourable friend next me called your attention to the statement that the non-Brahmins are almost entirely illiterate, consequently I shall not trouble you to ask you any question designed to show that that is a totally inaccurate statement. I will only ask you this: In your experience in Madras have you heard of Runganatham Mudaliar Sir Sankaran Nair?—Yes.

2914. And Dr. Nair?—Yes.

2915. Could you not reel off at the ends of your fingers some of the greatest men who have ever been known in the Madras Presidency who were non-Brahmins?—Two or three swallows do not make a summer.

2916. You say where the average ryot does take a part in politics his mind is made up for him by his landlord or his banker?—That is not mine; that comes from better authorities than myself.

2917. Since you quote it, I will ask you whether you are prepared to commit yourself to the statement that the average ryot, whom other witnesses have described as an eminently practical and sensible person, has his mind made up for him by his landlord, or his priest? Do you seriously adopt that statement?—I put it in this way—by his lawyer and by the official.

2918. You do not adopt that statement?—That is also true, but in my Province the greater predominance is from the official and the lawyer. Certainly the banker will be approached.

2919. I asked you about the landlord and the priest. It is not in italics here?—It is quoted.

Chairman.

2920. What is it a quotation from?—From the Joint Report.

Sir *J. D. Rees.*

2921. Do you agree with it, or not?—I do.

2922. You give a list of the population of the Madras Presidency classified; you call the depressed class six millions odd?—Yes.

2923. Do these depressed classes include Nairs in your list? No; they do not.

2924. Do they include the Chettis?—No.

2925. Do they only include the lower classes?—Yes.

2926. You say the Brahmins form a small percentage of the population, but owing to a variety of causes almost all the power and influence has been concentrated in their hands. Is not intelligence one of the chief causes?—If by intelligence is meant the capacity to adjust themselves to circumstances, and to pass examinations in which cramming is the first ingredient.

2927. You spoke of the low caste just now. No doubt the Committee would infer that they were outcastes. May I ask you if a pariah and a madiga are members of a caste, or are they outcastes?—They are outcastes in one sense.

2928. If you had a man in the witness box, and you asked him what his caste was, would he say "I am a pariah," or would he say "I have no caste"?—He says "I am a pariah."

2929. And that is part of the Hindoo system. You say nine seats were captured by the Brahmins out of ten in 1916?—Yes.

2930. Are you aware that until quite recently in this country the seats in Parliament were almost entirely won by those who came from public schools, universities, county families, and so forth?—That does not go by caste.

2931. Is there a Panchama caste or is that a political invention?—It is as old as Manu. I could show the name of Panchama in Manu.

2932. Does any man describe himself as belonging to the Panchama caste?—He will say Mala or Madiga.

2933. Would he describe himself as of the Panchama caste?—Yes, some do.

2934. You suggested that the Mala or caste name in your district was for pariah the same thing as *malas*, the Latin for "bad"; and *mal*, the French for "bad"; do you seriously put that before the Committee?—It was actually explained by Theosophists by saying that Mala magnetism will pass from the Malas if we approach them.

2935. Do you seriously put that to the Committee?—I do not believe it. I would embrace him as my brother if I could.

2936. You drew a moving picture of the position of the lower castes in the Brahmin quarter?—That is the case in every village.

2937. You said when you got to the Brahmin quarter you were not allowed to go any further?—That is not my statement.

Chairman.

2938. What was it you said?—I said the Brahmins will accompany me as far as the Panchama hamlet, and as soon as we reach that they will fall back.

Sir *J. D. Rees.*

2939. Does the Government of the country enforce these conditions, and the Magistracy?—If that is so we would not have fought for the continuance of the British Empire, as we have done.

2940. Is it not public opinion which enforces them?—There is no public opinion, except the opinions of lawyers, in India.

2941. There is no public opinion in India?—No.

2942. Do you say there is no public opinion in India?—It does exist in some educated opinion; what is called public opinion is the opinion of lawyers and educated people who form a very small percentage.

Sir *J. D. Rees.*] Do you suggest that your fellow-countrymen are cruel people? If they were not cruel, would they maintain this system which you explain in moving terms as being so unfair to the lower classes?

Chairman.] I do not think it was quite put in that way.

Sir *J. D. Rees.*

2943. I will leave it. (*To the witness*): Do you accept the principle of competition as the proper means of staffing a Government service?—Up to a certain degree to ensure efficiency, not beyond that degree.

2944. You

Sir *J. D. Rees*—continued.

2944. You accept it, but qualified?—Yes.

2945. Would you modify it when the Brahmins came out to the top of all the competitions?—I will not put it in that way. Put a certain standard which is necessary for you to do the work which is required, and see if Brahmins are prepared to answer that test. Do not let examinations be the test.

2946. You said the non-caste schools should have non-caste teachers?—No; I said they have now.

2947. I thought you said that non-caste schools should have non-caste teachers. What did you say?—I said in all the Panchama schools under my control no Brahmin teacher would be willing to serve, but I had to appoint a Mohammedan or non-Brahmin or an Indian Christian.

2948. Then you think the Brahmin teacher is far better?—It is not a question of efficiency there; it is the willingness of the particular caste to serve in particular places.

2949. Why do you want him, if he is not better?—I did not put it that I wanted him. I will appoint as many non-Brahmins as possible.

2950. You realise that the British Government is bound by the Proclamation of Queen Victoria to respect the castes and customs of the people, do you not?—So far as it was in the Proclamation of 1858 we are all bound.

2951. You say the non-Brahmins are the landholders, the farm proprietors and the producers who pay almost the entire taxes of the country?—Yes.

2952. Then how do you account for what you call the predominance of the Brahmins if it is not their superior intelligence?—Their place in the Public Services reflects on the Public Offices and the elections.

2953. You think that till now the Britisher—by which I suppose you mean the Indian civil servant—has ruled. Has he tolerated all this oppression which you have described of the lower castes by the higher castes?—Will you refer me to the paragraph?

2954. It is Paragraph 4, but we shall not have time to refer to it. You say that the Indian civil servant has ruled in India till now, and in spite of that these oppressions have gone on?—Yes.

2955. But the agents of the Government were chiefly Brahmins, were they not—those who carried on the Government under the Indian Civil Service?—Yes. mostly Brahmins.

2956. On page 5 you say: "When non-Brahmin leaders in Madras contemplated these changes, when they remembered what the Brahmins have hitherto been, how they monopolised all the places of influence in the Public Services"?—I understand you to say that the Indian civil servant showed integrity, fair play, and detachment?—Yes.

2957. But his own agents were mostly Brahmins?—But he cannot control his agents in the way that he would himself control. He could give us justice, he could hold the scales even between Indian and Indian, but when it comes to ourselves it is different.

2958. You see no inconsistency there?—No: on the contrary, it proves my point.

2959. On page 7 you say: "In the case of the non-Brahmin caste Hindoos, to which category the great majority of voters will belong, there is a general feeling of apprehension that, under any scheme of purely territorial electorates, most of the seats would be captured by the Brahmins." Do you think that in a territorial electorate, those who have less land, are likely to have most influence?—The word "territorial" there is taken from the Madras Government's phraseology, which is equal to the general electorates in the Bill.

2960. You say, speaking of the Brahmins: "Their experience and their educational superiority would give the Brahmins great advantages in canvassing, while their traditional, social and religious pre-eminence and their talents for organisation would be utilised to extend their political influence outside their own class." You say that would be so in the twentieth century in India?—What you are reading is from a quotation from the Indian Government.

2961. Do you think they have?—That is a quotation.

2962. Do you agree with it?—Yes, entirely.

Sir *J. D. Rees*—continued.

2963. You say if ever the Government of Madras was partial it was partial on the side of the Brahmins until now?—Yes.

2964. What brought about this very great and sudden change?—I can give examples. All the three Executive members were Brahmins; all the Dewans appointed are Brahmins——

2965. That is not my question. You say the Government of Madras was all on the side of the Brahmins if they were partial; now they are taking the lead on the side of communal representation for non-Brahmins. I ask you if you can explain the reason of that sudden, complete change of front on the part of the Madras Government?—I think Lord Pentland will be here, and he will be able to explain it more than I.

Chairman.] That is not a fair question. How can he tell what the Government of Madras think?

Sir *J. D. Rees.*] He might have an idea.

Witness.] I had never any talk with Lord Pentland on these matters; I am too low for that.

2966. Have you in the Norther Circa ever seen any effort made to enforce the doctrine of pollution distance?—I gave instances in which certain persons are not allowed to pass through certain streets.

2967. Have you seen the pollution distance enforced in ordinary streets; that no men of certain castes may come within a certain number of feet of a Brahmin?—I have seen people being prevented from going into a street.

2968. You came to represent the non-Brahmins; are you aware that there is another body here which claims to do that, and, I believe, does not altogether accept you views?—They do claim communal representation, and they want the number of Brahmin seats to be limited, and they agree with us a long way. Perhaps they might not agree with me on the question of separate electorates.

2969. On page 15 of your Memorandum you say: "So long as the present inequality based on the accident of birth continues in India a common race and a single nationality seems an impossibility. By a system of communal representation and by the gradual evolution of responsible government we expect to create equality, which in its turn renders intermarriage possible and feasible, and with it, in fullness of time, a common race and perhaps a nationality." Is the Committee to infer that your programme is not only to obtain communal representation, but to break down the existing caste system?—Yes, certainly it must be broken down if possible.

2970. On the communal system you say on page 16: "It is said that communal representation may be claimed by a minority with some show of reason, but that it is unthinkable that a majority, and that a vast majority, should demand it. The obvious answer to this kind of objection is that the Mohammedans in the Punjab and in Bengal had already been given communal electorates, though they happen to be in the majority." Then you refer to the Punjab and Bengal. I ask you whether the majority there is not a very narrow majority, and whether there is not the all-important distinction of religion?—So long as it is a majority I do not think it matters whether it is a large or a small majority.

2971. There is a difference of religion?—Yes.

2972. The people whom you represent to-day and the Brahmins have one religion?—Assuming there are no controlling influences behind.

2973. You say the English-educated are the persons most interested in the elections of the near future. Do you assume they will all support the Bill and the Report?—It is not for that purpose. We cannot be judged by the mere numbers either of the population or of the voters generally; we must be judged by the number of voters literate in English, because those are the politically minded classes. When you take that into account you find the Brahmins in the majority.

2974. I understand you are not anti-Brahmin, but only anti-caste?—That word "anti" I do not like. I would be glad to see caste out of India.

2975. Your

Sir *J. D. Rees*—continued.

2975. Your association and others of like minds and with like objects in view did not appear before Lord Southborough's Committee?—I did not. I am only speaking for my association. I was invited, but I did not go.

2976. Have you given your reasons in this Memorandum?—I think so.

Marquess of *Crewe.*

2977. You have just said that you would not wish to be called anti-Brahmin. Have you many friends or acquaintances among the Brahmin community yourself?—I have some.

2978. You told us a great deal about what you considered to be Brahmin intolerance and the Brahmin pressure which is likely to be placed on the rural elector. Would you say that the pressure is mainly social and civil or mainly religious?—It is a combination of all, I should think. It is impossible to extract one thing from another.

2979. You are aware that you can only make people do something which they do not want to do either by cajoling them or frightening them. Which do you consider is the method of which you are afraid in its application to the rural voter?—The fear that is operating.

2980. It is a question of terrorism?—Yes. Perhaps terror is a strong word; I would say, undue influence.

2981. They are afraid of offending the Brahmins partly, because of worldly results through their predominance in the law and locally, and partly because they are afraid of spiritual results. Is that so?—I would place the first on a higher footing. This religious business is a very small affair.

2982. You do not regard the Brahmins as principally the religious caste?—They are a religious caste in a sense. When my daughter is married I shall have to invite a Brahmin, and I shall have to wash his feet and pour the water on my head, and until I do that he will not perform the marriage of my daughter, and if he does not perform it the marriage will be illegal and the offspring will be illegitimate. I do not think when it comes to a question of politics that that will operate.

2983. I am glad to know that, because we have heard of religious pressure in many parts of Europe being exercised by priests and others. You do not think that that particular form of pressure is so much to be feared as a social, civil pressure?—No; it is there, but it is not so great as the other.

2984. You consider that that pressure is formidable enough to outweigh the enormous predominance of numbers which the non-Brahmins possess?—I believe so.

2985. You said at the beginning of your evidence that you rather resented the suggestion that you, the non-Brahmin community, and the Government of Madras were working together?—I did.

2986. And that you were merely backing them up?—Yes.

2987. In that connection you spoke of the Government of Madras as being altogether opposed to reform. You meant, I take it, that the Government of Madras have expressed opposition to the particular scheme of reform known as the Montagu-Chelmsford Report?—Yes: I had that in view.

2988. You did not imply that the Government of Madras as constituted at the time was opposed to any kind of reform in India, did you?—I had in mind only the joint report scheme.

2989. You did not mean to bring that particular charge against Lord Pentland and the Government of Madras of being anti-reformers altogether?—No.

Lord *Brodrick* (Viscount *Midleton*).

2990. You have given your illustrations of the way in which elections would work in Madras. The number of the non-Brahmins is twenty-seven millions, is it not?—Yes

2991. And of the Brahmins?—One and a quarter millions.

2992. In your illustration you bring in the attitude of the pro-Brahmin non-Brahmin?—Yes.

2993. What number do you put them at out of the twenty-seven millions?—That is rather a difficult question. We profess to represent all the twenty-

Lord *Brodrick* (Viscount *Midleton*)—continued.

seven millions ourselves, and they profess to represent all the twenty-seven millions themselves. Those that actually took part in this would be a few hundreds or thousands; just like Brahmins saying they represent the whole nation, we say we represent all those communities. Strictly speaking, I was told that at one Conference there were sixty members present. That was at the last Conference held in December last. That was the report in our paper. The next day they wanted to fill up the numbers and they indented upon the services of a labour union and filled their hall with 100 mill-hands. I was not present at the meeting, but if that is correct they must be representing about one-fifth or one-sixth of what we do. I have no definite figures on that.

2994. How will that work out out of the twenty-seven millions? If you were asked to make an estimate, how many pro-Brahmin non-Brahmins would there be out of the twenty-seven millions?—I do not expect more than three non-Brahmins of my school coming in. We will have to take into account the influence of the Brahmins operating at the same time. It is not merely the influence of the pro-Brahmin non-Brahmins. By themselves they may not be able to get much, but all the influences which will be at work when the electorate is joint will be also at work when the Brahmins take it into their heads to see their men returned.

2995. The figures which you give as to what would happen in these elections are really conjectural. They are not based upon anything?—No: we have had the test of previous experience—one out of ten.

2996. You gave as a reason for not going before Lord Southborough's Commission that you were not satisfied with its composition?—That is so.

2997. How many in number is the Commission?—I think there are six or seven.

2998. Of those, how many did you disapprove of?—Only two.

2999. Of those five I think you say here that you have nothing to complain of?—About the Chairman or the European members we have nothing to complain of, or the Mohammedan member.

3000. On page 21 you quote the testimony of the confidence in the English official because of his integrity, fairplay and detachment?—Yes.

3001. That is your own statement as well as a quotation?—Yes.

3002. You adopt that?—Yes.

3003. Do you think it was wise when you get a Commission with five impartial men on it, even though you objected to the other two, to let your case go by default? If I may mention the circumstances under which it happened I will make it clear. Apart from the circumstance of the presence of two Brahmin gentlemen whose opinions were known to be hostile to us, and who would naturally be expected to have the ear of other members of the Committee, we had other reasons at the time, and I think I had better mention them. A week before the Committee was going to sit there was a meeting of the South Indian Liberal Federation. At that meeting opinion was divided, and it appeared that if we should go and give evidence there would be a split in our camp. We wanted to avoid that, and one of the reasons given there was this most important reason, namely, that we put in petitions to the Indian Government, to the Madras Government, and we were not even given the ordinary reply that our matter would be considered. That was felt as an insult by most of the members. The Committee was already in Madras at that time, and various rumours reached us that before the Committee arrived in Madras most of the members were approached by the Brahmin members, and therefore there was not much chance of our succeeding there. We may be right or wrong in our conjectures, but that was our apprehension, and it operated on us.

3004. On that principle would you have refused to appear before this Committee if a rumour had reached you that certain members of it had already made up their minds against your case?—We should not do that, because we always rely on the British sense of justice and fairplay, and England is different from India. The free atmosphere of England is not there.

3005. If you felt such a difficulty in appearing before the Committee on which two Brahmins were sitting

do

Lord *Brodrick* (Viscount *Midleton*)—continued.

do you expect to have a really independent view taken by any non-Brahmins who are returned to a Legislative Council in which Brahmins will be sitting?—At any rate, they will represent their own men, who are 90 per cent. I do not say that non-Brahmins will represent Brahmin views. We are not excluding them. They will have their representatives and they will express their opinions.

3006. Can you give us any precedent for giving separate representation to a party who are in a great majority so that they shall not be overwhelmed by the minority?—That question is answered by Mr. Sastri in the quotation I give in the Memorandum.

3007. On what page?—It is on page 12, paragraphs 3 or 4. It begins with: "It is unusual to make special arrangements for the protection of an immense and overwhelming majority, but it is also unusual for a numerically small caste to enjoy a decisive ascendency over most other classes in culture and social and political influence."

3008. That is only a statement that the Brahmin position is so strong that whatever the numbers they will dominate the non-Brahmins. That is really what it comes to?—That is a fact, though it may be very difficult for Englishmen to understand it, because you have nothing of the kind to compare with it in your land. With great respect, let it not be misunderstood. It is the peculiar conditions of the Province in which we are living. We know these things.

3009. You use an expression on page 3 in your answers to questions. You point out that such a colossal measure as the present reform scheme, with far-reaching consequences, cannot be ushered in when vast majorities are groaning at the very threshold?—Yes.

3010. Can you say truly that vast majorities are groaning at the threshold when a Commission is appointed to inquire into their case, and they will not appear before it?—They will not appear. Only the surface will appear before the Committees. The real India will not be here.

3011. What I desire to obtain from you is this: If vast majorities are groaning at the threshold it is because they have not been heard; but can people be heard if they do not make their case?—Your Lordship will have to take the representatives representing those vast majorities. Possibly 80 per cent. or 70 per cent. of the Indians know nothing about these matters at all.

Mr. *Montagu*.

3012. You said just now that you objected to appear before the Southborough Committee because you objected to two of the men who formed that Committee?—Yes; and there are other reasons also.

3013. You also said that this question was a question for Madras alone?—Yes.

3014. The Committee had to deal with the whole of India?—Yes.

3015. And when it reached Madras two members were added with technical knowledge of Madras?—Yes.

3016. Both these men were non-Brahmins?—Yes; one an Indian Christian.

3017. They were neither of them Brahmins?—No.

3018. And yet that did not give you confidence?—It did not.

3019. The two men you objected to were Mr. Sastri and Mr. Banerjea?—That is so.

3020. On page 12 of your Memorandum you quote from the writings or speeches of Mr. Sastri?—Yes, writings.

3021. Would you say that those showed that Mr. Sastri entered upon his task hostile to your claims that some solution of the difficulty should be found?—It would be rather a difficult thing for me to put any such construction upon the character of one who has been regarded as one of our ablest men in the country; but, with all respect, and without meaning anything offensive against him, I must say that his speech in the Imperial Legislative Council, in which he said that the non-Brahmins of Madras would prefer a Brahmin oligarchy to a British bureaucracy was cutting to all of us. We could not think of the idea of replacing the British bureaucracy by a Brahmin oligarchy. As I said in my Memorandum, the British bureaucracy may have many faults, but, as your poet said, with all her faults we love England still.

Mr. *Montagu*—continued.

3022. That is very interesting, but it is not an answer. You quote from Mr. Sastri's writings?—Yes.

3023. And yet, despite those writings, you believe that he was so prejudiced a Brahmin that you could not appear before a tribunal of which he was one member and which contained three Indian non-Brahmins? That is so?—I did not quite catch the question.

3024. There were three Indian non-Brahmins on the Commission when it sat in Madras?—Including a Mohammedan and the local members; but the local members had very little voice, we thought. They are co-opted members who have no right to sign the Report, and who could at best advise the members of the Committee.

3025. What is a non-Brahmin? When you claim communal representation for non-Brahmins, whom do you include?—We include all the Hindoos who are neither Panchamas nor Brahmins. Of course, Panchamas will come as non-Brahmins, because though separate representation is allowed to them in the shape of nominated members, they are allowed to vote with us.

3026. You want communal representation for caste non-Brahmins?—It practically comes to that.

3027. And communal representations for Panchamas, or are you satisfied with nominations?—I would look for the day when they can have an election of their members.

3028. And communal representation for Mohammedans, or do you include them as non-Brahmins?—They have got it.

3029. You welcome that; you approve of that?—Of separate representation for them.

3030. And communal representation for Indian Christians?—Yes, I approve that also.

3031. What you are really asking for is communal representation for the Brahmins, are you not?—It may come to that, certainly.

3032. One of the reasons why you object to the reservation of seats is because you are afraid of the influence of the Brahmins, because you fear that you will have returned what is called a pro-Brahmin non-Brahmin?—That is so.

3033. Do not you fear that just as much in a communal electorate?—No.

3034. Why not? I understand from you that a Brahmin is a very clever person, a master of electioneering tactics, who will see that in a mixed electorate with seats reserved for non-Brahmins he so influences the votes of the non-Brahmins that they vote for a man whom he approves. Cannot he do that in a communal electorate just as well?—No, for this reason: One who is within the fold, as we say, will certainly have a greater influence than one who is outside the electorate, and one who is a voter in the electorate will have so many opportunities of talking to those persons who will be in touch with other voters, and will be naturally sought after. One who is outside the electorate will not have the same influence. This is an example which occurred in a municipality close to me. There were eleven members on the Municipal Council just then sitting. Anyone who gets six votes will succeed as chairman. Outsiders can also stand as chairman for election. One Brahmin and one non-Brahmin of my school were candidates. Besides those a third, a pro-Brahmin non-Brahmin, who was a member of the Municipal Council, was also a candidate. Now the pro-Brahmin non-Brahmin secured the seat. He could not vote himself. There are five non-Brahmin votes and four Brahmin votes. Those five non-Brahmins wanted to vote for my man. This pro-Brahmin non-Brahmin had only one vote, that of the doctor of the place. What he said was to the non-Brahmins, "If you give me all your five votes my one and your five will make me six. If you do not vote for me I can withdraw from the contest, and myself and my voter can both join the four Brahmin votes, which will make six, and the Brahmin candidate will succeed." The non-Brahmins, though they had their own candidate ready, seeing that a Brahmin would come in, were obliged to give all their five votes to this pro-Brahmin non-Brahmin so that a non-Brahmin should come in. A single voter thus has been able to influence five votes.

Mr. *Montagu*—continued.

3035. Of course, I do not want to argue with you. This is the case you desire the Committee to believe, as I understand, that if you have a Brahmin and a non-Brahmin living side by side, if they both vote at the same election the non-Brahmin will do what the Brahmin tells him?—Yes.

3036. But if they do not vote at the same election the Brahmin will not be able to influence his non-Brahmin neighbour?—Not as much as in the other case.

3037. You gave us a very moving picture of the insanitary conditions in the Panchama hamlets in the country that you know. I think you said they were, as a matter of fact, indescribable?—Yes.

3038. Have you ever known any Brahmin take any interest in improving the conditions under which the Panchama lives?—It is rather a difficult question to answer. My answer would be this: Some Brahmins interested in social reform have made very excellent speeches on public platforms. For 30 years Indian social reform conferences have been held, and at least half a dozen of those I put the question to them point-blank—I was also a member of the conference—"What have you done for the Panchamas? You have done something for the widows because they are your own girls, you see the girl in your own house every day, and you cannot help it. But what have you done for the Panchamas except opening a night school here and a night school there?" We live in our splendid mansions; we go to Court in motor-cars; and we sleep in our own houses. It is impossible to say that high Brahmins could ever understand really. I do not say there may not be one or two gentlemen who take an interest in these matters. It is quite possible, though I have not come across many, but that is an exception which proves the rule.

3039. Therefore you would say that taking it as a whole Brahmin interest in social improvement for the depressed classes is not genuine; it is merely pretence and nothing more?—That has been my impression for a long time, with a few honourable exceptions.

3040. I think you said earlier that you had no hostility to Brahmins?—That is so. I may be wrong in my views, but I have no hostility.

3041. You said, in answer to Lord Sydenham, that the rigidity of caste was getting stronger in Madras?—Yes.

3042. Would you say that is the case all over India?—No; I do not say that.

3043. Would it be fair to say it was getting less rigid in other parts of india?—I should accept that proposition if stated by one who knows.

3044. You think it is possible it is getting less rigid all over India but more rigid in Madras?—My knowledge of the other parts is only small. Considering that non-Brahmins are rising equally well with Brahmins in other parts, I should think it must be so.

3045. Have you ever heard of any co-operative society in Madras in which Panchamas and Brahmins share in the management?—I heard it first from your speech in the House of Commons.

3046. Did it surprise you?—Well, it did not surprise me for this reason: That is a thing which people would do for various reasons. I do not put it as an index of the feelings of Brahmins towards the Panchamas.

3047. Would it have happened 100 years ago; would a Brahmin and a Panchama have sat down together to deliberate 100 years ago.?—I should like to know whether they did really sit in the Committee side by side.

3048. I believe, as a matter of fact, there was a slight difference in level, but would they have come so close together 100 years ago?—It is not likely. It all depended upon the state of the country. When Mohammedan rule was oppressive there was reason for them to combine, and they might sit together. It depends upon the particular stage of progress.

3049. I want to be quite sure we have not misunderstood you. I want to give you an opportunity of altering it if you wish. Do you really mean to tell this Committee that the rigidities and asperities of caste distinction are getting worse in your Presidency?—In my Presidency whenever any questions of politics and public services arise.

3050. If the condition of Panchamas in their hamlets is so bad, is it not fair to say that they will be particularly interested in any political agitation for an improvement of their conditions?—That is rather a difficult thing to say, because their condition of ignorance is so great that we cannot think of any political ideas entering their heads.

3051. Supposing you went into a Panchama hamlet, and supposing you went to a Panchama who had a vote, and supposing you were to say to that Panchama "If you return me to Parliament, to the Assembly, to the Council, I shall spend my whole time in trying to improve the condition of the houses in which Panchamas live," do not you think that would influence his vote if he did not like the squalor?—It ought to, but under existing circumstances I would like to see some example of that beforehand. If you nominate two or three men now, and they are found useful, they will understand the value of a vote then, and then they will come round. Till they see the great examples of members doing good for them any amount of preaching or lecturing would be of no avail.

3052. Do you seriously say that when the Legislative Council has real power to alter things such as sanitation, then votes will continue, just as in the past, to be determined by the religion or caste of the candidate?—I should honestly think that is so, because of the caste predominance there.

3053. People will vote on religious grounds rather than on anything else?—I do not call it religious—on caste lines.

3054. You approve of reform if you can get communal representation?—Yes.

3055. And yet you believe that those who vote for the Legislative Councils will always be influenced by caste rather than by the question that has to be considered?—That word "always" is what I cannot follow. It does in most cases in which the caste point comes. In a national question, in a crisis like the world war, or any question which affects the whole country certainly they will work together; but there are a hundred and one cases in which every day we have to come across questions between Brahmins and non-Brahmins. I have given several instances.

3056. On the Local Boards you told us things had got a little better recently?—Yes.

3057. Is not that because the Local Boards have more power, and therefore the non-Brahmins were more interested in getting their own representatives?—It was because the Brahmins of superior ability have their ambitions roused, and are looking forward to the higher councils, and except as a stepping stone they do not care for these honours.

3058. Have you ever fought an election yourself against a Brahmin?—Yes. In fact, I have just come away from an election. I gave it up and came here. That was a month ago. I was told my Brahmin rival was returned, though there was another candidate, of non-Brahmin descent, of sixty or seventy years of age and with an experience in public life of thirty years. That is by the way. Previous to that I contested twice and continued the contest another time, in all, four elections.

3059. You fought several elections?—Yes.

3060. Can you tell us at all what sort of majority you were beaten by?—I do not remember well; it is such a long time ago.

3061. Well, the last election?—I came away.

3062. The last election which you did fight?—About eleven votes.

3063. You were beaten by eleven votes?—Yes.

3064. In what sort of constituency?—In a constituency in which the Brahmins are about one-third or one-fourth, and the rest are non-Brahmins.

3065. How many electors were there altogether? How many went to the poll?—About 220 attended the poll, though there were 260 total voters.

3066. You were beaten by eleven votes?—Yes.

3067. Did you make speeches to your electors?—I did.

3068. Did you circulate pamphlets to them?—I did.

3069. Did you canvass?—I did.

3070. And yet you regarded it as hopeless that you could convert those eleven voters to vote the other way?—It is not the eleven voters. That is just the number that turned the scale. What about the others?. There are a number of others who would have to be taken.

3071. That election was decided by eleven voters?—Yes; I did my best; I could not convert them.

3072. And

Mr. *Montagu*—continued.

3072. And you could never do so?—As long as Brahmin predominance in public offices is continued.

3073. You never met with a Liberal candidate who stood for the City of Birmingham in this country?—No.

3074. You are quite clear that nine-tenths of the seats would go to Brahmins in a general election?—That is judged by past experience.

3075. No effort you make could possibly get over that difficulty?—In past elections I did all I could possibly do, and I can claim to be a bit of a speaker in Telugu.

3076. You said in your answers to questions that the members of the Legislative Council have had no influence upon policy up to the present. Will not it make a difference when they have some influence?—It will be a great change the other way, because when the Brahmins get into power they will consolidate it to our detriment.

3077. You said in your answers to questions: "We also respectfully beg to state that we do not expect sufficient sympathy from the present Madras Government." Now what do you mean by that?—If I am asked I am bound to tell you, but you will be pleased to see it is not my intention to disclose any information that I have got. His Excellency Lord Willingdon, or rather his private secretary, wired to me that His Excellency would be pleased to see me if I would go to Madras.

3078. I do not really want to press you if you say that you do not want to tell, but you mean there is a difference between this Government and the last Government in Madras?—In their opinions as regards the question of communal representation.

3079. Could you tell the Committee who Mr. Watney is, who is the secretary of your deputation?—He is a friend of Dr. Nair. That is the only gentleman to whom we were introduced after our arrival here. We wanted some papers or Parliamentary Reports and other things, and Dr. Nair was ill, and we looked to him for help. He could not do anything, but he said. "I know Mr. Watney; he is a friend of mine; he will give you any help you require."

3080. Has he been in India? Is he conversant with the conditions in Madras?—He was in India. He seems to have travelled throughout the Madras Presidency.

3081. What you might call a pro-non-Brahmin non-Brahmin?—A British pro-non-Brahmin.

3082. You know this claim you are making for communal representation for non-Brahmins is very hotly contested in Madras itself by other political associations?—I concede it; I quoted those resolutions.

3083. But by other Madras representatives who have been here?—You are referring to the Madras Presidency Association?

3084. Other gentlemen who have been here from Madras have very strongly opposed the suggestion you have made?—I presume Brahmin gentlemen from Madras.

3085. It may well be; but certainly there are very many politicians in Madras who are opposed to your proposal?—Who are now opposed, but who till recently conceded it to us.

3086. Do you suggest that your movement represents the majority of the political interest in Madras?—Politically interested non-Brahmins in Madras.

3087. But politically interested people in Madras?—If you include Brahmins, it does not.

3088. Has it ever occurred to you that if you want something which is opposed by people who are likely to be in a majority, it is possible to form a compromise?—Yes, it ought to be possible. All reasonable men ought to come to some compromise.

3089. Have you ever tried?—I cannot say we tried, but no reasonable terms were ever proposed.

3090. What about this proposal of Mr. Sastri's, which you quote in your memorandum. Did you ever go to Mr. Sastri and suggest that you might hammer out a scheme?—That is rather a difficult matter to say. Questions of dignity will arise, and it is not easy for any one party to offer themselves, because you might not get what you want. If there is some third party prepared to bring about a compromise, that would have a better chance, in my humble opinion.

Mr. *Montagu*—continued.

3091. Who drew up this document, the three gentlemen who came with you from India?—I am myself responsible for it. One of my friends fair copied it, and he may have made some verbal alterations, but I only am responsible for it.

Lord *Sinha*.

3092. You have been a member of the Indian National Conference?—Yes.

3093. For many years?—I attended about four Congresses.

3094. During what period?—In 1915, when your Lordship presided at Bombay, I was also at Madras.

3095. Were you in the Congress in 1916 in Lucknow?—Yes; but that was just the time when we were thinking of seceding from the Congress.

3096. In 1916 you were a member of the Congress?—Yes.

3097. And for how many years before?—From 1911, and I believe I attended one Congress earlier than that, in about 1908.

3098. For many years you were a member of Congress?—Yes.

3099. And I suppose your politics generally were those of the Indian National Congress during that period?—Yes.

3100. There was no question of communal representation being asked for, was there?—Yes; there was.

3101. I mean at the Congress?—No.

3102. Was there any resolution with regard to communal representation on any local bodies?—No; so far as the Congress is concerned.

3103. The question was never raised in the Congress itself?—No; not to my knowledge, at any rate.

3104. May I take it that when you were a member on the Congress you considered that that body represented public opinion in India?—It represented the public opirion of the educated classes in India.

3105. You attach importance to that do you not—the public opinion of the educated classes?—I do attach some importance to it.

3106. But not very much?—It may be very much, but it cannot be contrasted with the representation of the lower classes.

3107. I am keeping that question apart?—Certainly, it was an influential body.

3108. Do not treat me as trying to contradict anything you said. Am I right in saying that the classification of Hindoos in Madras may be taken to be this: (1) Brahmins, (2) non-Brahmins, Hindoo castes, and (3) non-caste Hindoos, that is the Panchamas?—Yes.

3109. Now as regards the second, that is the non-Brahmin castes, is it correct to say that though they are generally grouped together as non-Brahmins, they are all equally exclusive and largely antagonistic to one another? Is that a correct description?—I do not admit that.

3110. I am reading to you from the Memorandum of Sir Alexander Cardew which was put to you by Lord Sydenham. There he says this, in paragraph 7, on page 125, Command 141: "Next to the Brahmin *sed longo intervallo* comes the great group of Hindoo castes, some higher, some lower, generally grouped together as non-Brahmins, but all equally exclusive and largely antagonistic to one another"?—I cannot agree with Sir Alexander there.

3111. That is wrong?—It is too much to say it is wrong.

3112. It is either right or wrong?—I will not accept it wholly as correct.

3113. It is partly wrong?—I should think so.

3114. What part?—Where it says they are mutually antagonistic.

3115. Are they all equally exclusive?—There is some exclusion, but that strong expression cannot be used.

3116. Is there any inter-marriage?—Some, at any rate.

3117. They are not altogether exclusive, but partly exclusive?—Yes, that would express my meaning.

3118. And not largely antagonistic, but partly antagonistic?—Yes; that may fairly represent my view.

3119. Is it correct to say that both the Brahmins and the non-Brahmin castes are the equal oppressors of Panchamas?—No, my Lord, they are certainly not so. A Panchama will not be admitted into the house of a Brahmin. He cannot cross the threshold.

Mr. *Montagu.*

3120. Ever?—Ever. In the case of a non-Brahmin they come into all the apartments except the kitchen, and in the case of non-Brahmins the landlady, if she happens to have some farm servants, takes care to see that they are fed before she takes meals herself.

Lord *Sinha.*

3121. Is not that the general Hindoo rule?—Not in the case of Brahmins. Even if a guest in my position comes he will have food after all the Brahmins in the house are fed.

3122. Is it not the fact that the members of all castes must be given their food before the householder?—That is the injunction of the Scriptures perhaps, but, as a matter of fact, the Brahmins dine first, even before a man in my position.

3123. Is that so in all parts of India?—No, only Madras. I do not speak for other Provinces at all.

3124. They are a particularly bad lot in Madras?—With great respect, I must say they are, in my humble opinion in that sense.

3125. The non-Brahmins have many rich men among them, have they not? All the landed class are mostly non-Brahmins?—Yes.

3126. And the wealth is more predominantly non-Brahmin than Brahmin?—If we take the Zamindars into account, yes.

3127. Wealth generally is more in the non-Brahmin classes?—Yes.

3128. Have they done very much to improve the lot of the Panchamas?—I may be permitted to say that we have not much sympathy with the Zamindars. We belong to the democratic class.

3129. Has the wealth of the non-Brahmin class been employed in any degree for the amelioration of the condition of the Panchamas which you have so lucidly described?—I cannot say so, but I wish to supplement my answer. I represent the democratic class of Southern India, and if to-day we find some non-Brahmin Zamindars co-operating with us in any way, as is suggested, it is because it is against a common oppressor. They were oppressed, and they lost their seats, therefore they would like to have our help; but the day will come when we must separate ourselves from those Zamindars. The Brahmins are the intellectual aristocracy, and the Zamindars are the landed aristocracy.

3130. I do not want you to hang essays on any question I ask you. I want to know whether this extremely bad condition of the Panchamas, which I take it is admitted, has in any way been improved by the efforts of the wealthy non-Brahmin people. I put this to you for the purpose of suggesting that your complaint is really a complaint against the wealthy classes generally and the intellectual classes who have hitherto not done as much as they ought to do for their poorer brethren. Is that not the complaint generally?—With one addition, that it has its origin in the religious ordinances which proceeded from the Brahmins. They were the authors of that system.

3131. I will keep that separate for the present. Apart from religion, is not your complaint this: That wealth and intellect, wealth being non-Brahmin and intellect being Brahmin, have not done what they ought to have done for these oppressed or submerged classes?—I should think so. I must answer yes to that.

3132. And is not that a complaint which is being echoed throughout the world at the present moment?—It is rather difficult for me to say. In this country Labour holds important power. There may be a complaint, of course. I have heard in America about swollen fortunes being distributed, but whether it can be said to be of the same nature as in India is another matter.

3133. I am asking whether it is well founded? I only put it to you that in all countries of the world you have the complaint particularly now that the classes better off have not done what they ought to have done for the classes which are not so well off?—Well, I suppose it is a fact, but I cannot speak with certainty, because my knowledge of the rest of the world is so little.

3134. So far as these Panchamas are concerned, their condition has been the same as that you have described for centuries?—That is rather a difficult question, but it must be taken to be so, I presume.

Lord *Sinha*—continued.

3135. Are you aware of any previous state in which they were better off?—No.

3136. You do not ascribe it, therefore, to anything that has happended in recent years that the Panchamas have come to this miserable condition?—Except by way of an act of omission.

3137. But the omissions have been centuries old?—There are greater opportunities where equality is proclaimed by Great Britain.

3138. I mean that there have been omissions not only now, but always?—There were no opportunties where omissions could play a part hitherto. In the Legislative Councils there were members whose omissions were accountable for some time. If we or the Panchamas had been there rome of those grievances would have been redressed.

3139. You mean if the non-Brahmin castes were there?—Yes.

3140. You would have remedied the grievances of the Panchamas?—I would have done my best to remedy them.

3141. I am not referring to you personally, but I mean the non-Brahmin castes?—Provided the middle and lower classes come in.

3142. Can you refer to any single act which has been done by the non-Brahmin caste to ameliorate the condition of the Panchamas?—It is a matter of daily occurrence. In the villages the Palers are regarded as part of the household, and these Palers will die for you. They are willing to die for us because we treat them so kindly. So far as the Ryots are concerned, the charge cannot be levelled against them.

3143. Do you say the non-Brahmin castes have always behaved kindly towards the Panchamas, and done their best for them?—Not always.

3144. Have they ever done it?—They have done it to a certain extent in the villages in the Palers' families, treating them kindly, and giving them homes, and giving them advances when they are going to be married.

3145. As their tenants?—As servants, of course.

3146. As tenants and servants?—Yes.

3147. In other words, slaves?—"Slaves" is perhaps a very good illustration to express their condition.

3148. And they are the slaves of your castes?—They are the slaves of the nation.

3149. Of the castes which own them?—We do not own them in that sense. It is too much to say that they are our slaves. They are treated as our children.

3150. You were asked whether you agreed with Sir Alexander Cardew's Minute, and you said you did except where it blocked reforms?—Yes. Perhaps I had not the whole if it in view.

3151. Am I right in saying that that was your view with regard to Sir Alexaner Cardew's Minute?—I have not got all those sentences in my mind at one time. There may be another thing to which I may take exception.

3152. Do you consider that the Minute is opposed to reforms—as being in a spirit of opposition to political or constitutional reforms?—I thought it was opposed to the Joint Report scheme.

3153. Or against any political reform?—I did not read it in that light. I was only thinking of the Joint Report scheme.

3154. Did you consider as to whether it was opposed to any reform in the nature of democratic reforms?—I do not think Sir Alexander ever proposed any scheme at all.

3155. Did you think that that Minute of his considers that democratic reforms are impossible in a country like India?—I think he thought they were impossible.

3156. Because of the doctrine of Karma and the institution of caste?—Possibly.

3157. Do you agree that no reforms of a democratic character are possible for India for those reasons or any others?—I would like to have democracy in India, and I am fighting for it as far as lies in my power.

3158. Do you agree it is possible or do you think it is impossible?—It is possible only if facilities are afforded us, like communal representation. Without that it is impossible.

3159. But with that?—It is possible.

3160. Notwithstanding

Lord *Sinha*—continued.

3160. Notwithstanding the doctrine of Karma and notwithstanding the institution of caste, democratic reforms are possible in India?—They are possible, certainly, provided communal representation is given and is worked out.

3161. Assuming that communal representation is granted, Karma and caste will not make democratic reforms unsuccessful or unworkable?—No. We can work against them with this representation.

3162. Do you know the Indo-European Association?—Yes.

3163. Do you agree with the views of that association with regard to constitutional reforms in India?—I have not seen much of their literature.

3164. Do you know what their opinion is?—I thought they were against reforms or some such thing.

3165. I want to find out what you mean by saying they are against reforms. What did you understand was their view?—That they were against this diarchy—that they would be satisfied if the Legislative Councils are enlarged and time allowed, or some such thing.

3166. I will not press that?—If there is any suggestion that we drew our scheme from the Indo-European Association I am going to prove from published documents that our scheme was the original scheme, and that is what I am presenting now. In 1917 we passed a resolution and I am standing by that.

3167. With regard to these institutions, educational and charitable, from which you said Panchamas are excluded, the other castes are not excluded from those institutions, are they?—No.

3168. The non-Brahmin people are not excluded?—No.

3169. So far, therefore, as opportunities for education are concerned, the non-Brahmin caste people have the same as the Brahmins?—Yes, we had every opportunity; the British Government has therefore done everything.

3170. Therefore those twenty-seven millions you represent have had the same opportunities for education as the Brahmins for the last 150 years?—Opportunities in the sense of places being open if a certain course is followed, but there are blocks in the courses thrown open. The authorities wanted that everybody should be a B.A. in order that he should get an appointment. Your Lordship is aware that the Brahmins are good at remembering things by heart. They could take the Vedas and repeat them. They have been trained to pass examinations. The test applied in our educational system was similar. Those tests are not available for us.

3171. You have not as good a memory as the others?—We have not the inherent capacity to remember things by heart; we admit that. Another thing is that owing to the accident of some of the Brahmins remaining in the Service at the time of the British arrival they had opportunities of pushing their own men which we did not have. If one man is in an office he will have half-a-dozen of his own men in, and those half-a-dozen can pull up others. Such facilities we have not had.

3172. You are aware that Sir Alexander Cardew charges that against non-Brahmin castes also—that they put their own caste men into offices?—I wish it to be distinctly understood that I do not in any way represent Sir Alexander Cardew, and I am not identical with him. I could show concrete instances in which the Madras Government treated the Brahmins more favourably, and did not give non-Brahmins what they were entitled to.

3173. With regard to non-Brahmin caste people, there have been many members of Council, both elected and nominated, have there not?—No, not through this general electorate. In the special electorate, for instance, the landholders' seats were occupied by non-Brahmins, but that is because of the vast extent of the constituency which covers twelve districts, and also non-Brahmins do not pay taxes. Most of the leading Brahmins live in the city and are absentee landlords. They have to pay 1,000 rupees instead of 500 rupees. There will be very few voters in that constituency; in fact no Brahmin has attempted to get into that constituency.

3174. Non-Brahmins have been Dewans in various native States, have they not?—I do not know.

Lord *Sinha*—continued.

3175. Is not the present Dewan of Travancore a non-Brahmin?—Yes.

3176. So far as native States were concerned there has been no obstacle to the rise of a predominant people non-Brahmin?—There is a good deal of it now in Mysore. A deputation recently waited upon the Maharajah complaining of the domination of Brahmins, and claiming representation in the Legislative Councils and the local bodies and Public Services.

3177. The Maharajah himself is a non-Brahmin?—Yes.

3178. What was his answer,—That he was not prepared to do it.

3179. That he was not prepared to penalise the most intellectual class of his subjects?—I do not know whether his Highness used the word "penalise," nor do I consider the equal sharing of the services by all the people is penalising any class unless it be supposed that that class has a birthright to have all the good things for themselves.

3180. You have seen the letters printed at the end of Lord Southborough's Report?—Yes.

3181. With regard to certain Associations refusing to appear before him?—Yes.

3182. You have said your refusal was due to the presence of Mr. Banerjea and Mr. Sastri. Mr. Sastri's opinions have been already quoted to you?—Yes.

3183. Is there anything in Mr. Banerjea's speeches or writings which gave you an idea that he was prejudiced?—When the Panchamas said they would not allow the Brahmin oligarchy to replace the British bureaucracy, Mr. Banerjea would seem to have said that they should go and join the Germans, and we were treated as enemies.

3184. Where was that?—When the war was going on.

3185. I mean where did Mr. Banerjea say that?—I cannot just now hit upon it. If it be necessary, I shall be able to get it.

3186. Is that all you have against him?—No, I have a good deal. Your Lordship will remember the Congress Resolutions of 1909 to 1914, in which he protested against the separate representation of Mohammedans. Every argument there would now apply to non-Brahmins.

3187. Therefore his opposition to the communal electorates for Mohammedans led you to believe that he would be also against communal electorates for non-Brahmins?—Though I cannot put my finger on the particular passage in which he said that, my impression is strong that he personally is against giving communal representation to non-Brahmins.

3188. He was one of the founders of the Madras Congress?—Yes.

3189. And you had always been working with him?—I was a humble camp follower. They never allowed me to the Committees except in Bombay?

3190. You are aware of the three alternative courses which are dealt with in Lord Southborough's Report with regard to communal electorates?—Yes. Do you refer to Paragraph 26?

3191. Yes, I think it is?—That is possibly in the Indian Government Report.

3192. I am speaking of Lord Southborough's Report at page 9. You have seen those?—Yes.

3193. The three possible solutions of the problem which Lord Southborough deals with?—Yes.

3194. You reject those uncompromisingly, I understand?—It is another matter if it is a question of compromise, but on principle we oppose them.

3195. Are you in favour of accepting one or other of those alternatives, or do you yourself or your association reject the second or third alternatives?—We would certainly prefer a non-Brahmin communal electorate.

3196. But assuming that that is not possible, in default of that, which would you have of the second and third, or have you any further alternative?—The next best, perhaps, is to fix a maximum for Brahmins.

3197. That is to say, limit the number?—Yes.

3198. That is the third alternative dealt with in Lord Southborough's Report. Have you the Report there? If you look at page 9 you will see it. The last sentence of that is, "A further proposal producing much the same result, though with a variation of figures, is to limit the number of Brahmin candidates to be returned by

Lord *Sinha*—continued.

by such constituency, and this course was recommended to us by another section of the non-Brahmin community"?—That is the Presidency Association.

3199. You would prefer it yourself after communal representation?—If my first claim is rejected. If this Committee weighs it and finds it wanting, then, of course, this is the next best.

3200. If you have communal representation these two others do not arise, but if you do not get it which of the others would you have the second or third? I understand the third?—Yes; but I should like to guard myself in answering. If this is treated as a compromise that is another matter. If not, I should stick to my plan.

Chairman.

3201. You are simply asked, putting aside communal representation, which do you dislike the less of those alternatives?—I would certainly, between the two, if they were the only two, prefer fixing a certain maximum for Brahmins, that they should not have more than so many seats.

Lord *Sinha.*

3202. Are you prepared to make any suggestion as to what you think ought to be the maximum number?—Yes; I did in my memorandum. I gave reasons. Their population is 3 per cent.; they ought to get three. Indian Christians form the same proportion as the Brahmins. They are getting three seats. The Mohammedans are getting thirteen. Therefore half of that will be six; but the Madras Government, in a Memorandum, gave ten. We are prepared to go the length of suggesting twelve as the proper number for them, for this reason: The percentage of voters is one to four; sixty is the total number. One-fifth of that is twelve. That is one of the reasons which would strengthen me in the question of selecting twelve. It is the highest number yet suggested.

3203. That is, their voting strength is one to your voting strength, four?—Yes.

3204. Therefore they ought to have one-fourth of your number?—Yes. But I also mention the other reasons.

3205. You would not attach any importance to their position intellectually, socially, and the point of view of religion?—I do, otherwise their numbers ought to be only three to six. It comes to twelve, because I have taken those things into account. From the basis of population they are only entitled to three.

3206. Is it the fact that the intervention of a Brahmin is necessary for the validity of a marriage amongst non-Brahmins?—It is a difficult question to answer from the point of view of a lawyer. That question is now enagaging the attention of our community. In fact one or two marriages were performed by non-Brahmin priests, but immediately we read a number of articles in the Press saying that the marriage was illegal and the children will be illegitimate.

3207. You mean there is a division of opinion with regard to that?—Yes.

3208. Supposing there is a separate communal electorate for non-Brahmins, the Brahmin will still continue to have his influence on the voters by reason of his religious and social position?—The influence will be much reduced when he is not within the fold.

Lord *Islington.*

3209. Your description of the Panchama leads one to suppose that there must be very defective administration in the districts. You told us that the sanitary conditions were indescribably bad?—Yes.

3210. What are the present administrative arrangements in those districts with a view to mitigating those evils?—We are trying to increase the number of Panchama schools to begin with. We are trying to have village extensions to find room for them. I examined about 150 houses, and measured the houses, and found for each head I had from 4 to 6 feet of ground.

3211. I merely want to know what the administrative system is. You have Local Boards there?—Yes.

3212. You have given a list here, on page 3 of your Statement, of the relative positions of the Brahmins and the non-Brahmins?—Yes.

Lord *Islington*—continued.

3213. That is in the superior service, is it not?—Yes; so far as they go into the civil list.

3214. What is the position in the Provincial and subordinate services?—It is equally so. The proportion will not vary very much. Sub-magistrates are not included in this. About 80 per cent. of the sub-magistrates will be Brahmins.

3215. Have you any figures to show the proportion of Brahmins and non-Brahmins in the administrative system in the districts?—Not just now.

3216. Are you able to say that from your experience and knowledge the presence of a Brahmin as an officer under Local Government has in any way prevented the proper carrying out of his work in that capacity?—I thought I mentioned one instance.

3217. Can you answer?—Yes; it does to some extent.

3218. To a serious extent?—That again depends upon the powers that ought to be given. At present the powers of bodies are not sufficiently high to make the influence felt in public activities—merely schools I suppose, and sanitation and things of that kind. It all depends upon the power with which a body is invested before we can understand the iron grip of that power.

3219. Assuming that the body has got its ordinary power, and a Brahmin has to carry out that power, would you say that the fact of his being a Brahmin would prevent his carrying it out properly?—Especially in sanitary matters. He would not go into a Panchama hamlet; or, when cholera breaks out, he does not administer medicine himself.

3220. In your statement you deal with the Legislative Council, and you say the Legislative Council will have full control under the transferred subjects and will form the portfolios of an independent Ministry, and there need be no rule to that effect. I gather from that paragraph that you are anxious to see a real system of Cabinet control as distinguished from the Ministerial system?—To avoid diarchy—that is the purpose of that.

3221. What is your object in avoiding diarchy?—To reduce the friction which is complained of, to reduce the opportunities for the unpopularity of the Minister who will be responsible for taxation.

3222. And in order to insure unity of control?—Yes.

3223. It has been put to us that if you had that unity of control you could not place the responsibility upon the Minister to the extent that the reform scheme suggests?—I cannot agree with that. The responsibility will always be there. The European members will also be responsible under that scheme.

3224. You would like to see two Europeans and two Indians on all the transferred subjects—the four equally responsible to the Council for the transferred subjects?—Yes.

3225. Supposing something is done by that Council that the Legislative Council disapproved, how are you going to place the Ministerial responsibility on the Indian representatives in the Council?—According to this scheme the whole body is responsible. I do not say that Ministers only should be responsible.

3226. The whole body would be responsible?—Yes.

3227. Would that prevent the discharge of a Minister if the Governor thought fit?—No; the Governor's power will always be there. The whole scheme of the Bill will apply. The Governor can dismiss him.

3228. Would you give the power to the Governor to dismiss any of his Ministers?—Yes.

3229. Whether European or Indian?—Yes.

3230. And to be appointed during his pleasure?—Yes, equally.

3231. All four?—Yes.

3232. That is your scheme?—Yes.

Duke of *Northumberland.*

3233. I think you said you represented 27 million non-Brahmins?—Yes; I claim to represent them.

3234. Out of a total of 41 millions?—Yes.

3235. What proportion of the 27 millions of the depressed classes?—They are not included. There are six or seven millions.

3236. You mentioned some cases of oppressive action of Brahmins. One instance you gave was that they had

Duke of *Northumberland.*

had converted certain educational establishments, which were started for non-Brahmins, into Brahmin establishments?—Yes.

3237. Can you explain how that was done. It is a Taluk Board Institution. At this particular time the President of the Taluk Board was a Brahmin. The revenue divisional officials are, by virtue of their office, presidents of the Taluk Board, except where they are given to non-officials. A Brahmin officer happened to be the divisional officer, and the proposal was put forward at the time he was presiding, and though there are some non-Brahmin members on it, they could not open their lips in the presence of the divisional officer, and the resolution was passed. After some time a divisional European officer came and the resolution was promptly cancelled.

3238. Supposing that this offer of self-government had never been made at all, would there have been any strong desire, or any desire at all, on the part of the non-Brahmin population to have self-government?—I should think not. The educated amongst them may perhaps think of getting something, but, as a whole, they do not think of it. It is only the other side which has imbued these ideas into us.

Mr. *Acland.*

3239. I perceive from what I have heard to-day that whatever this Committee decides we shall not be able to please everybody. Therefore I have been trying to think, not so much of the present, but of the future, as to what system is most likely to lead to what we must all desire—namely, that in political matters the members of your great religion may settle down to political life and activity together. I understand from you that there are now difficuties. One hopes in the course of time (I am talking now of religious difficulties) these sharp differences between Brahmin and non-Brahmin may to some extent be modified. That depends on the gradual evolution of the religious system, which neither of us can foresee. But if, happily, in the course of centuries the religious difficulty diminishes, would not the political difficulty, the difficulty in the way of common interest and action in legislative bodies be intensified rather than diminish by the existence of a separate representation which you are advocating? I feel that as long as there was separate representation the matters of difference between Brahmin and non-Brahmin would tend to be emphasised, and that if all threw their interests together, and the large majority which you represent of those settle down as best you can with the minority which you do not represent, the questions in which you differ may recede in importance, and you may find ways of co-operating together, because, after all, in the long run, if a man wants to be elected he has to pay some attention to the real interests of those who elect him. Looking ahead to the future and the stage of reform recommended under the Joint Report is only a stage towards something further: Do you think your proposal of communal representation is really in the best interests of the common co-operation of members of the same religion, which you must desire as much as anyone else?—Yes, I should think so, for this reason: The Mohammedans, for instance, were at loggerheads with Hindoos prior to 1909. Every election was fought on the ground that one was Mohammedan and the other Hindoo, and the feeling between them was very bitter, as can be seen from the resolutions of the Congress. After 1909, when separate representation was given to the Mohammedans and their seats secured, that rapprochement about which we hear so much at present has become possible. To-day we find the representatives of Mohammedans and Hindoos meeting together, drafting constitutions which are binding upon both parties, and which are accepted by the Government of India and by the Imperial Government. All that has become possible because you gave communal representation to the Mohammedans in 1909, and because they have become equal, and the apple of discord was removed between them. I will therefore submit that if communal representation is given to us a certain amount of the equality of the non-Brahmins will be recognised by the Brahmins, and equality alone can bring about coalition.

Mr. *Bennett.*

3240. As a student of politics, you are aware of the theoretical objections to communal representation?—I think I have tried to meet them.

Chairman.

3241. Do you recognise that there are theoretical objections to communal representation?—Yes.

Mr. *Bennett.*

3242. And unless there are grave practical reasons on the other side there is strong reason to avoid applying the communal principle any more than is necessary?—I did not quite catch that.

3243. You recognise the existence of theoretical objections to the communal principle?—I recognise that.

3244. You and your friends recognise it is through no want of sympathy for you, or no want of consideration for non-Brahmins, that they are reluctant to extend the principle to them?—It is for want of sufficient knowledge of the conditions that they have put them forward.

3245. You have said that you are not anti-Brahmin, but I think you will admit that in stating the case against the Brahmins you have put in as much as you possibly could—you have made your case as strong as you possibly could?—I stated at the beginning that the case could have been put much better if our leader was alive. I am putting it in the humble way in which I could put it.

3246. Do you think you have exaggerated it?—I do not believe so—not willingly, at any rate.

3247. For instance, you say here that the Brahmins hold a lot of land which is revenue free?—Yes.

3248. That seems to indicate that in respect of that land the Brahmins are a privileged class. You say that they are?—I meant it for other purposes. I was thinking of their being free from paying taxes and claiming that we, being taxpayers, ought to get more. It was more for that purpose, I think.

3249. You say amongst the land which is held by the Brahmins is Inam land, which is revenue free. All Inam land is revenue free, is it not? It is land which in the past has been confered for services to the State?—Yes.

3250. And it has remained revenue free ever since?—Yes.

3251. Is it a privileged position which the Inamdar holds? Is it not like all Inam lands? Many men who are not Brahmins hold Inam land, land which is revenue free, do they not?—According to my belief there are very few non-Brahmins who hold Inam lands.

3252. That is only illustrative; I do not press it. You want to lodge a case against Brahmins as much as you can. You say that they do not even pay irrigation assessments because their land is water-bearing land—land with wells upon it?—It is not wells; it is irrigation by canals.

3253. It is land which does not need to draw upon the irrigation system, and therefore they do not contribute to the irrigation assessment—is not that so?—They take water. While others pay taxes for taking water, these lands do not pay.

3254. But they do not take it because it is wet land, is not that so? They are not in need of the irrigation supply?—No; the water is taken for that, but the tax is not paid.

3255. I think you contested a statement made by several of the witnesses, that the antagonisms and divisions between Brahmins and other classes are diminishing—you do not admit that?—No.

3256. You strongly deny it?—Dissensions on account of places are the strongest now.

3257. You say that the Brahmin still maintains his ascendancy?—Yes.

3258. Have you heard of communities which in recent years have dispensed with Brahmin priests?—We have not succeeded in that.

3259. You are aware of a movement in that direction?—Yes.

3260. Do you know that twenty years ago at least in the Deccan the barbers dispensed with the priests? Did you hear of that?—No.

3261. Is

Mr. *Bennett*—continued.

3261. Is there not a tendency to dispense with Brahmins?—We are ouselves trying for that. It is our own movement.

3262. You spoke of the Panchamas: are you aware that the description which you give is practically the same as was given in a well-known book by Abbé Dubois, who wrote at the beginning of the last century? Things are much the same as they were?—I read the book a long time ago, and I do not remember it.

3263. You have said that if the Brahmins had their proportionate number of representatives they would have about three in the Madras Legislative Council?—Yes, judged by one test.

3264. Do you not think you would be doing serious dis-service to your country if you advocated the rejection of Brahmin representation—do you not think you would be excluding a number of good men?—Let us take twelve. I think twelve is the proper number.

3265. Do you not think you would be depriving your country of the services of a number of educated men, and men of experience and character?—I think I referred to that before when I referred to Sidney Low's book on the Governance of Great Britain.

3266. I take it part of your case is that you cannot hold your own against the Brahmins in electoral contests because, first of all, you are not so clever as they: is that your case, that the non-Brahmins are not as clever as the Brahmins?—That is not the primary reason. The primary reason is that they are powerful in the public offices. The second cause also operates.

3267. Amongst the non-Brahmins is there any real scarcity of men of capacity who are fit to take the lead and to represent their fellow-craftsmen?—I think one other member of this Committee gave the names of distinguished non-Brahmin leaders.

3268. To-day amongst your own communities is there a scarcity of men like yourself who are able to take positions?—The one man who has been able to be a real leader of the people has passed away; the others hold only a secondary place, and it remains to be seen how they will develop.

3269. Are there many men of your own type and capacity amongst the non-Brahmins of Madras?—I do not like to admit that I am a leader. I would prefer to be called a follower, whatever the future may bring.

3270. You have said—I am sure you did not mean it as a threat—that if the Bill did not satisfy the expectations of the non-Brahmins of Madras you would organise resistance. I think you referred to what happened in Mr. Gladstone's time. I take it that means a sort of No Rent Campaign, or something of that kind?—I was thinking of "Lord Randolph Churchill's Life," by his son, in which he describes how the Fourth Party was formed and constitutional obstruction was made to the Government.

3271. Supposing the non-Brahmins of Madras are capable of being organised into resistance to the Government, should it not be equally possible to organise them for the assertion of their own political rights in a constitutional way?—I did not mean anything like resistance to the Government. My impression was going into the House and making speeches opposing, and that kind of thing. It is not resistance to the Government in the sense you mean.

Mr. *Bennett*—continued.

3272. Will you admit that it would be possible to organise the non-Brahmins of Madras in such a way that they could get something like adequate representation by degrees?—It is not possible.

3273. Not at the beginning?—No.

3274. You recognise the advantage that it would be to these people to accustom themselves to public life and political warfare?—That would be possible if things are allowed to go on in their own way; but meanwhile you are not merely enlarging our Councils, but you are giving a large amount of power to the Council and the Ministers. These Ministers and these Councillors being Brahmin will take an early opportunity of consolidating themselves, thus widening the gulf between themselves and the non-Brahmins, and any attempt made by the non-Brahmin leaders to rouse the political conscience of the people will not be sufficient to cope with the advantages which the Brahmins will have.

3275. Is it not worth trying?—It is worth trying if there is any chance or hope of our succeeding. We apprehend that there is no chance of success at all, and we will be driven deeper into the ground.

3276. Would it not be to your interest to accustom your communities to take their proper part in public life?—I think it would be criminal for us not to do so.

Major *Ormsby-Gore.*

3277. You speak Telugu?—Yes.

3278. Do the people round you speak Telugu—those who live in your neighbourhood?—Yes.

3279. That is to say, Brahmins, non-Brahmins, men of caste and Panchamas all talk Telugu?—Yes, even the Moslems.

3280. Are all the people who speak Telugu Dravidians in race?—Yes, except the Brahmins.

3281. Do you say the Brahmins are a different race to the non-Brahmin Hindoo caste in your part of India?—Yes.

3282. Although they speak the same language:—There are differences in Hindoo law as applied to Brahmins and as applied to non-Brahmins.

3283. One of the grounds for which you ask communal representation is that you are racially distinct in origin from the Brahmins. You are true Dravidians and they are Arians?—Yes.

Chairman.

3284. I want to clear up one question. Without in the least prejudicing your plea for communal representation, you said that the limitation of Brahmin seats was the least objectionable of the alternatives mentioned in the Southborough Committee's Report?—Third alternative.

3285. And you said the limitation that you would suggest under those circumstances would be twelve?—Yes.

3286. Is that twelve out of the proposed members of the elected seats?—Yes, twelve out of sixty-one.

3287. Twelve out of the elected seats?—Yes.

3288. It is not 12 per cent.?—No; it will be more in percentage. Further, they will also get the University seat. The graduates are mostly Brahmins.

(*The Witness withdrew.*)

(*After a short adjournment.*)

Mr. RAMA RAYANINGAR, of Panagallu, M.A., F.M.U.; called in, and Examined.

Chairman.

3289. Mr. Rama Rayaningar, you have been good enough to come here representing—you are the delegate, in fact, of the All-India Landholders' Association?—Yes.

3290. And also of the Madras Zemindars and Landholders' Association; and you have been good enough to give us answers to the questions which we sent to you?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—Yes. I would, however, lay stress upon the adjective "progressive." By "responsible" government I understand an executive body responsible to the people under the general supervision of the British Parliament. I accept the proposition contained in the Preamble to the Bill.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—Yes, safeguards, however, being provided for the representation of the several interests and communities according to their importance.

3. Do

Chairman—continued.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—Yes, to a certain extent consistent with the idea of the realisation of self-government being gradual. I am inclined to think that the non-official members of the Provincial Legislatures do possess some sort of power to influence—morally, if not legally—the actions and policy of the Executive. The resolutions passed by the Legislative Councils may not be legally binding upon the Executive, but I daresay that the Executive has in very many cases been influenced by such resolutions.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Yes.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—Undoubtedly the scheme embodied in the Bill is well meant and carefully worked out; but, in view of the possible friction and jealousy between the two parts of the diarchic Government, and mindful of the opposition to the scheme, I am inclined to think that it is not desirable to introduce it, at any rate in its present form in a country like India, where every opportunity is taken to foster prejudice against the British connection with the country. I respectfully submit that a bi-cameral system of Government may be introduced in the Provinces; the Second or Upper Chamber should consist of a bare majority of elected members representing the important vested interests—I mean the landholding, commercial, and industrial interests, and the remaining members of the Chamber should be officials nominated by the Government. This Upper Chamber should be a revising Chamber in matters of all Legislation (which, of course, would include bills of taxation). Every piece of legislation initiated in the First Chamber should be carried through both Chambers. Essential legislation may, however, be introduced on the certification of the Governor in the Second Chamber alone, and will have the finality of law if passed by it. The Budget, however, may be dealt with by the First Chamber alone, and need not be discussed in the Upper Chamber. I would suggest that the subjects of administration should be divided into Provincial and All-India subjects. Some subjects like those proposed by the Government of India in its fourth Despatch, to be treated as transferred subjects of Provincial Governments may be considered as the only Provincial subjects. All other subjects may be treated as All-India subjects, in administering which the Local Governments will be merely the agents of the Government of India. Where the Provincial Governments are merely agents it is obvious that the resolutions of the Legislatures can only be recommendatory. It may be that on some of these subjects Provincial Legislation is necessary. The Government of India may either from time to time or once for all delegate to Local Governments the power of legislating on particular All-India subjects, subject to the Viceroy's veto. The revenues derived from Provincial items should belong to the Provincial Governments. The revenues derived from the All-India items should be handed over to Provincial Governments by the Government of India after deducting a fixed amount (fixed by the proposed Finance Commission) for Central expenditure. The Government of the Provinces shall consist of the Governor and four Executive Council members, of whom two are Indians appointed from the elected members of either House on the recommendation of the Governor and two Europeans of official experience. The Provincial subjects should as far as possible be in the hands of Indian members. There will be a similar bicameral system in the Government of India, but in the Upper Chamber the official members will be in a bare majority. The resolutions, however, shall be advisory.

Chairman—continued.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages, and facilitate the "progressive realisation of responsible government," and, if it does, in what way? (Clauses 2, 3, etc.), and (ii) does it afford means of judgment (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—(i.) This scheme provides possibilities of advance by making more All-India subjects Provincial subjects in course of time on proved fitness of the people to administer those subjects. (ii.) (a) Yes. (b) Yes.

10. In particular, (i) Do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i.) No, not at present. (ii.) No, I have already proposed a second or revising Chamber for the Provinces. These Upper Chambers will afford better facilities of passing essential legislation.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Yes.

12. Do you agree that it is advisable, none the less, to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes.

13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation, and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—Yes.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20, (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I do not like the provision for a joint sitting of both Chambers. I do not think that at present the joint sitting is advisable. I would prefer the Council of State to be ordinarily a revising Chamber.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not what are your reasons and what modifications would you suggest?—Yes, with the provision that one of the Members of the Executive Council should be a great landowner.

16. Do you think that the development of Provincial autonomy, on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33, and 45 of the Government of India Act (Clause 23)?—The rules referred to in Section 23 should be affirmatively passed by the Parliament.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 23 of the Bill are well designed to afford such examinations?—Yes.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—The safeguards to representation of important interests and communities should be provided in the Bill itself.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Adminstration of Indian Affairs?—My associations are deeply disappointed at the recommendations of the Franchise Committee. The existence of the interests they represent

Chairman—continued.

present has not been properly taken into account, and in some instances has been totally ignored. The zemindars and landholders are a special class by themselves in India, with large vested interests. The Joint Report has no doubt alluded to their "position, influence and education," and to their being "the natural and acknowledged leaders in the country areas," but the place that is held out to them in the body politic is not commensurate with their status, their importance, or their usefulness to the State. The landholders pay to the coffers of the State between one-third and one-fourth of the total gross revenue. They should have representation, which should be substantial and such as to protect their interests. Taking the Provincial Councils, their position is, in fact, much worse than what it was under the Minto-Morley reforms. The following table gives an idea of how their position is proposed to be altered very much for the worse in the different Provincial Councils.

Provinces.	In the old Councils.		According to Franchise Report.		Their strength if proportion kept up in New Councils.
	Zemindars and Landholders	Total Elected Members	Landholders.	Total Elected Members.	
Madras -	5	21	7	92	23
Bombay -	3	21	3	87	12
Bengal - -	4	28	5	100	13
United Provinces of Agra and Oude		21	6	100	10
Punjab - -	No elected Member	11	4	67	—
Behar and Orissa	5	21	5	73	17
Central Provinces and Behar	2 + 1 (one nominated after election).	7	3 + 1 (one nominated).	53	15
Assam - -	2	11	2	39	7

The last column gives the strength if the proportion fixed in the Minto-Morley Councils is maintained. It should further be remembered that big zemindars and landholders were also nominated by the Local Governments in addition to those who were elected. In Madras, for example, invariably since 1909 one of the nominated seats was given to a Uriya zemindar, and in the present Council there is a second seat given to another zemindar, so that there are really seven zemindars and landowners out of a total of twenty-eight non-official members. I therefore urge respectfully but most emphatically that in all the Provincial Legislative Councils the number of seats given in the last column at least should be given to the landholders and zemindars, and that in the Madras Legislative Council one of the zemindars' seats should be reserved for the Uriya zemindars of Ganjam and Vizagapatam districts. Even with these numbers they cannot have any effective voice in the Legislative Assemblies, but as I have proposed that the Budget allotments should be passed only by this body, we should have at least this proportion of representatives in the Assembly. In the old Councils we were not particular of the exact number of seats we were given, as they were merely advisory bodies, and it was enough if we had opportunities of expressing our views. But under the constitution proposed it is intended to transfer power to the

Chairman—continued.

people. We therefore want not only opportunities of expressing our views, which will, in itself, be of very little practical use, but in consideration of the interests that we hold we want an effective voice in the legislation of the Province—at least effective enough to safeguard our interests. Especially in matters of taxation the tendency of the majority of the members of the Provincial Legislative Assembly will be to raise funds for the growing expenditure of the country by imposing taxes which will not affect them, such as, for instance, taxes on land in the form of cess. In fact, Sir James Meston has stated before the Committee that he expects the future Minister to impose such cesses on land. It is obvious that we should have a reasonably effective voice in the matter. The only method by which this can be done is by the adoption of the bicameral system in the Provinces as suggested above. Turning now to the Imperial Legislative Assembly, we find that the Franchise Committee has treated us worse, if possible; whereas in the Councils at present existing we have six out of twenty-six elected seats, the Committee proposes that in the future Assembly we should have ten out of eighty elected seats. We do not see why we should be singled out for sacrifice in this matter. It is not for me to give an account of what we have done in times of exigency to help the Government. The records of the India Government will show it. According to Lord Southborough's Report 261 zemindars and 2,398 landholders have to return one representative to the Imperial Legislative Assembly. This arrangement gives zemindars no chance to send their representative. The interests of zemindars, the holders of permanently settled estates, are often at variance with those of other landholders. In these circumstances I submit there should be separate representation of the Madras zemindars in the Imperial Assembly. But the crowning act of injustice comes in the constitution of the Council of State proposed by the Franchise Committee. Out of twenty-one seats to be given to elected members, the Committee proposes that only two seats should be given to landholders. It is obvious that no zemindar will be returned by the elected members of the Provincial Legislative Councils, whether Mohammedan or non-Mohammedan. Under the scheme of the Franchise Committee, therefore, there will be no zemindar or landholder representative from the Provinces of Madras, Bombay, Punjab, Central Provinces, and Assam. United Provinces will return one member, and Bengal, Behar, and Orissa will return one member. Comment, I think, is needless. The whole of this should, of course, be radically altered. Election should be direct to the Council of State, and one member, at least, should be returned by an electorate of zemindars and great landlords from each Province. My associations urge that provision should be made in the Act for safeguards against the interference of the Legislative Councils interfering with the permanent settlement of the permanently settled estates. My associations would also urge that the more important zemindars, the holders of which were at the time of their subjection to the British Power in possession of sovereign or semi-sovereign powers, may be given a separate administrative existence by giving them the status somewhat similar to that of protected states. Speaking on behalf of the Madras Landholders' Association, I would strongly urge that the non-Brahmins of Madras should be given communal representation through special electorates; without this safeguard the vast majority of the people will be practically disenfranchised, as they will have no independent vote.

3291. You have added to that a little Memorandum which we have read with great interest?—Yes.

3292. Would you like to supplement that Memorandum by a short statement?—I have very little to add, only I have to say that there is a strong feeling among the zemindars that they are not given adequate representation in the Provincial Councils the Imperial Assembly and Council of State. They expected a very much larger representation, but somehow the

Chairman—continued.

the Committee do not appear to have taken into consideration the status and importance of the zemindars and landholders, and they have given them practically very much less representation than they have at present. At present they have the consolation that there is the Government to hold the balance evenly between the politically minded and the landholders, but when the power is transferred to the people matters will be very much worse. They seem to think that the representation that is given to them is practically very little, and they want a very much greater representation, not only in the Provincial Councils, but also in the Imperial Assembly and in the Council of State.

3293. The Legislative Assembly, you mean?—Yes. With regard to the scheme itself, that India is in need of constitutional reforms is a proposition about which there is very little difference of opinion, but when we begin to consider as to how we are to bring about that improvement there is a good deal of difference of opinion. In fact many schemes have been put forward, and amongst them there are some good, some indifferent, and some bad. As to the scheme embodied in the Bill it is one of those conceived in a spirit of sympathy and broad-mindedness, but in spite of that there has been a great deal of criticism against that scheme from various quarters, some of them very important quarters, too. The reason why they criticise the scheme is that it proposes to introduce into the Provinces a dual form of government. The question is whether I am inclined to think that with some modification the scheme might be made free from the charge of introducing dual government into the Provinces. I propose in my Memorandum that, instead of dividing the subjects into All-India subjects, Provincial subjects, transferred and reserved, the subjects might be divided into All-India subjects and Provincial subjects, the Provincial subjects being only those subjects which the Parliament think can be managed by the people of the Provinces. In my opinion those subjects which the Government of India propose to transfer to the Minister's administration will be the subjects for the Provinces; in other words, Provincial subjects. If that arrangement can be made, I think the charge against the Bill that it introduces a dual form of government will lose its force. Then I have also suggested another modification of the Bill, namely, the institution of an Upper Chamber. We are going to try an experiment in this country, and it is much better that we should be cautious in doing so. If there is an Upper Chamber, the errors which an inexperienced House of popular representatives might commit might be revised, for that reason I have asked for the institution of an Upper House. As to the question of the representation of non-Brahmins at Madras, I am strongly of opinion that without such representation the reforms will be no good so far as Madras is concerned. No doubt it is said that the non-Brahmins are in majority, and when the Franchise is broadened they may be still more in the majority, and they may easily manage to capture some of the seats, but the difficulty is that there is so much influence wielded by one community that it would be quite hopeless for them to contend against that influence. That is all I have to say in supplementing the statement I have already made.

3294. May I summarise the points which you wish particularly to bring to our attention as follows: You propose a different division of subjects?—Yes.

3295. You lay great stress on the importance of the principle of a Second Chamber in the Provinces as well as for India?—Yes.

3296. Then you protest very strongly against the proposed allocation of the seats to zemindars and landholders?—Yes.

3297. You point out that, as compared with their representation in the old Councils, they will be very much under-represented in the new Councils?—Yes.

3298. And, lastly, do I understand you to say that you advocate a communal representation for the non-Brahmins in the Madras Presidency?—Yes.

Major *Ormsby-Gore*.

3299. With regard to the last point, you have always held the view that it would be necessary, in the event of political reforms, to give separate representation in Madras to the Brahmins and non-Brahmins?—Yes.

3300. On the ground, you say, that the Brahmins have influence which might be used to the detriment of some other portions of the population?—Yes.

3301. In what way do you think the Brahmins would abuse the power that they would get by being elected by non-Brahmin constituents?—Firstly, the Brahmins form a large majority in public services, and they exercise some sort of influence or other in getting their own people elected.

3302. You mean, by getting their own people elected, that you think they would tend to use the political power merely in the interests of their own caste, to the detriment of other castes?—Yes.

3303. That is the fear which is entertained in Madras?—Yes.

3304. I will not pursue that further. Now, you more particularly represent the zemindars. Would you explain to me exactly what place the zemindars have in the community in Southern India—what position do they occupy in the social life?—They are mostly non-Brahmins and are landholders.

3305. And they are all cultivators, as well as owners, are they?—No, they are not cultivators; but they are landholders, and they have their own tenants, who cultivate.

3306. What is their main occupation?—The zemindars?

3307. Yes?—Some of them have their own colleges and schools and other charities to manage.

3308. They do take part in public life; they have leisure from the rents they receive for their land in order that they may take part in public life?—Yes.

3309. That is to say, the zemindars really have a very good chance in the reform scheme of taking part in political life and in getting elected for constituencies?—There is not much of that.

3310. You say they take part in the education of the country; they run colleges and schools?—Yes.

3311. Assuming that all classes of education, for the sake of argument, were transferred to a Board of the elected members of the Legislative Council, do the zemindars who engage in education fear that they will be in any way treated detrimentally to their interests and that others will be put in their places?—They have reason to think so.

3312. They have reason for thinking so from what has been happening in the past?—Yes.

3313. You seek for special representation of the zemindars, both in the Provincial Government and in the Central Government in all Provinces?—Yes.

3314. Would you desire that separate communal representation in the Lower Chambers, that is to say, in the Legislative Council and in the Legislative Assembly of the Government of India, if there was a bicameral system, established in both or either?—In both.

3315. You would still want communal representation in the Lower Chamber?—Yes.

3316. Could you give me the sort of idea you have in your mind as to how the Second Chamber should be constituted in your view in the Provinces?—The Second Chamber would have a bare majority of the representatives of the vested interests, that is, of landholders, merchants, people engaged in industries and other distinguished persons.

3317. With the remainder nominated?—Yes; the remaining members to be nominated by the Government.

3318. By the Governor of the Province?—Yes.

3319. Nominated for a period of years, or nominated for life?—For a period of years.

3320. You ask for that system, and even if you got that system you would want the representation of the same vested interests, as you call them, in the Lower Chamber as well?—There are great landlord zemindars and there are also smaller zemindars. Even if an Upper House is instituted, the smaller zemindars would have no chance of representation in that. Sometimes the interests of the great zemindars and the smaller zemindars are at variance.

3321. The other main question which you brought to our attention was the present proposed division of the

Major *Ormsby-Gore*—continued.

functions of Government of India into three, namely, All-India subjects, reserved provincial subjects and transferred provincial subjects?—No.

3322. You want the division into two?—Yes.

3323. Namely, All-India subjects and Provincial and transferred subjects?—All India subjects and Provincial subjects; then there would be no transferred subjects.

3324. It would be all transferred?—Yes.

3325. Have you in your mind, or before you, the list of proposed Provincial reserved subjects which you wish to eliminate? You have that in your mind, have you?—I have.

3326. Could you give me some examples from the list of subjects which you think ought to be retained within the immediate purview of the Government of India, and also if there are any subjects in that list which you think should be transferred subjects?—I have said in my Memorandum that all the subjects which the Government of India propose to be transferred to the Provincial Governments might be made Provincial subjects.

3327. That is to say, you do not wish to reserve any of the subjects which are included in that reserved list to the Government of India. You do not want anything kept to the Government of India?—No. There will be All-India subjects for Government of India.

3328. Therefore you want land revenue, irrigation and all these subjects made transferred straight away?—No. I think those subjects which the Government of India proposes to transfer from the Provincial Governments might be made Provincial subjects.

3329. And you want, I take it, then the whole of the reserved list, or what we call the reserved list, such as land revenue, irrigation and the like, kept as All-India subjects?—Yes.

3330. Do you not think that would fail to meet the argument which we have heard for many years in Parliament in this country that one of the main troubles in India at the present moment is over-centralisation in the Government of India, and that everything has to go to Simla if not to go to Whitehall for decision?—I have said, in answering that question, that the Government of India will be administering these subjects through their local agents—that is, the Local Governments.

3331. That is to say, instead of having a Governor in Council administering the reserved subjects in the Provinces, you merely wish the Governor or an official to act for the Government of India. That is to say, there would be no local discretion whatever, but the matter would really be done by agents acting under instructions from Simla and Delhi?—What I mean is that the delegation is not to the Governor alone, but to the Government.

3332. Therefore you want the Provincial Government—that is to say, the Ministers—to act in certain subjects at the orders of the Government of India?—In some cases.

3333. To act as the agents of the Government of India?—Yes.

3334. That is to say, the Ministers would be partly officials of the Government of India in certain subjects, and in other they would be responsible to the Local Legislature?—According to the scheme I suggested there would be no Ministers; all of them would be members of the Executive Council.

3335. Then you would not decribe that, would you, as responsible government in the sense that we use it in this country, namely, as a Government responsible to an elected Chamber?—They are appointed as Executive Members by the Governor from the members of the elected Council.

3336. I will not pursue the matter further.

Mr. *Acland.*

3337. We are getting more or less accustomed to a system under which you give people a vote, and they exercise a secret Franchise and elect whom they may please, but I can well understand that in India things are not quite like that, and that there may be cases where one class or another will exercise undue influence, insomuch that communal representation may have to be granted, and you have been indicating to us that you think that is necessary with regard to the

Mr. *F. D. Acland*—continued.

Brahmins and non-Brahmins, that the Brahmin, for one reason or another, exercises so much influence that, even although he is in a very considerable minority, the non-Brahmin must be given a special representation. I find it difficult to reconcile that point of view, which is that the Brahmin is so influential that something must be done to curtail his influence, with your other point of view that another class which is also presumably influential, the landowning class, in spite of that special influence which the ownership of land, and in some cases wealth and position, must give them, are not able to take advantage of that influence to require special representation on their side. Do you see my difficulty?—Yes, but even the landholders are in the hands of the Brahmins in most cases.

Chairman.] Let me clear that up exactly. I do not think the witness has asked for communal representation.

Mr. *Acland.*

3338. No, not communal representation, but increased representation. I think I am fair in saying that his point is that the representation given to the zemindars is not sufficient, and my argument would be this, that they must clearly be, and no doubt are, persons of class and position, and that that class and position ought to be relied upon without at any rate any increase of their special representation to obtain for them that representation in the Provincial Councils which is due to the position which they enjoy?—Yes, but the landholders, although they are generally a moneyed class, are under certain disabilities. They have litigation, and they have to depend upon pleaders, and the pleaders generally happen to be Brahmins, and it is indeed difficult for them to compete with pleaders.

3339. In England we are accustomed to landowners being very much under the advice of their solicitors, but that does not prevent them from exercising very great influence in elections owing to their great position as landowners, in spite of their reliance on their solicitors in matters of business. You do not find that to be so in India?—The conditions in England are altogether different from the conditions which prevail in India—at any rate, in Madras.

3340. I am trying to get into my mind why it is really that the considerable influence and position which those gentlemen whom you represent undoubtedly must have is not sufficient by itself to obtain for them a due representation in the elected bodies?—Very few of the zemindars are Government officials, and in India, particularly in Madras, the official influence counts for much.

Chairman.

3341. I want to get this quite clear: Are you asking for extra representation for the zemindars or landholders, or do you say that the representation allotted to them is not in proportion to their numbers and the taxes they pay?—It is not in proportion to the importance of their interests.

Mr. *Acland.*

3342. You think they have, as things really are, very little chance of being elected by the vote of those who are now proposed to be enfranchised?—They have no chance of being elected by the people, I mean, except through their special electorates.

3343. They have no chance of being elected in an ordinary General Election, you mean?—It is so.

3344. Is not that partly due possibly to some defect on their part? Why is it they have no chance? Is it not because they are for some reason unpopular or not trusted?—It is not that they are unpopular, but the others who compete with them have very much greater influence than they.

Lord *Islington.*

3345. When you say they would have no chance, do you mean they would have no chance if their opponent was a Brahmin?—Yes.

3346. Or would they have no chance against anybody else; which?—Against pleaders who are generally Brahmins.

3347. Is it if the Brahmin is an opponent?—Yes.

3348. Or is it, that if anybody is the opponent they would have no chance?—Whoever has influence with the

Lord *Islington*—continued.

the Government and law courts—I mean officials and others. They might be non-Brahmin pleaders, and if a pleader oppose a zemindar the pleader will have a better chance than the zemindar.

3349. If he had a better chance, and was a private individual, as he might be, it would not be due to his connection with the Government, would it? It would be due to his greater facility for attracting votes?—I said so—that it is not only the official influence, but also the influence exercised by the pleaders which gives the zemindars very little chance to be elected.

3350. The pleader has higher electoral ingenuity than the zemindar; is that what you mean?—I think so. He has greater facilities besides.

3351. And you would say the same for the Brahmin?—Yes.

3352. Now you have seen the different proposals to meet this problem in Madras, of the Brahmin and non-Brahmin communities being properly represented in the Legislative Council; which of the different proposals which have been put forward would you prefer?—May I know the proposals?

3353. There is a proposal for their being arranged in communal constituencies, and then there is the other proposal that there should be a limit to the number of Brahmins who can be elected?—Yes, separate electorates; that is communal constituencies would be best.

3354. Failing that, if it came to a question of a limit of number, would you say that the proposal which is now thrown out by the Government of India is a fair one?—I think it is thirty out of sixty-one?—The Government of India, no doubt, says that thirty seats should be reserved for non-Brahmins, but I am not quite sure whether those thirty seats are in plural constituencies or separate constituencies. The Government of India is not clear upon that point. They say thirty out of sixty-one should be reserved for non-Brahmins.

3355. Do you consider that a fair proportion or not?—I do not quite understand what they mean—whether they mean plural constituencies or special constituencies.

3356. Assuming they mean plural constituencies, would you say that was a fair proportion to meet the problem?—The formation of plural constituencies has its disadvantages, namely, the rural representation will suffer considerably, and at the same time by plural constituencies both Brahmins and non-Brahmins have to return a non-Brahmin.

3357. I suppose the separate communal constituency will present difficulties too, will it not?—I do not know how it would present difficulties.

3358. You say that the proposed proportion of zemindar seats is inadequate; what do you suggest?—They should be at least in the proportion in which they are given by Minto-Morley Reforms.

3359. Can you reduce that to figures?—I am informed that you have got it on your statement?—Yes.

3360. One word with regard to the constitution of the new Executive Councils. You are not in favour of the proposal, I understand, of a diarchic system?—Not as it is.

3361. You would prefer to see a unified Government?—Yes.

3362. Consisting of how many would that be—two Europeans and two Indians?—Yes.

3363. And you would place all the transferred subjects in the hands of that Government and make them responsible to the Legislative Council?—Yes.

3364. The case that is made against that is that, by unifying the Government, you cannot place the responsibility on the Indian Minister. How do you get over that difficulty?—I have not followed your question.

3365. The case that is made against a unified Government is that, by placing the responsibility upon both the European and Indian element together in the unified Government, you are not thereby sufficiently placing the responsibility on the Indian Minister in his relation to the Legislative Council?—The administration of the subjects, the particular portfolios will be in the hands of Indian members.

3366. The portfolios would be in the hands of the Indian members, but, under your system, I suppose any question of higher importance would be decided upon by the whole Government, and not by the Minister?—By the whole Government, yes.

Lord *Islington*—continued.

3367. You would give the responsibility to the whole Government?—Yes.

3368. You consider that, by a plan of that character, you will get a Government sufficiently responsible to the Legislative Council?—There may be some responsibility attaching to the Legislative Council, because two of them are members elected from there, and then it does not follow that in all cases the Governor will vote with the other members. These two members may be able to influence the other members.

3369. Any way, your proposal differs from the alternative proposal to this extent: I understand not merely that you would like to see all questions discussed in a single Cabinet, but all questions decided upon in a single Cabinet?—Yes.

3370. As distinguished from being decided upon by the Minister himself?—That is so.

Lord *Sinha.*

3371. Are there any Mohammedan landlords in the Madras Presidency?—There are very few.

3372. I mean Mohammedan land-holders other than zemindars?—There may be a few.

3373. None that you know of?—There are some.

3374. Some belonging to both classes; zemindars and land-holders other than zemindars is the division?—Yes, I know there are some in Malabar. I do not know the tenure under which they hold their lands, and unless I know that I do not think I will be able to answer whether they are zemindars or land-holders.

3375. Do they take part in elections at present for the existing Councils?—Yes. So far as the Imperial Legislative Council is concerned, both the land-holders and the zemindars vote. In a common electorate they have a vote, but I do not know whether they exercise their vote as land-holder or zemindar.

3376. You are aware of the Report, and the grounds upon which the recommendations of the Southborough Committee's Report were based as regards, firstly, zemindars, and secondly, land-holders other than zemindars. Do you know their grounds for their recommendations?—Yes.

3377. As regards zemindars, it is because they belong to a special distinct class?—Yes.

3378. It is upon that ground that they have allowed existing privileges to remain; that is their basis, is it not? I do not ask what your objection is, but the basis of Lord Southborough's Committee is that he has only allowed existing privileges for what might be called a distinct class to remain?—Yes.

3379. Similarly, with regard to smaller landlords, it is only where they are a distinct class that he has allowed the privilege to remain?—Yes.

3380. In other respects, his Report, or the Committee's Report, is that the land-owning classes should take their chance with all other classes in territorial electorates?—Yes.

3381. You know, of course, the scheme put forward by the Madras Government?—Yes.

3382. That was a case of special electorates all round—not territorial electorates?—Yes; special electorates.

3383. And on that basis they allotted four members to the zemindars—that is the old genuine landed aristocracy—and six to the landholders other than the zemindars?—Yes.

3384. You remember that, do you not?—Yes.

3385. It is on pages 121 and 122 of Command Paper 141. That was ten out of ninety-five, I think, was it not?—Ninety-one I thought was the number.

3386. It is about that, any way?—Yes.

3387. And the Southborough Report gives you special electorates, seven out of ninety-nine, and also leaves it open to both classes of the landowning people to take whatever chance they have in the general electorates or territorial electorates?—My impression is that the recommendation of the Madras Government also gives them the chance.

3388. The Madras recommendation was on the basis—the one I read to you—of special electorates all round—no territorial electorates?—Yes; they could at the same time compete for other seats.

3389. Are you satisfied with that—ten special seats and a chance of getting in wherever else they could?—No.

3390. You are not satisfied with that either?—That will not put us in the position in which we find ourselves

Lord *Sinha*—continued.

selves at present; that is to say at present we have a proportion of——

3391. You are thinking of the proportion, not of the number of seats?—Yes.

3392. Amongst the rural seats, there are fifty-two non-Mohammedan rural seats in the districts?—Yes.

3393. And the landowning class will not be able, in your opinion, to capture any out of the fifty-two?—Not the bigger landholders.

3394. Nor the smaller ones?—Some of the smaller ones may.

3395. What is the proportion, do you think, out of the fifty-two all over the Presidency?—Even the landholders' seats are captured by other people—for instance, the zemindar seats in the Imperial Legislature Council at present from Madras are captured by the Brahmins.

3396. What I am pointing out to you is that the voters for these rural seats are people who will be paying rent to these very landlords?—Yes.

3397. Do you think, notwithstanding the fact that the electors are their own tenants, they would not be able to capture any considerable number, at any rate, out of the fifty-two seats?—I do not think they would be able to capture many; they might capture a few.

3398. Is it because of their want of organisation or education or public spirit?—Neither of these, but it is because the members of the legal profession the moment they want to compete with the zemindars create some misunderstanding between the tenants and the zemindars, and there will be no chance for the zemindars to get votes from their tenants.

3399. I see; then it is not due to any lack of public spirit or public service or education or anything of that kind that the landlords are kept back?—No, it is not.

3400. So far as those qualifications are concerned they will be on a par with the pleaders, and everybody else?—I cannot say on a par with them, but they will be fairly well off.

3401. And with regard to urban seats, will the landlords have no chance whatever?—Much less than in the case of rural seats.

3402. The urban seats are nine?—Their chance will be much less in the case of urban seats.

3403. Much less than in the country?—Yes.

3404. With regard to your bicameral legislature, is it your idea that those special interests like that of landlords should be represented both in the Lower Chamber and in the Upper Chamber as a special class?—There are different classes of zemindars; there are holders of impartable estates and those of partable estates.

3405. We have got two, zemindars and landlords other than zemindars?—Among the zemindars themselves there is a class of zemindars holding what are known as impartible and inalienable estates; the holders of such estates will form a class of zemindars for the Upper House.

3406. That is practically rajahs and principalities?—Yes.

3407. You will put them in the Upper Chamber?—Yes.

3408. And the other landlords?—They could compete for membership in the Lower Chamber.

3409. In the general electorate?—Yes, in zemindars' electorates.

3410. You would not put them, by special electorates, in a special class?—Yes. By special electorates.

3411. You would have special electorates for zemindars in both Chambers?—No, not in the Lower Chamber.

3412. It is about the Lower Chamber I ask; in the Lower Chamber would you let the landowning classes come in through the general electorates, and only through the general electorates?—I understood your Lordship meant zemindars' electorates.

3413. If you had two Chambers, an Upper and a Lower, for the Lower Chamber would you be content to let the landowning classes come in through general electorates, or would you also insist upon special electorates?—I would insist upon special electorates.

3414. So that you would have special electorates for both the Upper and the Lower Chambers?—Yes.

3415. Just as you have now in the one Chamber?—Yes.

3416. Do you not think that would be over-representation of special classes?—The smaller zemindars would not be eligible to get into the Upper Chamber. Therefore it is only one particular class of zemindars who will be eligible to get into the Upper Chamber.

3417. Now, with regard to the Executive Government in the Provinces, under your scheme you take, I think you said, two out of the four from the elected members of the Legislature?—Yes.

3418. And the other two would be European officials of experience and standing?—Yes.

3419. Would your two Indian members be responsible to the Legislature—that is to say, amenable to dismissal by vote of want of confidence?—There is no such provision even in the scheme embodied in the Bill.

3420. Never mind the scheme now; you say that the scheme is not right and is not workable; I am asking about your scheme; under your scheme, when you put in two out of four from the elected members, would they hold office in such a way that if there was a vote of want of confidence by the Legislature they would have to resign?—Not legally bound to resign; but they would have to do it, because they would not command its confidence, and in other matters, too, the Council could cause trouble to them.

3421. As a Convention you take it that the Ministers or that the two Indian members of the Executive Council should resign if the Legislature had no longer confidence in them?—It comes to that.

3422. It is that and nothing else?—Yes.

3423. And they would also resign if the Governor had no confidence in them; they would be dismissed?—They are in charge of the Portfolios which are entirely Provincial subjects.

3424. Provincial subjects would be in charge of all four, I thought?—No.

3425. The Agency subjects you would give to the European members—that is to say, the subjects in which the members would act as agents for the Government of India you would give to the European members?—Yes. I have said so.

3426. That comes to very much the same as the reserved and transferred, does it not; the reserved remaining with the European members and the transferred going to the Indian members?—If they are all Provincial subjects.

3427. Only under your scheme the reserved subjects and the members of the Government in charge thereof remain in an extra degree liable to the Government of India?—I do not think there would be a dual form of Government for this reason, that a dual form of Government is said to exist when the functions of the same Government are divided, but in my scheme there is not that division of the functions of the Provincial Governments, but in administering local imperial subjects, Provincial Governments will be the agents of the superior Government, and therefore I do not think there will be dualism.

3428. It would be dual to this extent, I suppose, that one part of it would be amenable to the Government of India?—Yes.

3429. And the other part would be amenable to the Legislature—to the Provincial Legislative Council?—I do not quite follow you? How is it dual?

3430. Because you said the Indian Ministers would have to resign if the Legislative Council had no confidence in them?—So far as Provincial subjects are concerned, they will be in charge of Provincial subjects.

3431. That would not apply to the two European officials, would it?—They would be exercising their power as agents of the Government of India.

3432. Therefore, they would not have to resign if the Legislature had no confidence in them?—No.

3433. But the Indians would?—Yes.

3434. Therefore, they would be subject to different control, one part to the Government of India——?—You mean the Indian members?

3435. The European members would be subject to the Government of India, and the Indian members to the Legislature?—Yes.

3436. Is not that dualism also?—I do not think so.

3437. Have you read the scheme put forward by the five heads of the Local Governments?—Yes.

3438. Is your scheme anything like theirs?—It is not.

3439. Have you read the scheme put forward by the Bombay Government, Lord Willingdon's Government?—No. I read the scheme of the heads of Government

3440. The one appended to the Government of India's Despatch

Lord *Sinha*—continued.

Despatch of the 5th March?—Yes. I glanced through it.

3441. You know that Bombay Government scheme, where there are three Indian members and one European member, and no division of subjects; you know that scheme?—Yes. I have an idea of it.

3442. Which do you prefer, your scheme or the Bombay Government scheme?—I think mine.

3443. That is the answer.

Sir *Henry Craik.*

3444. You say in your paper that you have laid before us that you think the diarchic or dual system of government is undesirable, because it would lead to friction?—Yes.

3445. Perhaps you would just specify one or two things in which you think it would lead to friction—For instance, the Indian members might probably want to please the Legislative Councils, and then the European members probably might not go with them.

3446. Do you think that the element of friction in this system would arise from the fact that a Government composed of Ministers and Executive officials nominally upon a joint reference would yet very possibly be divided upon very essential points?—Yes.

3447. And very naturally that, you think, might lead to friction?—Yes.

3448. Now you propose, as is shown by your examination by Lord Sinha, another course, that certain subjects that you think Provincial subjects should be handed over to Ministers responsible to the elected assemblies, and with very ample powers in regard to them?—Yes.

3449. Only subject to occasional emergency interference on the part of the Government. On the other hand, you propose with regard to All-India subjects that these should be in the hands of the Governor and his executive officers responsible to the Governor-General and through him to the Secretary of State and Parliament here?—Yes.

3450. You think that these two functions might be quite separate, and would not interfere with one another?—Yes.

3451. You might, in short, under the system of the transferred powers, give a very large amount of independence to the Ministers, which might by degrees, as you thought fit, be increased, while you reserved to the supervision of the Governor and his executive officers, subject to the supervision of the Governor-General and the Secretary of State, those reserved subjects which you prefer to call All-India subjects?—Yes.

3452. You think your line of advance would be rather in extending, as time seemed to justify, the number of the transferred subjects?—Yes.

3453. And lessening the number of the reserved subjects?—Yes.

3454. You think that that would avoid the friction which you fear under the diarchic system?—I think so.

3455. You look upon that as a possible method of constitutional advance?—I think so.

Sir *J. D. Rees.*

3456. I have your name here as Mr. Rama Rayaningar, representing the Madras Landholders' Association?—Yes.

3457. Are you of Madras yourself?—Yes, I am of the Madras Presidency.

3458. The questions which Lord Sinha asked you have shortened my task, but still I am not quite clear what exactly you represent. The word "zemindar" means any landholder, as you know, from the land of a tennis-court to a county. Do you really represent the great zemindars, and if so is there any limit—how is your particular electorate determined?—My electorate is determined by the electors who have a net income of at least Rs. 15,000 a year.

3459. I used the word "electorate" in a picturesque sense. Who is it, please, that you represent? Do you represent the zemindars in the sense in which I think Lord Sinha used the word, and as it is usually used, of the great landlords?—The great landlords.

3460. You mean them?—Yes, I think that word is used in a double sense; there are permanently settled landholders and ordinary landholders. I represent the former.

Sir *J. D. Rees*—continued.

3461. Do you claim to represent the ryot who pays about £1 a year to the Government?—I do not represent that class.

3462. Not at all?—No.

3463. Then I understand, more or less, that your landholders mean the great landholders?—Yes.

3464. How long has your Association been in existence?—What Association?

3465. The one you represent?—I represent two Associations.

3466. Either or both?—They have been in existence for the last two years or so.

3467. They are very young?—Not very young. They came into existence about two years back.

3468. Who are the members; are the great zemindars of the South members of this Association?—Yes; which Association do you mean?

3469. There are two—the All-India and the Madras?—I could give you some prominent names, such as the Maharajah Bahadur of Darbhanga, the Maharajah of Burdwan, and others, so far as the All-India landholders are concerned.

3470. You are in Calcutta a great deal?—I am a member of that Association, and I have been asked to represent them.

3471. You are their Secretary, and their representative here?—Yes, I am their representative.

3472. You are in correspondence now with the zemindars and others you have mentioned; you are with them all the time?—Yes, I am in correspondence with them.

3473. You say that unless there is more representation for these great landlords you represent, this scheme of reforms dealt with in the Bill must rather fail; is that your contention?—There would be discontent among the zemindars.

3474. Amongst those great landlords? Yes.

3475. Taking your Memorandum here, is it the opinion of your Association that if the Maharajah of Vizianagram or the Rajah of Ramnad, or any similar great landholder submitted himself for election, he would have no chance of being elected by the general electorate?—I do not think either would have any chance.

3476. That is the opinion of your Association?—Yes.

3477. In wishing that extra representation for the great landlords, that does not connote or imply any sympathy with the movement as an anti-Brahmin movement, does it?—There is no anti-Brahmin movement.

3478. There is no such thing, you say; at any rate, if there is, you are not with it?—There is no movement of the sort; there is no anti-Brahmin movement.

3479. Where is Panagallu?—It is in the Nizam's dominions.

3480. You are familiar with this question, and you can say that there is no high caste versus low caste movement?—You did not say high caste and low caste before, but you said "anti-Brahmin movement"?—I did, but it has become very much the same thing, has it not? It has not developed into that.

Chairman.] The witness is quite right, anti-Brahmin was the form of the question.

Sir *J. D. Rees.*

3481. Do not the representatives of the land represent the general public; would you not say so?—In what respect?

3482. Generally speaking; seeing that the great majority of the people of India are landholders from petty puttadars, up to the great zemindars, would you not say that they generally represented the interests of the Indian public?—The Indian public has such a wide meaning; in what respect do they represent the public?

3483. Is not 80 per cent. of the Indian public connected with the land?—Yes.

3484. Would you make any distinction between the interests of that 80 per cent. and the interests of the great landlords?—There is conflict of interests in some cases.

3485. Generally?—How can I say generally? If the question of tenure is taken up there is conflict of interests between the zemindar and the tenant: but if the question of caste is taken, they are at one with each other.. So that if you will kindly limit your questions to a particular point I will answer.

3486. You

Sir *J. D. Recs*—continued.

3486. You are asking for more representation for the great landowners?—Yes.

3487. The purpose of my question was to ask you whether those who succeed in holding the ordinary seats will not, as a rule, be representatives of land-holders—perhaps not of the great ones—and then to ask if there is any distinction between the interests of the great and the small?—In some matters there is a conflict of interest, and in some matters there is not.

3488. I should like to ask you this general question: A great deal has been said—Mr. Acland, for instance, spoke of the influence of the Brahmins as being very great. But is it so great because they are Brahmins, or because of the qualities they have?—Because they happen to belong to a community which is held in respect according to the religious usage? That is one reason, and another reason is that either they or their relations happen to be in Government service in large numbers. They are pleaders and priests.

3489. Do they maintain their position which they achieve by their personal capacity? Are they equal or not to the position which the Indian public ascribe to them?—Yes.

3490. Did I rightly understand you to say—I might have been mistaken here, and very likely I was—that where the pleaders are Brahmins they rather serve the interests of the Brahmins as well as or in preference to the interests of their clients?—In India, at any rate, the sympathy for the class or caste is greater than the sympathy for the profession.

3491. Do you think that lawyers like Mr. Bashyem Iyengar and Sir Subramania Iyer and the like made great fortunes by not preserving the interests of their clients?—They are paid for it, of course; they are interested in pleading for them, because they are paid for it.

3492. Do you think that the reason that the bigger landowners have not had sufficient representation hitherto has been that they have been backward in submitting themselves to election; that they have been shy about coming forward?—It is not only that, but they would have little chance of being successful in the competition.

3493. That is your opinion?—One or two who might have had a good chance may not have cared, but the majority of them have little chance of success against the official influence and the influence of the vakils and others.

3494. Do you advance that as a general proposition, of the Nizam's dominions, or as to India generally?—In Madras—I am speaking of my own experience in Madras.

Mr. *Spoor.*

3495. I would like to ask you if you believe in democratic government?—Democratic government which is to be responsible to the people; not at once, but in the course of time.

3496. We will put it in the words of the announcement; do you believe in the progressive realisation of democratic government?—Yes.

3497. I put it to you that as we progress towards democracy in India it may be a very long way that we have to go. Is it not desirable; in fact, is it not necessary that we should dispute the power of vested interest—that is, class interest?—You must give that class which has vested interests a chance to take to other paths and avocations before you will get rid of their vested interests—not until them.

3498. You are here, according to this statement, representing a certain specific interest?—Yes.

3499. You are asking in this statement for "an effective voice in the legislation of the Province, at least effective enough to safeguard our interests?—Yes.

3500. I would put it to you that really the nation's interest should be the first consideration, should it not?—The zemindars form part of the nation.

3501. They form part of the nation, that is true; they are a distinct class in the nation?—They are.

3502. But the national interests should come first?—I do not understand what you mean by national interest. I thought the interests of all must be considered.

3503. I put it to you as a democrat—and you have confessed yourself to be one a moment ago—that the ultimate goal in India, as elsewhere, with those of us who are democrats, is manhood and womanhood suffrage?—Of course, that is the ultimate goal.

Mr. *Spoor*—continued.

3504. If that is the goal, would not the proposals which you put forward——?—May I interrupt you first. I want to make myself clear about that point, and I think I have not followed you quite well. I would like to know whether you mean by democracy an absolute democracy.

3505. Ultimately, yes?—I said democracy I do not contemplate, absolute democracy or responsible government, because I say that such a responsible government as should be subject to the general supervision of the Parliament I cannot call an absolute democracy.

3506. But we are progressing towards that?—Towards what?

3507. Towards the absolute democracy of which I speak?—That I do not contemplate, because I do not want to have the British connection severed.

3508. I want to stick to this word "progressive." You say, here, that you would lay stress upon the adjective "progressive," and I am submitting that, as a matter of fact, your proposals are not progressive—they are really reactionary?—I do not know about that.

Chairman.] Surely that is a matter of opinion.

Mr. *Spoor.*

3509. It is a matter of opinion. (To the *Witness.*) Is it not reactionary to seek to perpetuate the caste system?—I am not seeking to perpetuate the caste system.

3510. You are asking, I take it, for communal representation?—That is a provision for the existing castes. I am not asking for the institution of caste itself. Castes exist whether you get responsible government or not; castes have been existing, and I believe they will exist for a long time to come. There must be provision for the representation of existing castes.

3511. Will not the tendency be, once it is incorporated in some statutory enactment, to perpetuate a system that you yourself do not believe in?—I believe otherwise, because there is no provision for communal representation; there is friction between the two communities or castes, and if provision be made for their separate representation, at least one cause for friction between the two communities will be removed—that is, contest in the elections—by making such provision, they will be separated, and therefore each has nothing to complain so far as the election question is concerned against the other. For instance, we know that the Mohammedans and Hindoos were fighting like anything in electoral contests, and the moment their interests were separated, the moment communal electorates were given, the Mohammedans and the Hindoos became friends.

3512. If the representation of this particular vested interest you represent is increased, as you ask, are you not thereby strengthening that vested interest?

Chairman.] He is not asking for communal representation for them.

Mr. *Spoor.*] I am coming now to the point of vested interests, for which he asks to be given special representation.

Chairman.] I only want to make it clear that he does not ask to have communal representation for the zemindars.

Mr. *Spoor.*

3513. No. I have left that point, and I am now on the question of vested interests. (To the *Witness.*) If you get an increased representation for the particular interest which you ask for are you not thereby strengthening that vested interest?—I do not think so; the same answer applies to this. The answer I have given in the case of communities or castes will apply to this, because there may be conflict between interest and interest, and there may be friction between those who have those interests, so that by separating those interests—by giving them separate seats—you will naturally minimise friction between those interests.

3514. Therefore you do not think it would be reactionary?—I may be a zemindar to-day and a merchant to-morrow. They give such representation in other countries; Labour is represented in England in the House of Commons, and so on, and there are several interests separately represented. Are the advocates of such representation reactionaries?

Mr. *Spoor*—continued.

3515. You do not think, then, that it is at all reactionary to ask for this real increase of power for this particular vested interest? You do not think it is reactionary? You think it is a progressive step towards the realisation of a democratic government?—I do not ask for any more representation than we have. I am asking for the representation which we now enjoy, and therefore you cannot say that I am reactionary. I do not go behind that.

Chairman.

3516. There is only one question which Lord Sinha would like to put to you in addition to those he has asked: Have either of the associations to which you belong passed any resolution or put in any memorial

Chairman—continued.

to the same effect as your evidence to-day with regard to the Reform scheme?—Yes, both the Associations have done so. I have to give some explanation at this stage; may I do so?

3517. About what?—About the answer to this question.

3518. Shortly?—Subsequent to the memorials that have been submitted, there was a lot of criticism about the practicability of the scheme proposed, and we had a talk about it and we said we could approve of the diarchy only if it is reasonably modified so as to minimise the criticism which it might be exposed to.

(*The Witness is directed to withdraw.*)

Mr. B. P. WADIA is called in; and Examined, as follows:—

Chairman.

3519. Mr. Wadia, I think you are President of the Madras Labour Union?—I am.

3520. You have been good enough to hand in this statement which we have all read?—Yes.

The statement is as follows:

Labour in India may be divided into three classes: (1) Agricultural—including that on plantations; (2) Mining; (3) Factory. I am fairly familiar with the bad conditions from which labour in India in all these industries suffers, but my intimate experience is related to factory labour in Madras. I am the President of the Madras Labour Union, formed in Madras on the 27th April, 1918. This Union has already had an interesting career; it has had to struggle not only to grow, but even to exist, and has survived two lock-outs on the part of certain employers. Since then several other Unions have been established in the city of Madras. The Madras Tramwaymen's Union has emerged successfully out of two strikes; the Rickshawallah's Union came into existence in the midst of a strike; the remaining two, the Printers' and the Railway Workshops Unions were the last to be formed. At Negapatam a strong Union of railwaymen has been formed, and is rooted in firm ground. I have had the honour and privilege to initiate and organise this work in India, and from Bombay, Calcutta, Cawnpore and Lucknow I have received invitations from working men to visit their cities and organise Unions. The pressure of public work in hand has made it impossible for me to visit them, but I am planning to organise them on my return to India.

On account of various causes labour troubles have been prevalent in India for many months; the strained economic conditions and the great rise in prices have been the main causes of this unrest. The forces let loose by the war and the Russian revolution have to a certain extent widened and coloured the political outlook of the Indian labourer. For many weary years his patience has been heavily taxed, and he has been on the look-out for means to improve his lot. Excessive hours, low wages, premature exhaustion, due to malnutrition, lack of education for himself and his children, absence of any housing arrangements, and of general sanitary conditions, and the prevalence of apathy on the part of the authorities and the employers have made the Indian labourer restless. The Indian Factories Act was passed in 1881; during nearly 40 years twice only has that Act been amended. In September, 1890, an Indian Factory Commission was appointed, and again in 1908 the Indian Factory Labour Commission went round. The reports of these Commissions led to the amending of the Factory Act, and the last occasion on which this was done was in 1911. The law now obtains as it was amended in 1911. This law enables an employer to engage labourers for 12 hours per day, on 6 days in the week, i.e., 72 hours per week. Women are allowed to be employed for 11 hours per day. Young persons, i.e., boys and girls of 9 to 14 years of age, are employed for 6 hours per day; generally two shifts are used in textile factories. The long day of 12 hours has a ridiculously small break of 30 minutes in the middle of it. This 12 hours day lengthens into 13 or 14, or even more, as was recently pointed out by an able Indian Civil Servant:—"From the standpoint of the worker, the time taken in going to and returning from the factory

Chairman—continued.

must be added to the length of his active day, which cannot then be less than 13 hours."

In the matter of wages, the law is dumb. In the matter of sanitation and factory inspection it speaks in halting tones, and those who have practical experience know how superficial is the actual inspection, and how ineffective really in bettering the lot of the labourer.

Thus it will be perceived that the record of the administration in improving and bettering the condition of the Factory labourer is not a satisfactory one. This point is not only of academic interest, but becomes a matter of urgent practical importance when we see that the Report of the Functions Committee makes the "settlement of labour disputes" and the "welfare of labour, including provident funds, industrial insurance (general, health and accident), and housing" reserved subjects. I do not quite understand why the somewhat peculiar arrangement detailed below is resorted to in that Report. If we refer to p. 26 of the Functions Committee Report and look at items 24 and 25, and then turn to p. 46, and look at Serial No. 15, we find that No. 24, "development of Industries, including industrial research and technical education" is a transferred subject, in all provinces, while No. 25, "Industrial matters included under the following heads:

(a) factories;
(b) settlement of labour disputes;
(c) electricity;
(d) boilers;
(e) gas;
(f) smoke nuisances; and
(g) welfare of labour, including provident funds, industrial insurance (general, health and accident), and housing"

are reserved in all provinces.

This is the first point which I respectfully submit for consideration to the Joint Committee. I would strongly urge that the whole of No. 25 of the Provincial subjects (Functions Report, p. 26) should be transferred. Of the seven items included in No. 25, (a), (b), (c), (d), are made "subject to Indian legislation"; while I see the point of (a) factories, (c) electricity, and (d) boilers, being made subject to Indian legislation for the sake of obtaining uniformity, I fail to see why (b) settlement of labour disputes should be so treated. This is actually to sow the seed of future discord, and I think it my duty to strike a note of warning. Trade Unionism is bound to grow fast in India; the settlement of labour disputes will be claimed as one of their rights by the Trade Unions on behalf of the labourer, and if it is in the hand of Government, it will bring the Unions into conflict with the Government, and will inevitably lead the labourers to regard the Government as on the side of the employers. The Government should limit its work to the creation of permanent Boards of Arbitration to which labour disputes can be referred, on lines similar to a Labour Board suggested by some of us last October for Madras.

Presently we shall require in India some kind of legislation for the recognition of Trade Unions and other labour organisations. Why should a start not be made now, by transferring the whole of item No. 25, and making the popular half of the provincial diarchi-

Chairman—continued.

cal Government responsible for the entire subject of the development of industries—which is recommended to be a transferred subject (with the exception of large industries claimed by the Government of India)—and the management of industrial matters, including the most important item (g) welfare of labour? It is my considered opinion that Indian Ministers will be better fitted to carry out adequate factory reforms than the official executive. Anyway, the past record of the administration does not inspire hope or confidence in their capacity or zeal for bettering the lot of the misused labourer. Therefore, with all the force I can command, I respectfully urge that item No. 25 of the provincial subjects should not be reserved, but should be transferred.

This naturally brings us to the question of Indian labour properly and adequately influencing the legislatures. So far back as 1911 Mr. E. S. Montagu, speaking on the Indian Budget in the House of Commons, said:

> The leaders of Indian opinion must set their faces against the degradation of labour, and they need to be specially vigilant, because India's working classes, besides being themselves unorganised are not directly represented on the Legislative Councils, whose Indian members come almost exclusively from the landlord and capitalist classes.

I have only quoted one sentence, but I beg to draw the attention of the Committee to the whole passage in Mr. Montagu's speech.

It is true that in the past non-official members of Legislative Councils have been mostly landlords or capitalists, or lawyers, who did not familiarise themselves with the difficulties and complexities of the life and work of the Indian labourer. I am not forgetting such men as Gopal Krishna Gokhale, of the Imperial Council, or Dewan Bahadur P. Kesava Pillai, of the Provincial, who have, on more than one occasion, championed the cause of the poor. But how are we going to remedy the evils of the past?

In the Bill before us I find no attempt made to introduce any measure of reform which will give the labourer any voice in safeguarding his own interests; in no way can he better his own conditions; he will have to rely, as in the past, on the good will of others, be they foreigners or be they his own countrymen; he has been exploited in the past, and he will continue to be so exploited. But, what is worse, the people who exploit him are coming into greater power. Take Madras; the Franchise Committee recommend a Provincial Council of 120, of which 13 are unalloyed capitalistic seats. A factory manager, a shop-owner, a planter, cannot only vote, but get elected from his Chamber of Commerce, his Trades Association, his Planters' Association. Capitalists will form a powerful element in the Provincial Council; and under the system of franchise recommended by the Southborough Committee the labouring classes will not be able to influence the election. I am speaking specially with reference to the factory labourer, and Bombay affords a better example: The Millowners' Association returns a member, but no labourers' association exists. Commerce and industry have eight seats—excluding landholders' seats—and not a single seat is made available for the representative of labour. I will grant at once that labour organisations do not exist to any great extent; but is that sufficient reason for allowing the exploitation of Indian labour? Is there no way to bring the Indian labourer into power? I maintain that the Indian labourer's interests must be safeguarded, and that the process of safeguarding them must be put into his own hands, and into no one else's. I beg to submit that the masses in India—and among them are the factory labourers—have a culture of their own. Their power of understanding political and economical issues and suggesting proper remedies in a practical manner is well known to those who have worked for and with them. Their political instincts are clear and strong. The factor to be borne in mind is that the Indian labourer loathes the idea of slavery in any shape or form. The Indian labourers want to have schools for their children, houses for themselves, better wages and shorter hours—all as a matter of right and justice. The efforts on the part of the employers or the Government to patronise the labourers are seen as fetters of slavery, albeit golden fetters instead of iron ones. This new spirit is in evidence among Indian labourers, and it is well to recognise that even the golden fetters are resented, and the Indian labourer feels that he is not only a "hand," but also that he has a head and a heart, and aspires to come into his own.

Chairman—continued.

Now, how is this to be done? What weapon can the Joint Committee put into the hands of the labourer to defend himself? The only adequate means that I can suggest is the vote. Enable the Indian labourer to send his own representatives to the Provincial Councils; let all matters relating to his welfare and betterment be in the hands of responsible elected representatives who have the confidence of the labourers. If my suggestion made above that all Industrial matters, including the welfare of labour, be transferred to the popular half of the future provincial administration is given effect to, we shall be on the right way to the solution, and we immediately have to consider the enfranchisement of Indian labour.

I have carefully studied the problem of Franchise in the Madras Presidency. I have the honour to belong to a small Society of careful researchers in the city of Madras, who, after painstaking investigations, have embodied the results of their study in a 60-page volume of royal 8vo. size. I am referring to the Transaction of the Neo-Fabian Society on "The Problem of Franchise in the Madas Presidency," and I beg to draw the attention of the Committee to that publication. I hope I shall not be considered as transgressing my province as a witness before this Committee if I also venture to draw their attention to another Transaction of the Society on "Problems of Reform in the Government of India," which throws light on the thorny subjects of the Indian Legislative Assembly, the Council of State, and electoral methods. In drawing up our Neo-Fabian Scheme we kept in mind the Labourer, and it will serve my purpose to give the qualifications for voters proposed by us:—

(1) All those who pay the income-tax, or the professional tax.

(2) Graduates of all Indian and foreign Universities recognised by their respective Governments.

(3) Any person paying land revenue directly.

(4) Occupants of houses and premises of the annual rental value of Rs.48 in municipal areas and Rs.24 in non-municipal areas.

(5) Tenants of Zamindari and Raiyatwari holdings paying Rs. 10 rental.

As will be seen from pp. 40-41, the people thus enfranchised will be about four millions in the Madras Presidency. This may sound appalling, in view of the Franchise Committee's 542,000 total electors; but, with due deference to that body, I may point out that it tried to please a few somewhat obstinate and retrogressive Madras officials, and did not view the problem from a really broad point of view in the light of the actual experience of other countries of the world in this respect. Also, I think, the difficulties of election arrangements are overrated.

However, observing the way in which the reforms are shaping themselves, I regretfully abandon the four million voters for Madras; and in advocating enfranchisement for Indian Factory Labour I beg leave to put before this Joint Committee two suggestions. My aim is to gain for the factory labourer direct influence in the Legislature. My first suggestion gives him power and a really suitable environment for political education: the second suggestion does this in a less effective manner. Both these suggestions are very bare outlines, and details will have to be filled in after further consideration.

I have appended to this statement a table showing the number of labourers employed in large industrial establishments, both governmental and private. From this it will be seen that some 950,000 Indians work in such factories. The total number of workers in all industrial establishments is about 17,515,250. Both my suggestions endeavour to bring on the electoral roll some at least of the employees in large industrial establishments.

I prorose

Chairman—continued.

I.

I propose that all labourers working in factories and earning a particular wage should be given the vote. The wage may differ in different provinces. For Madras I should suggest that every labourer earning Rs.15 per month in any large factory should be given the vote. In Bombay and Calcutta the figure will have to be higher. To members of this Committee who may not be fully conversant with Indian labour conditions, this figure of Rs.15 per month may appear very low. May I draw their attention to the following figures, taken from the Indian Industrial Commission Report:—

Specimen wages of Calcutta jute mill operatives in June, 1918, in rupees per mensam:

Carders, 9.
Rovers, 12
Spinners, 15¾.
Shifters, 11.
Winders, 18.
Beamers, 22.
Weavers, 27.
Mistries, 30.
Coolies, 13.

Specimen wages of Bombay cotton mill operatives in 1918, including a war bonus, in rupees per mensam:

Drawer (card room), 23.6.
Reeler, 17.4.
Warper, 40.8.
Rover, 24.1.
Doffer, 12.10.
Weaver, 46.15.

In Madras the wages are much lower than in Bombay, and I have, if the Committee wants it, a complete schedule of wages paid in the well-managed Buckingham and Carnatic Mills.

The wages clearly show how necessary it is to give the factory labourer the power of the vote, so that his battles may be fought in the Legislative Chambers by his elected representative. It is difficult to say how many factory labourers could thus be enfranchised, but the authorities can produce statements of how many earn Rs.10, Rs. 15, Rs.20, and so on, in different provinces, and that would be a guide to the Committee in considering the suggestion that I am making.

II.

My alternative suggestion brings into play both election and nomination methods. Every factory employing more than 50 but less than 1,000 labourers should be the unit; all adult workers in such factories should be given the vote to elect one representatives. All labourers working in factories employing more than 1,000 persons should have the right to elect one more representative for every thousand. Thus a panel will be obtained of several elected representatives; and one or two for each province can be nominated to the Provincial Councils from this panel.

Instead of making every factory employing 50 persons the unit, the unit may be every Trade Union with a membership of at least half the number of the total employed in the factories in that city. Let me illustrate: There are some 175 textile mills in Bombay, employing about 190,000 men. A Trade Union of Textile Workers with a membership of 95,000 should be given the right to elect a representative. Once again a Panel is obtained and nominations may be made from the Panel. The recognition of Trade Unions in this way will accelerate the formation and progress of Trade Unionism, and will greatly assist India's political growth.

Trade Unions and Caste System.

Working in Madras among the so-called lower castes of Hindus and the poor people generally, I have had special opportunities of gathering their views on the non-Brahamana question. As far as the Labour Unions are concerned, I may safely assert that Hindus of all castes and members of other communities, Muslims, Indian Christians, etc., can and do work harmoniously together for their common welfare without

Chairman—continued.

the least difficulty. There are many members of the various unions who are Brahamanas, and I have not heard any complaints against them. In fact, the Brahamana—non-Brahamana question has never arisen. A few months ago I invited some 200 members of the Textile Union to a dinner at Adyar, where I live. I invited Brahamanas and non-Brahamanas of all castes, Muslims, Indian Christians and Panchamas. At the dinner next to me set a Panchama, and by his side was a Brahamana; on the other side of me sat a Brahamana, and next to him was an Indian Christian. All were served the same vegetarian food, they all were treated alike, and the function was a great success. On numerous occasions all castes and communities have joined hands in an active manner. Further, I know for a fact that non-Brahamana labourers regard as ridiculous the movement started by some interested people, and they will not allow caste questions to affect their labour work; and that is also true of politics. I am a member of the Madras Presidency Association, which is an organisation of non-Brahamanas. I feel that these non-Brahamana communities must be organised for national work, and by means of this Association we want to help the non-Brahamanas, who include rich landlords and merchants and artisans, as also the bulk of the population, to take their part in the political and general advancement of India. Unlike the movement inaugurated by Dr. Nair, this Association is not *anti*-Brahamana, but wants to co-operate with Brahamanas to bring about the desired result. Anyway, among the 20,000 poor people of Madras City with whom I come in contact through one or other of the Labour Unions, the anti-Brahamana movement finds no favour, and most of them are non-Brahamanas.

Conclusion.

In conclusion, I earnestly appeal to the Joint Committee to enable the Indian labourer to obtain some political power, to set his feet on the road of political advancement, and thereby of his own uplift. The ghastly conditions under which he exists are not easily describable; he has suffered in the past, and his welfare should not in the future be made to depend on those who are not responsible to him. The success of these reforms to a great extent depends on the atmosphere in which they will be worked in India. On account of various reasons, I anticipate trouble in the labour camp. If something is done now which will satisfy the labourer and convince him that his representatives are looking after his interests and fighting his battles, he will allow his energy and impatience to flow into good constructive work; if nothing is done, then despair will seize him and impatience will lead him to ugly expressions which one wants to avoid in India.

3521. Would you like to add anything to it before the members of the Committee ask you questions upon it?—Well, my Lord, first one word, namely, of thanks on behalf of the labourers for calling me here, which will give them a great hope and confidence in the deliberations of your Lordships' Committee. I do not think I need read the Memorandum, because it has been put in, but with your permission I will make a very short statement, which will take me a few minutes only. There are in India some 17,515,000 workmen employed in industries of whom some 950,000 are in large establishments. There is an Indian Factories Act, which was originally passed in 1881, and was last amended in 1911. The law permits a twelve hours day; women are worked for eleven hours; children between the ages of 9 and 14 are worked for six hours. In the matter of wages the law is dumb; in the matter of sanitation it speaks in halting terms, and the inspection is superficial. Thus, the record of the Administration in the past is not a satisfactory one from the viewpoint of the labourer. Therefore, I respectfully suggest that in the list of Provincial subjects both Nos. 24 and 25 and not only No. 24 should be transferred. I wish to draw the attention of the members of your Committee to page 26 of the Functions Committee's Report. There we find No. 24 Development of Industries, including Industrial Research and Technical Education is a transferred subject, but industrial matters included under the following heads: Factories. Settlement of Labour Disputes,

Chairman—continued.

Electricity, Boilers, Gas, Smoke Nuisances, and Welfare of Labour are all kept reserved in all the Provinces.

If both these items, 24 and 25, are transferred, then the Committee must contrive to get Indian labour to influence Provincial Legislatures in the future. As the Bill is framed at present and as the Southborough Report on Franchise stands, the Indian labourer is not at all enabled to better his lot through proper representatives; he will have to rely, as in the past, on the good will of others, be they foreigners or be they his own countrymen. I submit that the labourer's interests must be safeguarded, and that the process of safeguarding them must be put into his own hands and into no one else's.

This raises the question of the fitness of the Indian labourer. I beg to submit that the masses in India—and among them are the factory labourers—have a culture of their own. Their power of understanding political and economical issues and suggesting proper remedies in a practical manner is well known to those who have worked for and with them. Their political instincts are clear and strong. The factor to be borne in mind is that the Indian labourers loathe the idea of slavery in any form or shape, and they want to have schools for their children, houses for themselves, better wages and shorter hours—all as a matter of right and justice. The efforts on the part of the employer or the Government to patronise them are disliked and resented. The Indian labourer feels that he is not only a "hand," but also that he has a head and a heart, and he aspires to come into his own.

Now under the proposed scheme a factory manager, a shop-owner, a planter can not only vote but get elected to the Council Chamber from his Chamber of Commerce, his trades' association, or his planters' association. In Madras thirteen seats are unalloyed capitalistic seats. Take Bombay: The Millowners' Association returns a member, but their employees have no representation. Under the system of Franchise recommended by the Southborough Committee the labourers will not be able to influence the election.

The Joint Committee should enable the Indian labourer to send his own representatives to the Provincial Legislatures. To include him and his brother on the land or in the mine in a general electorate would be the best plan. A suggestion was made by a society in Madras on this basis, and the number worked out at something like 4,000,000 to be enfranchised in the one Presidency alone. Observing the way in which the reforms are shaping themselves and advocating the enfranchisement of the factory labourers especially, I make two suggestions which I have given in my Memorandum. I do not think I could put them more shortly than I have put them in my Memorandum.

There is only one more point I would like to put before the Committee, and that is on the question of the much discussed non-Brahmana problem. Having worked among those 20,000 labourers in Madras, who are mostly non-Brahmana, I beg to bring to the notice of the Committee that there is no feeling against the Brahmanas amongst the poor people in Madras. I do not think, my Lord, I have anything more to say.

Mr. *Spoor.*

3522. You are over here, I believe, as delegate to the Labour Party and the Trades Union Congress?—I am.

3523. And you have been received and recognised by those two bodies?—I think so. I have not yet had an official answer from the Trades Union Parliamentary Committee, but I hope to have it in a day or two.

3524. In the first part of the Memorandum, the statement rather, you have submitted to-day you refer to the union you have formed in Madras. How many members have you got in that union?—Altogether in those five unions about 20,000 people.

3525. Twenty thousand people confined to Madras; how long is it since you began to form that union?—About sixteen or seventeen months now.

3526. Have you reason to believe that in the days that lie ahead you will be able to build up a trade union movement amongst factory workers in India?—I think so. I can speak there with a certain amount of confidence, because, as I say in my Memorandum,

Mr. *Spoor*—continued.

I have had invitations from various centres like Calcutta, Bombay, Cawnpore, Lucknow, and so on where factories in good shape and on a large scale exist and where the labourers are anxious to be organised. Work even now is going ahead.

3527. Of course, we understand that about 90 per cent. of the workers in India are agricultural workers; do you think it will ever be possible to associate them together in any kind of trade union?—I think so, and I think at a very early date—in fact I had, just before I started, a few requests, one especially from the district of Cuddalore, in the Madras Presidency, where agricultural labourers are anxious to unite themselves into a trade union.

3528. Will this movement go pretty much along Western lines?—I should think so.

3529. I ask that question because we are constantly reminded that any comparison between industrial conditions in India and industrial conditions, say, in this country or in other parts of Europe is quite impossible. I know it has been suggested now more than once that really improvidence is responsible for the evil conditions which exist in certain parts of India, rather than any individual or collection of individuals?—I do not think so; I think the masses in India have of late taken very great interest in their own welfare and also in the big general problems that concern the Indian people, and one of the signs of the times is the desire on their part to unite themselves; and I think the movement will, on the whole, go along the lines of trade unions here.

3530. You state that the law in India does nothing at all with regard to the regulation of wages?—That is so.

3531. You have, however, factory inspection?—Yes; but as I say, it is more or less superficial.

3532. You give in your first Memorandum that was issued some time ago a comparison here between the wages?—That is not the Memorandum I have given to this Committee, but to the Trade Union Congress.

3533. That is so—I beg your pardon. In that Memorandum you give a comparison between the wages paid, which run down to 12s. a month in jute mills and the dividend paid to the shareholders in various companies, with, I imagine, Indian as well as European shareholders?—Yes.

3534. Does that rather striking contrast (because I see some of the dividends run up to 120 per cent.) influence feeling to any great extent amongst the workers themselves?—It does; more and more through the help of the vernacular newspapers these things come to be known among the labourers and the workmen in factories and in mines, causing discontent that while they are labouring the profits go to the employers of labour, and the labourers do not get their adequate share.

3535. We have heard about the change in India during recent years, I mean the awakening of a political consciousness in India. Do you think those economic conditions have had anything to do with that?—I think the economic conditions have mostly to do with that. I believe that the patience of the Indian masses, both agricultural and factory-going people, has practically come to a saturation point, and they cannot go on any more without some fundamental change in their conditions.

3536. The point is, assuming that that is correct, do you believe that the giving of a vote to an increasing number of industrial workers, increasing as time goes on, will enable the worker to improve his own condition?—Certainly; because he will be able to send his own representative into the Provincial Councils, and will practically compel his representatives to bring in measures which will better his condition. If I may illustrate it, take this Factory Act which is in existence, and was last amended in 1911, as I have pointed out during the 40 years this Act has been in existence since it was first passed in 1881 it has only been amended twice, once in 1890 or thereabouts, and in 1908, after the Commission went its round, which came into force in 1911. Now, if the labourer going into factories had the vote, and if he had his representatives in the Provincial Legislatures, that thing would not have happened. The Act would have been amended much more quickly, and certainly in the year

Mr. *Spoor*—continued.

year 1918-19 we would not have had the spectacle of a 12-hour day in big Indian factories.

3537. You believe that as a matter of common justice the Indian worker really requires the vote in order to protect himself?—I think so, yes.

3538. You offer two or three alternative suggestions here as to how the electorate might be increased, and I would like to ask you which of the alternatives you think yourself would be the most suitable?—Of course, I myself would prefer that the franchise should be widened altogether for all the poor people and the most unfortunate agricultural labourer and the mine worker; but as I pointed out, and it has been very carefully worked out by the Neo-Fabian Society of Madras, in the Madras Presidency alone, on that supposition of a wide franchise, the figure would come to 4,000,000. That compares, from the point of view of the Southborough Report, very unfavourably, because they give only a few thousands there. So that having to keep that in mind, and the Bill as it is framed and as it stands at present, I myself, as I say in my Memorandum, reluctantly abandoned the four millions. Then I give from the point of view of the factory labourer two schemes, one which enables him to elect a representative of his own on a wage-earning qualification, and I suggest a certain figure, of 15 rupees, for the Madras Presidency. That figure I have given tentatively, because on account of various reasons I think it will presently be raised, but at any rate it is my opinion that we must fix a particular wage-earning capacity, different, perhaps, in different cities, because the wages are higher in Calcutta and Bombay.

3539. Just interrupting you a moment, is it correct that the Bombay Government did ascertain the figures of wage-earners above a certain amount, with a view to recommending their being given the franchise?—I have heard that; how far it is true I am not in a position authoritatively to say, but I have heard of it.

3540. What you are really seeking is not so much the addition of these people to the electorate as a class, you are not asking for class representation so much as you are wishful to extend the franchise generally?—Yes; but, as I say, if that is not possible, and I can quite see that at this stage it may not be possible, then on behalf of my factory-going labourer I claim that his case ought to be specially considered, and for this reason; that in the general franchise which has been framed by Lord Southborough's Committee, the whole basis has been naturally the present agricultural labourer, because 90 per cent. of our population is agricultural. Every time you consider the proposition of the franchise you will have to take that into consideration, so that while their case has been considered I submit that the case of the labourer working in the big factories in big towns has not been considered. There is one thing to be said for the factory-going labourer in the towns——

Chairman.

3541. Did you give evidence before the Franchise Committee?—No; I was not called.

3542. Did you ask to be called?—No; I did not.

3543. Was not that rather a mistake?—It did not occur to me to speak specially on behalf of the Indian labourer as a separate class.

Mr. *Spoor.*

3544. I just want to ask one more question: Assuming that the Committee cannot see its way to grant an extension of the franchise at once, as you suggest, do you think that the promise of an extension of the franchise, say, when the second election came along—if it was incorporated in the Act when the next election came it would be on a proper Franchise? Do you think that would in any way meet the desires of the organisations you represent and of the public opinion you have been voicing here?—If it is definitely promised and incorporated in the Statute, so that we are sure that at the next election we—that is, the labourers working in factories—would have their representatives on the Provincial Councils, I think to a certain extent, not altogether, it would meet the desires and wishes of the labourers I have the honour to represent.

3545. But what you really want is to have the franchise widened immediately, if at all possible?—That is, of course, what would be the first and best thing I would ask for. But when you are speaking of promises I would not be satisfied with a promise which is not actually incorporated in the Statute, as it comes to be framed, so that at the next step we are sure of getting in as a matter of course.

Mr. *Spoor*—continued.

Sir *J. D. Rees.*

3546. May I ask you one or two questions? But not to approach you like a wolf in sheep's clothing, I must say that I am a director of railways, mines, and tea and coffee estates in India. You have only 20,000 in your unions in Madras?—In the city of Madras, yes.

3547. It is the day of small things in that respect—Yes.

3548. You had what you have yourself described as the well-managed strike at the Buckingham and Carnatic Mills?—No, there was no strike; but there were two lock-outs in the Buckingham and Carnatic Mills. The strikes I referred to were of the tramway men.

3549. You referred to various causes which are likely to give trouble in labour—forces let loose by the war and the Russian Revolution—which have widened and coloured the political outlook. So far as your association is concerned, did you point out the appalling results of the Russian Revolution?—Yes. All the vernacular newspapers and the English newspapers naturally give the reports of whatever is appearing in your English papers, and all the ghastly reports which have appeared about the Russian Revolution have been copied in the Indian papers.

3550. You yourself would not conceal those results from your people?—No, certainly not.

3551. You speak of the excessive hours and the premature exhaustion and so forth. Does that come to you really as the result of complaints or from the observation of yourself and your friends?—As complaints reached me from labourers working in a few of the mills, I made investigations and researches at first hand, and then as the result of them we decided to form a labour union, and we have been working at it for the last sixteen months.

3552. Have you in mind always the danger that too much or too sudden action of the character you indicate might check the influx of British capital, which I think you will agree is very desirable in India?—I do not know that I would fully agree with that statement; it would take us altogether into a new line of thought.

3553. I do not wish to raise any economic question at all; if you do not think the influx of British capital into India beneficial, I have no more to ask you about that. I think your attitude is that it is not beneficial, is it not?

Chairman.

3554. Mr. Wadia did not say that; he said that it was a large question, that he could not answer in one sentence?—I would have to cover a fair plot of ground.

Sir *J. D. Rees.*

3555. Could you not say whether you thought it was beneficial or not? His Lordship does not mean to check you?—From one point of view it is beneficial, but from various other points of view, also, it is not beneficial.

3556. On the whole, which weighs most?—Unless a certain amount of reform is introduced in the method of the bringing in of British capital I would rather not have British capital as matters stand at present.

3557. You demur to the reservation of the settlement of labour disputes, do you not?—Yes.

3558. I am not quite clear about that. Do you feel that if different Local Governments can deal with a question like that, it would be possible so far as Government intervention occurred, if it must occur, to establish anything like uniformity of treatment?—The questio nfirst to settle is this: Do you want, and that is what I am really driving at in my question, do you desire that the Government in future should be made responsible for the settlement of disputes between private capitalists and private labour? You have to recognise the new power that is now springing up of the united action of trade unions; for instance, during the two strikes we have had with the tramway men in Madras, and the two locks-out that we have had in the

Sir *J. D. Rees*—continued.

the Buckingham and Carnatic Mills in Madras, the Government did not think fit to interfere; it left the conditions as they stood, and all the interference that we got—and I think very wisely got—was from the Police Commissioner, who saw that things did not go into excess; but they do not ever settle disputes.

3559. But you think they did well?—I think they did well.

3560. So do I.—Now as to the future, if the settlement of labour disputes is a reserved subject in all the Provinces, and if the trade unions should claim the right to speak, as I believe they will, then I do not see how we can reconcile those two points. I think the trade unions will claim a certain right and privilege to speak on behalf of their labourers in the settlement of any disputes that arise.

3561. Do you contemplate the development in India, whether for good or bad, which has been so marked in Europe, of the general interference of the Government in the settlement of labour disputes?—I hope that we may not come to such a point, and to safeguard that, as I pointed out in my Memorandum, we are already at this very early stage building up what in Madras we have called a Labour Board, where we try to get the representatives of the employers and the representatives of the trades unions to come together and work independently of the Government. As I suggest the Government might limit their action to the creation of such Labour Boards.

3562. You say that in the Bill before us you find no attempt to introduce any measure of reform which will give the labourer any voice in safeguarding his own interests. You mean by that that the Franchise proposals are not such as to give him a representation?—Yes.

3563. You know that special representation is given to Indian commerce through the agency of the Indian Chamber of Commerce?—Yes; but I may point out that I am not here putting forward a claim on behalf of the Indian merchant. The Indian landlord is a capitalist, and the Indian merchant is a capitalist also.

3564. You say is there any way to bring the Indian labourer into power; you mean power to deal with his own interests?—Yes.

3565. You say that their political instincts are clear and strong. You really feel that?—Yes; from my personal experience at these various Labour Unions, I think I can safely say that their political instincts are strong, and their judgment sound and full of common sense.

3566. You did not make this recommendation as to the occupants of houses and premises (this is the one you chiefly rely upon) of the annual rental value of 48 rupees in towns and 24 rupees outside, and so on anywhere?—Yes; it was published in a little transaction of the Neo-Fabian Society of Madras, which I hold in my hand. Those are my data.

3567. And you think that the Madras Government adopted a very obstinate and retrogressive attitude towards you? That is my opinion.

3568. What is the authority for the figure—it may be perfectly right, but it astonishes me—that the total number of workers in large industrial establishments is 17½ millions?—It is in the Statistical Abstract of British India, which the India Office publishes.

3569. I can look that up for myself. You propose that all labourers working in factories and earning a particular wage should be given the vote, and then you make certain proposals: Again, were they laid before the Madras Government when they were making their recommendations?—No.

3570. Then you finish your very interesting Memorandum, if I may venture to so describe it, by saying that in Madras, Muslims, Indian Christians, and Panchamas work harmoniously together for their own welfare, and no Brahmin or non-Brahmin question has ever arisen, which is a ridiculous movement started by some interested people, but that workers will not allow caste questions to affect their labour work, which is also true of politics. You think that to be correct, and adhere to it?—Yes, and I have given as an instance one of the best cases of the inter-dining, about which so much has been talked. You will see that at a dinner of 200 people, including Brahmanas and Panchamas, the left and right extremes, they come together, and as far as our labour unions works are concerned, they have found absolutely no difficulty.

3571. I thank you very much, and I want to say how deeply I agree with you in what you have just said.

Lord *Sinha.*

3572. Mr. Wadia, are your present proposals directed to enfranchise labour, as such?—Factory going labour as such.

3573. That is in towns, I suppose?—In towns mostly.

3574. Practically, the biggest towns, like Calcutta, Bombay, Madras and Cawnpore?—Yes; and also there may be a certain number of smaller towns in Madras and the Bombay Presidency where there are factories and mills.

3575. Would not they come in under the Franchise laid down for big municipalities and towns by payment of municipal taxes?—I do not think under the Franchise scheme of Lord Southborough's Committee, for instance, the labourers of Madras would come in.

3576. The payment is something very small, is it not?—Yes; but when you come to think of it, when a weaver in Madras earns between 15 and 20 rupees a month it is not likely that you will get people—as there are others earning still less in the carding and spinning departments—to be able to pay municipal taxes to that extent. I speak there tentatively, because I have not made inquiries into it.

3577. You have not considered as to whether the Franchise recommended by the Southborough Report would enfranchise the labour population in those big industrial centres, or to what extent?—No, I have not gone in a direct fashion into the matter. Under the recommendations that have been made certain municipal taxes and rates have to be paid. Now, I do not think that the ordinary labourer in Madras would be in a position from the earning capacity that he possesses to pay those taxes.

3578. Would they come in under the Rural Franchise, because I understand most of these people labour only in the factories for a portion of the year and go back to the land during the rest of the year?—Well, that is so to a very limited extent, and the Indian factory labour is getting less than less in that direction. It is not that for a few months they work in the factories and they go away, but rather for a few years they work in the factories and then go away.

3579. At any rate, your position is that the Franchise proposals of the Southborough Committee do not enfranchise the factory labourers in those industries?—That is so.

3580. You would not put it higher than that?—I would not put it more emphatically than that, because I have no first hand information on the subject.

Chairman.

3581. You would not say that you had sufficiently examined the facts and figures with regard to Madras to see how far they would have affected your view of the Franchise proposals?—No; I read the Franchise Report after leaving India, and I have written to Madras, and in the course of a few weeks we may get some information, and if it comes I presume I may send it in to your Lordship?

Chairman.] Certainly.

Lord *Islington.*

3582. Have you arrived at any idea of the number of agricultural labourers who will get the vote under the Southborough proposals?—I should think that the whole number that is given in the Southborough Committee's Report, would bring a portion of the agriculturists, whether they be landlords or peasant proprietors.

3583. I am asking about labourers. Out of the 500,000 odd electors to be established in Madras under the Southborough proposals, how many of those should you say would be agricultural labourers?—The actual figures of the electors is 542,000.

3584. How many of those would be agricultural labourers?—I cannot say. I am not prepared to give the figure.

3585. Have you any idea whether it would be an appreciable number at all?—Of those 542,000?

3586. Yes,

Lord *Islington*—continued.

3586. Yes, of the 542,000 proposed to have votes, would you say that the agricultural labourer as such would have any appreciable representation?—He would have some representation, but I would not say appreciable representation. There, however, I speak very tentatively, because I have not looked into the figures carefully as I just said.

3587. You have looked into the question of the factories?—Yes.

3588. And as far as you can see, under those proposals there would be no representation?—As I say, when you take into consideration that fifteen rupees is the wage-earning capacity of the weaver in textile factories, which is higher in Bombay and Calcutta, then you will see, as I have just said in reply to Lord Sinha's question, he is not in a position to pay that municipal rate or tax, and thus he will not be able to come into the number.

3589. How many do you say that you estimate would get votes if the basis were fifteen rupees a month? Have you worked it out? You say that 4,000,000 would be too many in proportion to the number proposed?—Yes.

3590. Then you proceed on the other suggestions?—Yes.

3591. One of those suggestions, as I understand it, is alternative to the original proposal, but for Madras would you suggest that every labourer earning fifteen rupees a month in a factory should get the vote?—In the City of Madras.

3592. How many do you think would get the vote on that qualification?—Between 20,000 and 25,000 people in the City of Madras would get extra votes who are labourers.

3593. You are anxious to see the Services which deal with these factory and mine administrations transferred subjects?—Yes.

3594. Would you like to see them transferred subjects if the present electorate was established without any representation?—Yes, certainly; because, as I put forward the plea in my Memorandum, the Indian Ministers would be in a better position to understand, and therefore to deal with the troubles which are existing now, than the official Executive. Already in the past the administration has had the chance of improving the factory legislation and of dealing with this problem, and my contention is that they have not done sufficient for the factory labourer.

3595. Have many efforts been made in the Provincial Councils on the part of Indian members to get ameliorative legislation from the Government?—Not many as far as Madras is concerned; and that again is because there is no representative of the labourers in the Provincial Legislatures as at present constituted.

3596. So that you would admit that these subjects, becoming transferred subjects, would be incomplete in what you would like to see them realise, unless coupled with them was a workers' electorate?—That would be the first factor I would put forward. But, even supposing that nothing is done to enfranchise the factory labourer, if Number 25 of the subjects is transferred instead of being kept reserved, the Indian Minister will have to deal with the subject, and he will be able to deal with it better than the official Executive. That is my view, especially as Number 24, which is the development of industries, including industrial research and technical education, is to be transferred. That is going to be a transferred subject, and the legislation regarding the welfare of labour and regarding other things connected with the factory is kept a reserved subject, and my contention is that both should be transferred.

Mr. *Acland.*

3597. I forget for the moment the numbers that you told us belonged to your Union?—Roughly, 20,000—of the five Unions.

3598. Can you tell us what proportion of those are literate?—Literate in the sense of reading and writing?

3599. Yes?—I think, on the whole, perhaps you will find a few hundreds who can read or write.

3600. Is that proportion increasing, or tending to increase?—It would be, to give my own personal experience, too short a time to judge; but I think, from the general movement that is taking place in India, it is on the increase. I have come into contact with them for the last sixteen or eighteen months, and it is too soon for me to say whether it is appreciably increasing.

Mr. *Acland*—continued.

3601. Do you know of any movement that is taking place in Madras to found schools, or anything of that kind, where they would learn to read and write?—Since the establishment of the Labour Unions we have done certain constructive work, like opening dispensaries, selling rice and other stores, and a night school for the labourers, and there are other night schools in the vicinity of the mills now.

3602. There is just one thing I would like to understand about the ordinary life of men of this class. You said that generally they spent some years of their lives in working in a factory in the town, and other years in the agricultural districts. I am very much impressed with the low rate of wages you quote to us. Is the general system that they come in and do the work in the factories for a certain number of years until they have earned and accumulated a certain amount of money, which they carried back to their country districts, or is it, as one would perhaps be more led to think from your evidence, the fact that they appreciate life in the town so much that they come in from the country with the money they have made in the country until they have spent it all in supplementing their wages in the town?—I think I can explain that in this way: Generally the factory labourer is some kind of an agriculturist in a village. He is there living under very bad conditions, with an increasing debt and so forth, and then, out of sheer impatience, he makes the change in the hope of making some money, and goes to a factory. He works there for a few years under the conditions, and then I believe—and I think it can be proven from records—on account of the severe conditions under which he has to work he retires after a few years broken down in health.

3603. Without being able to save much money?—Yes, and that produces the very curious phenomenon which was observed by two Commissions appointed by the Government, that they did not find labourers in the factories above the age of forty as a rule. That is due to the premature exhaustion which steps in on account of the factory conditions.

Mr. *Bennett.*

3604. Mr. Wadia, do you know the industrial conditions of Bombay as well as those of Madras?—Not so well of Bombay as of Madras.

3605. You are a member of a well-known Bombay family, are you not?—Yes.

3606. I thought so. Will you give me your view of the manner in which the mill owners in Bombay as a class—they own something like eighty mills, do they not?—have performed their duties towards those whom they employ?—Some of them have done very well by their labourers. It is a very interesting question, because it relates to the new conditions which are arising in India. The labourer now is not satisfied to take better conditions as a matter of favour which the Indian capitalist in Bombay is willing to provide for him. I know of instances of mills owned by Indian capitalists who make admirable arrangements for their labourers in several mills. I cannot speak the same of all mills, but when you take into consideration the wages which are actually earned by the Bombay labourer and the dividends which are declared by some mills you will see where the grievance of the labourer lies. He wants something as a matter of right, and not as a matter of patronage.

3607. Would you call that patronage which the great firm of Tata have exhibited in their mills in Central India, where, as you know, they have established welfare schemes; they have taken welfare experts from this country to assist them in establishing welfare departments in their mills?—Yes.

3608. You speak in rather an ungracious way of services of that kind rendered by employers. However, I do not think it is very relevant to the question. You represent, I think, five establishments in Madras. Have the people employed there shown any capacity for organising for what we call nowadays self-government?—Yes. In those unions we have various organising committees for various kinds of work and managing committees to carry on the work of the unions, which are entirely composed of the labourers themselves

They

Mr. *Bennett*—continued.

They elect their own representatives, they plan out their own work, and they carry through the work, and really what I do for them there is to plead their cause and their grievances in public, and generally to keep the movement going from outside, but the entire work of organisation of those unions is carried out by the men themselves, and visitors have been surprised at the intelligence and capacity which those labourers have displayed.

3609. I do not want to put it in a invidious way, as you will understand, but could they possibly have done without you? Could they have organised themselves, and placed themselves before the public without you?—I doubt it.

3610. In your Memorandum you say that you have had invitations from Calcutta, Bombay and various other places to organise their unions. Does not that seem to suggest that there is at all events an imperfect capacity for organisation among the labourers themselves?—The labourers themselves, yes; but at the same time you must bear in mind this, that any particular set of labourers who come forward to organise trade unions at the present moment in India would be marked men, and would naturally suffer in their factories and in all organisations to which they belonged.

3611. You think there is organising capacity amongst the people?—I am sure of it.

3612. Do you infer from that that they would be capable of organising themselves for political purposes?—I should think so, yes.

3613. We were asked the other day why it was that there was no representation of labour. I think it was Bombay factory labour, but labour, at all events, upon Lord Southborough's Committee. Would it have been possible to have found a single man in one of the Bombay mills who, if he had been selected for that Committee, could have spoken English or any language which was common to the whole of his colleagues?—If the language bar could be removed I am sure that you could find men in Bombay. I have now in mind a man in Madras who could very well advise such a Committee as the Southborough Committee if his own language, Tamil, or Hindustani was spoken. He would not be able, perhaps, to talk of subjects which were outside his province, and would not be able to advise, say, on agriculture or other matters.

3614. Let us carry that to the Legislative Council. You speak of the language bar; do you think you could have found a mill hand in Bombay who could have taken his place in the Legislative Council, where, of course, English is the official language? Do you think you could have found a man?—No.

3615. You would have had to go outside the mills to get a labourers' representative?—Yes, at the present moment that would happen. Supposing you give the vote to the factory labourers in Bombay. Calcutta or Madras at the present moment, I think an outsider would have to represent them.

Mr. *Bennett*—continued.

3616. As to their power to form opinions and to guide the representative, is it not the case that the factory hands in India are in a peculiar sense a gregarious people, and follow their leaders, very often, not knowing what they are doing, and what they are following?—I should not think so. From my own experience, and I have had to deal, as I have said, with two lock-outs and two strikes in a short period of 16 months, I can tell you that it took us many hours of discussion and debate to come to a settlement. They are not in a position to follow very meekly, and to say yea to everything their leaders say. They are rather given to a thorough discussion and debate of the points which are raised, and to come to an agreement after certain discussion.

Major *Ormsby-Gore.*

3617. I take it you suggest that if this Committee cannot see its way to widen the Franchise so as to include factory hands, we should try to make one or two special constituencies in the towns where there are mills, and to give a special Franchise to the factory worker. That is your alternative. Would you suggest that that Franchise should form, as it were, another communal electorate, or do you wish them thrown in with the rest of the voters to vote as part of the general constituency?—I would not mind at all their being thrown in to the general electorate, provided that they had the vote, because they would be able to influence the election.

3618. Do you think it would be just as valuable to them to have votes for one of the ordinary politicians as it would be to have a definite representative of their own?—Yes, because I am sure that the labourers will extract good terms from the ordinary politician before they send him into the Provincial Councils.

3619. Now for this experiment you suggest—that it should be applied in about five great towns?—Well, I have suggested a wage-earning capacity for large industrial establishments, and I think it would be more than five towns.

3620. About how many people would be enfranchised, do you think, in Calcutta?—As I said, I have no data for that yet.

Chairman.

3621. If you get the further information you have referred to later, you will kindly send it in?—I will do so, my Lord.

(*The Witness is directed to withdraw.*)

Die Mercurii, 13° *Augusti* 1919

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.

The RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

MR. M. A. JINNAH and MR. YAKUB HASAN are called in; and Examined as follows:—

Chairman.

3622. I think you represent the Moslem League?—(Mr. *Jinnah.*) Yes.

3623. You have been good enough to send in answers to the list of questions?—Yes, we have.

Chairman—continued.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do

Chairman—continued.

do you define the expression "responsible government"? And do you generally accept the proposition contained in the preamble?—The proposition that it is desirable to bring about progressive realisation of responsible government in India is sound, but a substantial step must be taken at once. We would define the expression "responsible government" as far as we can to mean that the will of the Legislature which is responsible to the electorates must prevail over the Executive, subject to veto. We accept generally the proposition contained in the preamble so far as it applies to the Provinces, but it does not contemplate to include the Central Government. In our opinion it is far more essential to introduce an element of responsibility in the Central Government. With these observations we accept the proposition contained in the preamble.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 5)?—Yes; one of the principle things.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—Yes; we think that non-official members of the Provincial Legislature should possess power to control the actions and policy of the Executive. At present they do not possess any such power.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—The All-India Muslim League passed the following resolution at its sessions on September 1st, 1918, in Bombay:—"That the following modifications and changes in the proposals contained in the Montagu-Chelmsford Report are necessary to render the scheme of reforms a substantial step towards responsible government. Reserved subjects in the Provinces to include only Law, Justice, and Police (except prisons), and there should be complete separation of judicial and executive functions at once." Since then the Government of India and some Local Governments adopted reactionary and oppressive policy after the Armistice was signed, which alarmed the people and the Anglo-Indian Press, the European community in India and the Indo-British Association in England in their campaign caused grave apprehensions in the minds of the people; so at the Delhi Sessions the All-India Muslim League, in December, 1918, passed the following resolution: "The All-India Muslim League, while affirming the principles underlying the resolutions passed at Lucknow 1916, Calcutta 1917, and Bombay 1918, demands that complete responsible government be granted to the Provinces." The deputation of the All-India Muslim League, however, has discretion in the matter of representing the Muslim views to the British Parliament and His Majesty's Government. We submit that in our opinion the Provinces are ripe for complete responsible government, and a sufficient number of Indians are available to be entrusted with all the portfolios of Provincial administration, and that under the guidance of a Governor selected from amongst men of public life in England they will be able to carry on the administration efficiently and successfully; but we also realise that the terms of the famous Parliamentary announcement made by His Majesty's Government on August 20th, 1917, and which was welcomed in good faith by India, provide for a progressive realisation of responsible government; hence we are prepared to accept the system of diarchy in the Provinces provided it is simultaneously introduced in the Central Government. We think that in the Provinces the transferred subjects should be at least those mentioned in our answer to question No. 19.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections

Chairman—continued.

to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—We think the dual form of government embodied in the Bill is the best means of securing the objects in view.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? And (ii) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—We have no other method to suggest. Diarchy fits in more with the order of things as they exist at present in India, and it can be justified on the ground that it is for a transitional period.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—Appointment of Governors.—Clause 2.—We submit that the same method of appointing Presidency Governors should be applied to all Provinces, namely, that every Governor should be selected and appointed from men of public life in England. Clause 3.—The salary of the Minister should be the same as that of the members of the Executive Council of the Provinces, not such salary as the Governor may determine. Clause 4 (1).—The provision in Section 47 of the Principal Act, that two of the members of the Executive Council of the Governor of a Province must have been for at least twelve years in the service of the Crown in India, should be deleted. We do not approve of "one" being substituted for "two." It will be open to the Secretary of State for India to select and appoint any person from amongst the members of the Civil Service. We think that it is highly objectionable to make statutory provisions of this character. One of the objects of the reforms is to take away in course of time the direction of policy from the members of the Indian Civil Service and place it in the hands of the representatives of the people. Therefore, there should be nothing in the statute that may establish the claim of the Service to these posts in future, though some of them may continue to be appointed to the Executive Councils in the transitory period by the exercise of the free choice of the Crown and not by statutory rights. Clause 4 (2).—We think it is unnecessary that any provision should be made by rules under the principal Act as to the qualifications to be required in respect of members of the Executive Council of the Governor of a Province. It should be left to the free choice of the Crown. In the appointing of members of an Executive Council the hands of the Governor in recommending, and the Secretary of State in appointing him, should not be tied down by rules as to qualifications. With reference to Clause 1 (1) (d), the Memorandum of the Secretary of State, paragraph 13, says:—"The terms in which the power of making rules as to allocation of Provincial funds is to be conferred, left open the question as to whether Provincial finance is to be on the basis of one joint purse or by two separate purses." We strongly oppose the recommendation of the Government of India for a separate purse. In our opinion it would be subversive of the fundamental principles and policy adumbrated in the Montagu-Chelmsford Report and further amplified by the Southborough Functions Committee. We, therefore, urge that it should be clearly laid down in the Bill, or at any rate we press that the rules to be framed should be strictly in accordance with the principles and policy laid down in these two Reports. The same observations apply to the business of the Governor with his Ministers, and his relation thereto contained in Clause 5, sub-Clause (2). We think the contemplated Deputy Governor unnecessary for the transitional period (Clause 12). The question of sub-dividing Provinces dealt with in paragraphs 245 and 246 of the Joint Report may be considered when the periodical enquiry is made by the Commission. We consider

Clause

Chairman—continued.

Clause 12, sub-Clause (2) too wide. We think "backward tracts" should be clearly defined, and should in no case go beyond what is stated in paragraph 199 of the Joint Report.

8. In particular, do you think (i) that Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—(i) In our opinion the Minister should hold office during pleasure—i.e., should be liable to removal if they fail to retain the confidence of the Legislature only. It is highly objectionable that he should also be liable to removal if he is unable to support the action decided upon in his department by the Governor. The Minister's position should not be that of a person liable to fall between two stools. (ii.) Yes, the Governor should have power to disregard the opinion and advice of his Minister, but only in cases in which he considers that if he follows the advice of his Minister it will endanger the safety or tranquillity of the province or any part thereof, not on the ground that, if he considers that action in accordance with that opinion or advise is inconsistent with a due discharge of his responsibilities. The expression used in the Bill is too general, and would not prevent undue interference. (iii.) We accept that the Executive Council should in all provinces normally consist of one official European and one non-official Indian, and we have no objection, as stated in the Memorandum of the Secretary of State for India regarding the Bill, that if a second European member is added there will also be a second non-official Indian member, although we think no occasion is likely to arise for four members. (iv.) Yes; the Governor should have power to dissolve his Legislative Council; but here we may add that a provision should be made that the Governor should call a special meeting of his Council if a requisition is sent to him to that effect signed by at least 30 per cent. of the members for any emergency business.

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament? Clause 9)?—The limitations imposed generally by Clause 9 of the Bill upon the financial and legislative powers are unnecessarily severe. We think the Legislature ought to be given greater power. In the formation of the Grand Committee the majority of the members to be nominated by the Governor is not defined. This will give power to the Governor to reduce the number to be elected by the legislative council. The Montagu-Chelmsford Report lays down that there should be a bare majority to be nominated. We, therefore, suggest that in this clause the majority should not be left vague and undefined as it is. Further, we find that no provision is made in the Bill as was promised by the Joint Report, that when the Bill is passed by the Grand Committee it should be reported to the whole Council, and that the Council should have the right to pass a resolution recording any objection to the principle, or details of the measure, and such resolution was to be submitted to the Governor-General and the Secretary of State, accompanied by the Act. Clause 9, Sub-Clause 2 (B).—The words "necessary for the carrying on of any department" are far too wide. The intention is to prevent closing down of a department during a crisis, and it should

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be so limited. (C).—Salaries of public services should not be excluded from the rôle of Legislature except those certain high offices. (D).—Proposal for increase under one head should be allowed, provided it is balanced by decrease under another irrespective of the question of transferred or reserved subject so long as the total expenditure budgeted for the year remains unaltered, subject, of course, to the Governor's power to restore the budget as originally proposed so far as the reserved subjects are concerned. Clause 9 (5).—We would suggest in line 10 the words "if he thinks fit and" should be omitted. If those words remain the Governor will not only have the power to certify the Bill or any clause of it, or the amendment which he thinks affects the safety or tranquillity of his province or any part of it or any other province, or the *interests of a specified reserved subject*, and thus may direct either that no proceedings, or no further proceedings, shall be taken by the Council in relation to the Bill, clause or amendment, or if he thinks fit, and if the Council so desire, the Bill, clause or amendment shall be referred to the Grand Committee, but if he does not think fit and the Council may desire that the Bill shall be referred to the Grand Committee, we take it that it cannot go to the Grand Committee. Therefore, we submit that the words "if he thinks fit and" should be deleted, from which it will follow that if the Council so desire the Bill, clause or amendment shall be referred to the Grand Committee. In our opinion, the Council should elect its own President and Vice-President, and no question should be disallowed by the Governor, but it may be left open to the member or Minister in charge to decline to answer the question on the ground of public interest.

10. In particular—(i.) Do you think that the legislature should have power with whatever limitations to vote supplies? (Clause 9 (2).) (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i.) Yes; Legislature should have power to vote supplies. (ii.) We accept the Grand Committee subject to the observations made above.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to provincial legislative councils over provincial governments?—We do not accept the position, adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments. We think this decision is not warranted by the terms of the announcement of 20th August. The present condition and fitness of the people entitle them to have an element of responsibility introduced in the Central Government simultaneously with provinces. No case is made out why the Central Government should wait for more than a decade before any measure of control over the Central Government is given to the Legislature. We think there should be a division of functions in the Central Government as is proposed in the Provincial Government. In this connection we may draw your attention that the All-India Muslim League, at its special Sessions at Bombay, passed the following resolution:—"The Council of State may be retained provided that a system of reserved and transferred subjects, similar to that proposed for the provinces, is adopted for the Central Government, and that in the Legislature of India the certificate of the Governor-General in Council should not apply except to certain reserved subjects hereinafter mentioned. The reserved subjects shall be the Army, the Navy, Foreign and Political relations between the Government of India and other Powers (excepting relations with the Colonies and the Dominions), including the declaration of war and entering into treaties, and matters directly affecting the peace, tranquillity and safety of the country, and all other subjects shall be transferred."

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12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes; but we submit that there should be a schedule of the composition of the Legislative Assembly similar to the schedule annexed to the Bill giving the constitution of the Legislative Councils in the Provinces.

13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential? (Clauses 14, 15 and 16.)?—No; the proposed bicameral legislation does not constitute a satisfactory machine for the ordinary purposes of legislation as it affords the means to the Governor-General in Council to secure *any* legislation by means of a certificate. Therefore, we suggest that the power of the Governor-General in Council to certify should be limited to certain specified subjects upon which depend the peace and tranquilliity of the country. We also submit that there should be a schedule of the composition of the Council of State similar to the schedule annexed to the Bill and giving constitution of Legislative Councils. We submit that the Governor-General should summon the Assembly if a requisition is sent to him signed by at least 30 per cent. of the elected members. No ruler or subject of any State of India should be nominated a member of the Council of State or the Legislative Assembly or any Provincial Council.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature? (Clause 20 (3) and (4).) Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—We do not accept the provisions of the Bill as to the course of legislation in the Indian Legislature, Clause 20 (3 and 4).—We regard them as unnecessarily restrictive on the popular will. The certificate of the Governor-General should be limited to the specified subjects, and the words "interests of British India or any part thereof," are far too wide in Sub-Clause 4, and should be deleted. Clause 20 (2.)—Provision as to the persons to preside at the meetings of the Legislative Assembly should be made in the statute, and should not be left to the rules. In our opinion, the Legislative Assembly should elect its own President and Vice-President. In the rules it should be provided that no question should be disallowed by the Governor-General, but it may be left open to the member in charge to decline to answer the question on the ground of public interest.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons and what modifications would you suggest?—We do not accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council. Clause 21 (1).—We are opposed to any statutory qualfication for the members of the Executive Council of the Governor-General. Section 36 of the Principal Act should be repealed, and the selection and nomination of the members of the Executive Council should be left to the free choice of the Crown. There should be a convention that half the number should be non-official Indians. Clause 21 (2).—We think it undesirable and unnecessary in view of what we have said with regard to Sub-Clause (1) above, and should be deleted.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—Yes; with regard to Section 2 of the Principal Act, the powers of Parliament exercised through the Secretary of State for India with regard to transferred subjects require modification. With regard to Section 33, the Secretary of State for India will not interfere where there is unanimity between the Assembly and the Government of India, nor

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would he interfere with regard to transferred subjects in the provinces or Central Government. Section 45 will require modifications substantially in terms recommended by the Southborough Committee Report.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—The answer to the first part of the question—yes; but we think, with regard to the second part, that Clause 28 of the Bill should include Central Government for the purpose of periodical enquiry. (Clause 28 (2)

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—In the absence of the rules it is very difficult for us to say what matters should be dealt with in the Bill, and what matters should be left to the Rules. We have pointed out various modifications, and it is more for an expert draftsman to decide what should be incorporated in the Bill and what should be relegated to the Rules to be made.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—With regard to the Southborough Committee Report:—Franchise Committee's Recomdations: We generally agree with it except with the following matters. We think that it is advisable to remove the sex disqualification at the very outset. We hold a very strong opinion that the residential qualification for candidates, as laid down in the report in the case of Bombay, Punjab, and Central Provinces, has no justification. We will abolish the residential qualification throughout India. The qualifications laid down in the Southborough Report for electors in the Punjab are much higher than those in the other seven provinces, the Committee in this case deferring to the views of the local government. The result is that only 1.21 per cent. of the population are voters in the Punjab against 1.30 per cent. in the Central Provinces. We do not see any reason why the percentage of voters in this province should not be brought up to, say, 3.14 of the United Provinces or 3.33 of Bombay, or at least to 2.72 of Bengal by lowering the qualifications. Functions Committee Report.—With regard to the Functions Committee Report we urge that the following subjects should in any case be transferred, in addition to those on the transferred list of the Southborough Committee:—Item 6.—Irrigation and canals, drainage, and embankments and water storage. This item belongs to Public Works, and must go with that department—Item 5 in the provincial list. Item 7.—Land revenue administration. Item 13.—Forests, including preservation of game therein. It is proposed to transfer this subject only in Bombay. We suggest its transfer in all provinces except that of Assam. Item 14—Land acquisition. Item 23.—Development of mineral resources which are Government property. Item 25.—Industrial matters included under the following heads:—(a) Factories. (b) Settlement of labour disputes. (c) Electricity. (d) Boilers. (e) Gas. (f) Smoke nuisances; and (g) Welfare of labour, including provident funds, industrial insurance (general, health, and accident), and housing. This item has affinity to Item 24, Development of Industries, and both should form one undivided portfolio. Item 29.—Inland waterways, including shipping and navigation thereon, so far as not declared under control of Government of India, but subject as regards inland steam vessels to Indian legislation. Item 32.—Control of newspapers and printing presses subject to Indian legislation. Item 36.—Prisons and reformatories, subject to Indian legislation. Item 41.—Franchise and election for Indian and provincial legislatures, subject to Indian legislation. The following three subjects, so far as concern the administration of transferred subjects, should not be regarded as reserved subjects. Item 43.—Control, subject to Indian legislation, of members of all India services serving within the province and of other public services within the provinces.

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Item 44.—New provincial taxes—that is to say, taxes included in the schedule of additional provincial taxes, so far as not included under previous heads. Item 45.—Borrowing of money on the sole credit of the province, subject to Indian legislation. Committee on the Home Administration of Indian Affairs.—We are of the opinion that the Council of the Secretary of State for India should be abolished. We attach the greatest possible value to the recommendation "that where the Government of India are in agreement with the majority of the non-official members of the Legislative Assembly, either in regard to legislation or in regard to resolutions on the Budget, or on any matters of general administration, assent to their joint decision should only be withheld in cases in which the Secretary of State feels that his responsibility to Parliament for the peace, order, and good government of India, or paramount considerations of Imperial policy, requre him to secure reconsideration of the matter at issue by the Legislative Assembly." We look upon this as laying the foundation for India's independence, similar to that of the Dominions, in her domestic and fiscal matters, consistently with her Imperial obligations. We are otherwise in general agreement with the majority of the report. We urge that there should always be an additional Indian Permament Under Secretary of State for India. Public Services. —With regard to Public Services, we are not satisfied with the provisions of the Bill, Clause 24 and the following clauses. We strongly draw the attention of the Committee to—if we may say so—the very able Minute of Professor Keith, paragraphs 27, 28, and 29, in his minority report, and beg that effect should be given to them. We think that the control and supervision of Parliament should be relaxed on Indian affairs only in so far and to that extent—namely, those that are left to the popular control and responsibility of the legislature.

3624. Perhaps you will wish to supplement those answers by a statement?—Yes. I want to give the Committee a short history of the position of India with regard to this Reform Bill which is now before you, the Government of India Bill.

3625. That is rather a tall order?—If your Lordship will allow me, what I want to say is this: The first proposition that we contest very strongly is with regard to the Central Government, namely, that according to us no element of responsibility is introduced in the Central Government. We contest that.

3626. It is quite in order that you should make that point fully; but I do not want you to give a history of the whole of this question?—No; it would take me months to write down.

3627. I think it would?—I never intended that. I wanted to give you a short sketch and not a history in the sense that I am going to write down a history, but in the sense of what is the exact attitude of the people of India with regard to this particular question.

3628. If you are straying beyond the legitimate bounds of a statement you must forgive me for interrupting you?—But your Lordship is not going to prejudge that now. The position is this: Four formulas have been laid down in the Joint Report, and formula 3 is this: "The Government of India must remain wholly responsible to Parliament, and, saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the Provinces. In the meantime, the Indian Legislative Council should be enlarged and made more representative, and its opportunities of influencing Government increased." That is in paragraph 190 of the Joint Report on page 157. What I want to put before you is this very shortly and very concisely. The All-India Moslem League, whose representative I am here to-day, in 1913, about the end of 1912 and also in 1913, March Sessions, adopted a programme, namely, the attainment of self-government under the ægis of the British Crown for India, and thereby came into line with the Indian National Congress. After that programme was adopted by the All-India Moslem League, the All-India Moslem League and the Indian National Congress, for the first time in the history of the Indian people, met together in Bombay in 1915. In 1915 both the Indian National Congress and the All-India Moslem League adopted certain resolutions. Lord Sinha was presiding over the Indian National Congress at that time, and we emphasised this that we wanted a declaration of policy from His Majesty's Government with regard to India. Both these bodies appointed Committees of representative men to formulate a scheme of reforms which should be introduced after the war. Now I will not go beyond that or what happened before that except this, that up to 1915, to put it very shortly, the Indian National Congress and all the political bodies in India advocated the transfer of power from the Executive or the bureaucratic Government to the Popular Government, that is to say, a voice in the direction and control of the Executive and in the direction of the policy of the Government. That demand was formulated in 1915 again. Those two committees formed to formulate the Reform Scheme met on various occasions. In 1916 —I am speaking from memory, but I think it was about August, 1916—the Government of India were contemplating a despatch on the reforms. This came to be known, and at that time what is known as the Memorandum of the 19, that is the 19 elected members of the Imperial Council, was drafted. They thought that they should not lose any time, but should put forward the views of the people of India as their representatives. They, therefore, in Simla, in September, 1916, drafted a memorandum, which is a well-known document, called the Memorandum of the 19. There again the two points were emphasised: Transfer of power, as I mentioned before, and fiscal autonomy. After that, in 1916, at Lucknow, the Indian National Congress met and the All-India Home Rule League met and adopted a scheme of reform which is well-known to the Committee. There again they emphasised the point that we wanted a transfer of power from top to bottom, not in any particular portion of the Government. The Government of India is divided in this way: Local Self-Government is one rung of the ladder, Provincial Government is the second, Central Government is the third, the Secretary of State and his Council is the fourth, and Parliament on the top of the whole of this structure. That was in December, 1916. After that, what comes is the announcement of the 20th August, 1917, which is welcomed because it definitely laid down the goal for India and the policy of His Majesty's Government in India. After that announcement His Majesty's Secretary (Mr. Montagu) arrived in India, and when he arrived in India he wanted to ascertain the exact position with regard to the reforms in India. Up to this time nobody thought of any other form of government except the unitary system of government, Mr. Lionel Curtis, who was in India about this time in 1917, after he had had many interviews and discussions with leaders of Indian thought, was the first, I believe, who suggested the dual form of government—that is, a diarchy. In 1917 the Indian National Congress met at Calcutta, and it again reaffirmed those very principles which I have mentioned, and said that as a substantial step towards the realisation of the goal we want what is known as the Congress-League scheme. But we had no other scheme before us at that moment, except the Congree-League scheme or the unitary system of government. After that the Joint Report came.

My point is this, that we expected in this Joint Report not to be confined merely to the Provinces, as it says in formula 2. Formula 2 says, "The Provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken." After this Report I must say naturally there was a great deal of dissatisfaction and disappointment, for this reason, that we have been urging reforms from top to bottom in the matter of controlling the Executive, having a voice in the direction of the policy of the Government, and emphasising a fiscal autonomy for India. I do not understand why the authors of the Report say that their principles will not allow them to go further than the proposals there. I cannot see what principles they are which prevent them from going further, because I do not see how it is opposed to the announcement of the 20th August; but still they say that.

After that we thought that as the Joint Report itself was placed before the public of India and the public

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public of Great Britain for criticism and opinions, therefore it was open to us to improve it, because it was not the last word on the subject. After the Report was published I venture to say before this Committee that there is no section of public opinion of any importance in India that has not urged that a simultaneous advance should be made in the Government of India, and has not emphasised the point of fiscal autonomy. What do we find? Notwithstanding the very strong current of opinion from one end of India to the other we find the next stage is this Bill which is now before you, and we find that this Bill does not go one bit further than the Montagu-Chelmsford Report with regard to the Central Government and the fiscal autonomy.

Now, my Lord, what is the reason for not making an advance in the Central Government? The only ground that I have been able to gather is the general arguments which are laid down, if I may shortly place them before you, in this way. The first ground really comes to want of confidence in the capacity of the people to govern themselves. I am analysing it. The second ground is distrust of the representative character of the educated section. The third is that the elected representatives of the people will make the government impossible by creating deadlocks. You find it summed up in the Montagu-Chelmsford Report. I am giving you the exact words. I am really reading from the annotation to the Government of India Despatch of the 5th March, at page 103. It is from the Memorandum of the Home Rule League, Bombay branch. I am the President of the Home Rule League, of the Bombay branch. This Memorandum was submitted under my signature as the President of the Home Rule League, and I took a considerable part in the preparation of this Memorandum. On page 103 you will find the reasons summed up as "(1) Electorates of sufficient size and quality cannot be called into existence for a long time; (2) the politically minded classes cannot be entrusted with the government of the remaining portion of the people, which is indifferent to politics and unfit to have any voice in the government either by reason of ignorance, poverty, or religious and social differences." Then, on page 104, we say: "The position taken up by the authors of the Report is thus defined: 'In the first place we wish to insist on the importance of these factors in considering the time necessary for the complete attainment of responsible government in a country where, in spite of rapid processes of growth, so great a majority of the people do not ask for it and are not yet fitted for it.' And further: 'The prospects of advance very greatly depend upon how far the educated Indian is in sympathy with and capable of fairly representing the illiterate masses.'" This is a quotation from the Report. Therefore, as I said before, these are the only reasons that I can gather for not making any advance in the Central Government.

What we say is this: First of all this is a highly exaggerated and incorrect estimate of the situation in India. I will deal now, first of all, with the question of there being no efficient electorates. That, I believe, is the strongest point as far as I have been able to gather of the Secretary of State for India. Now what is the position in India? It is admitted that you will find that you can get at least 5 per cent. of the population in the electorates. It is also admitted in the Report that you have, even according to the last census in 1911, 8.6 per cent. educated people; I believe there is a large number now, in 1919. Therefore you have certainly more than, roughly speaking—I am only guessing now—8.6 per cent. literates, and I put it down at not less than 10 or 12 per cent.

Now what was the position of the United Kingdom when there was a complete responsible government run in this country? In England in 1835 you had 4.6 per cent.; in Ireland you had 1.2 per cent.; in Scotland, 3.2 per cent. In 1871, England, 9 per cent.; Ireland, 4.2 per cent.; Scotland, 7.6 per cent. In 1881, England, 9.7 per cent.; Ireland, 4.4 per cent.; and Scotland, 8.4 per cent. In 1889 you had 15.8 per cent. in England, 16.6 per cent. in Ireland, and 14.2 per cent. in Scotland. We do not stop at England, but we go further. What do you find in other countries in Europe? You find, first of all in Sweden, there was 1 per cent. of the population that got into the

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electorate; in France 26.6 per cent.; the Chamber of Deputies in Italy was elected by 2½ per cent. of the population till the franchise was broadened in 1832; and you find as late as 1888 only 17.6 per cent. of the population in the United States of America took part in electing the most complete responsible Government in the world. Therefore, my Lord, it is no argument that you will not be able to get more than 10 per cent.—if you wish to lower the franchise, if the Southborough Committee had not put such a high qualification, you certainly would get at least 10 per cent. of the population in the electorate. But are we asking for responsible government to-day, although we have 10 per cent. of the population that can get into the electorate? We are not. What do you find in Canada? In Canada people had no municipal franchise even, they had no municipal experience when complete responsible government was established in Canada (see Lord Durham's Report). Therefore, I say this argument that we have not got an electorate is without justification. There is no warrant for it.

Then the next argument is that the politically minded people cannot be trusted. On that point I do not wish to say anything more than this. You have only got to look at the past record of the Congress of the Moslem League and other political bodies. I do not want to go into the details of it, but we have urged in season and out of season upon the Government measures purely intended for the welfare of the people. I say it is really a libel on the educated people to say that they will form an oligarchy, and they will think of their own interests and neglect the interests of their own people. Apart from any other consideration, politically minded people in India know perfectly well that if they neglect the interests of the masses—we have got enough experience of the world before us to know perfectly well (we all learn by experience of other countries, and India has got that advantage, at any rate), that apart from any other considerations, if we neglect the interests of the masses we shall never make any real advance; the country will remain in a backward state, and we shall never make a real advance. Therefore, in our own interests we are convinced that apart from our strong feelings or strong sympathies of kinship and relationship, and that they are our countrymen, apart from all those considerations, even putting it on the bare ground of the interests of the nation, they will be impelled to raise the masses to a higher level.

Then the next argument was that the representatives of the people will create deadlocks and obstruction. I can tell you this that I have had the privilege of being in the Imperial Legislative Council for many years, from the very beginning of the Council when it came into existence after the Morley-Minto Reforms. The representatives, whenever they have been put to the test by the Government at a critical moment, sometimes even when they were unwilling, sometimes even when they did not see eye to eye with the Government, have accepted the position as put by the Government before them, and voted with the Government. I will give only one instance. There are many other instances, but I will only give one, and Lord Sinha was an eye-witness to that because then he happened to be a member of the Viceroy's Executive Council. Soon after the Morley-Minto Councils came into existence, the Government of India decided to introduce a measure which was most repugnant to any man who loves freedom and liberty, namely, the Press Act. What happened? Unwilling as we were, as I say, revolting as that measure seemed to us on first principles, the Government of India gave us certain information and pressed us. They said it was essential for the carrying on of the Government, and that we should vote for it. What happened? Every non-official member gave his assent to that Bill except two. I have regretted since then that I gave my assent, because it is not properly administered; but there it is, one very strong instance indeed. There are many other instances that I can give, if you want to go into detail, where the representatives have co-operated with the Government and done their level best to see that no difficulties are put if possible. There are many other minor points raised about religious differences and so on. I can only say that they are highly exaggerated. Therefore

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Therefore I confess that I cannot see any reason whatsoever why a beginning should not be made in the Central Government.

Now what is the position of the Central Government as it is proposed in the Bill? The position of the Central Government is this. You are leaving the Central Government in practically the same position in which it is at present. You will find this in the Joint Report, paragraph 217, page 178. After discussing various matters, this is what it says: "If on the other hand we delayed this step until the training period was over, we should have encouraged elected members of Council in the habits of irresponsible criticism, which has been the bane of the Morley-Minto Councils, and from which it is our aim to escape." Those observations are with regard to the Provincial Government. There the authors of the Report say: We want to introduce responsible government in the Provinces. Why? Because we want to escape from what is considered the bane of the Morley-Minto Reforms. And what is that bane? Irresponsible criticism. Now what are you are doing in the Central Government? You are doing exactly what the Morley-Minto Reforms did, because you are leaving the Central Government in practically the same position. What will happen? In the Central Government the Executive can run through any measure they like. The representatives of the people will come from all parts of India, I take it, and I hope that they will be the best men that India can produce. You call them there to the Sessions of your Central Legislative Assembly. What will they do? They will be irresponsible critics. They will harden into a permanent opposition, and I know that in some cases at present some elected members take this view. They say, "Our vote does not count, and therefore whenever any resolution has to be supported we have no responsibility," and therefore in voting upon a resolution they naturally say, "Let us vote for it." Then, if this is going to be the state in the Central Government, which must necessarily be the power that will lay down all the master policies concerning India, which will control the best part of the finance of India, surely this is a position which the Committee ought to very carefully consider whether you are going to leave the Central Government in this position.

I am aware of the recommendation of the Crewe Committee. The Crewe Committee has made a recommendation which if embodied in the Bill will make some difference. As I understand the recommendation of the Crewe Committee, it comes to this: At present the Executive Government can do what they like by means of a certificate of the Governor-General.

3629. You mean in the Bill?—Yes; I am talking of legislation now. Not only can they do what they like with regard to the affirmative legislation, but even if a Bill is brought by a private member into the Legislative Assembly it can be taken to the Council of State on a certificate, modified, mutilated, ruined, and passed in the Council of State without its ever coming back to the Assembly. So not only can the Government pass through any measure they like, but even in the case of a measure brought up by a private member, which is subject to a veto. The Governor-General in Council may not like to exercise his veto in rejecting it, he can mutilate that Bill by a certificate and have it passed in the Council of State as he likes. That is the present position. But I say I am aware of the recommendation of the Crewe Committee. The Crewe Committee lay down this, that a certificate of the Governor-General can only be exercised by the previous sanction of the Secretary of State for India, and that the previous sanction of the Secretary of State for India should be given if he is satisfied that it is necessary in the interests of good government, peace, tranquillity, and safety and so on. The Bill itself says that the Governor-General can use his certificate in the interests of British India. I do not know what that means. "The interests of British India" is a very wide term; it might mean anything. But the Crewe Committee go a little further, and restrict that in different language. To that extent it does, no doubt, seem to put a check on the certificate of the Governor-General in Council. But what will the Secretary of State for India do? The Government of India, who are

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on the spot, will tell the Secretary of State for India that it is absolutely essential that this measure must be passed, and we want to certify it. What will the Secretary of State for India do sitting here in Whitehall? Is he going to overrule the Government of India in a matter of that kind? Well, it will be a very, very strong Secretary of State for India who will say "I will take the responsibility and overrule you." That is the proposal of the Crewe Committee.

Then I am also aware of the other recommendation, namely, that the Government of India and the Legislature, if they agree with regard to any matter, the Budget or othewise administrative, then the Secretary of State for India should not withhold his consent, unless again, on the same formula, that it is likely to endanger the peace, tranquillity, and good government and so on. It comes to this really, therefore, that if the Government of India and Legislature agree, then we may be able to get on with some measure; otherwise we cannot possibly get on with any measure. Therefore, to put it again in one sentence, the question is this: Is the will of the Executive to prevail in every single matter, or is there or is there not any single matter in the Central Government where the will of the representatives of the people should prevail? That is the question. We say, and we lay very great stress upon this, that if you want the Central Government not to consist of irresponsible critics, but men who come there with a constructive programme——

3630. You do not mean the Central Government; you mean the Legislative Assembly?—Yes, men who come there with constructive programmes, men who come there armed with responsibility, certain obligations placed upon them, who realise the value of their vote, that their vote means a very serious matter one way or the other, then I say, and this is our demand, you must have division of functions in the Central Government.

Let us test this. Supposing you have a division of functions in the Central Government. I do not want to repeat those subjects, but we have all along, in fairness to all the representative bodies, I say it, admitted that there are certain matters which are essential matters and with regard to which the will of the Government of India must prevail. Now what will happen? If you have a division of functions what is the position? The position is this: You have got the Legislative Assembly and you have the Council of State. In the first instance, every Bill must be placed before the Legislative Assembly. If the Government are not satisfied with the passage of that Bill or measure it can be taken to the Council of State. In the Council of State the Government have a majority, and therefore that Bill can be rejected by the Council of State. In case of difference between the two you propose Joint Sessions. I accept that. I am not opposed to that. In the Joint Sessions, what is the position? In the first instance, you are leaving to the Joint Sessions what I call non-reserved subjects. Reserved subjects are set apart. The Government of India are supreme. They can run through any Bill they like with regard to these matters. It is only with regard to transferred subjects that the Legislative Assembly and the Council of State will meet in Joint Session. Now in the Joint Sessions, what is the position? Is it so dangerous? Will it upset the Government altogether? If you just look at the figures, what do you find? You find the figures are these: You have 73 officials and nominated members. I am talking of the Joint Sessions now, when you get both bodies together. You have got against that 103 elected. Out of 103 elected, you find, in my opinion, without any disrespect to anybody, you have really 75 elected men at the most. The others represent special interests, like landholders, European communities, and commerce. So really, even taking them as elected members (though their interests are really very different) they will more or less be the balancing element between the two if there is any friction at all —I mean the landholders and special interests, the European community and commerce. But even taking them along with the elected members, and assuming that they are people who will create deadlocks, who will obstruct government, and go out of their way to do

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do it, even then you have 103 against 73. Now, the Government have only got to convince 30 men out of those 103 to defeat any measure which the representatives of the people want in the Joint Sessions. I put the Europeans and the land-holders and the whole lot together along with the elected members, which I call properly elected, but even then the Government only wants 30 to defeat any measure in the Joint Sessions. I ask this Committee is that such a dangerous introduction of the element of responsibility in the Central Government? I do not know exactly the sentence the Prime Minister used only the other day, but he said that "you are going to approach Indian questions not with timidity and prejudice." I, therefore, use those very words and ask this Committee not to deal with Indian questions with timidity and prejudice. I say there is absolutely no case made out, so far as I have been able to gather, why there should not be a division of functions. I want to put another alternative, and that is this: As we have said, in any case the certificate of the Governor-General must be limited to specified subjects. That is what I have to say with regard to the Central Government.

The next thing that I wish to draw your Lordship's attention to is with regard to the Provincial Governments.

3631. If I might interrupt here for a moment, you have made, if I may say so, a very interesting statement about the Central Government, and I think you may fairly claim not to have merely repeated what others have said before you; but in the evidence we have received, the case of the Provincial Governments has been extraordinarily closely thrashed out, and you will be helping us very much if you merely signify your assent to the propositions which have already been put forward, so far as you can, without repeating the argument?—I have been following the evidence before this Committee with very great attention, and I have no desire to repeat anything that has been said. I only want to place before you the point of view which I consider is the point of view of India. Whether I am right in interpreting that or not is another matter, but I feel this is the point of view of India. With regard to the Provinces, I am only going to say this. I cannot possibly go into everything and say I assent to this or dissent to this. My answers are there, and we have pointed out certain modifications which we want. But I want to put the general case with regard to the Provinces, and the general case with regard to the Provinces is this. The Joint Report, in the first instance, lays down a certain cardinal principle on transferred and reserved subjects. I attack that. I say that again is based, if I may say so, on that which the Prime Minister wants to avoid, on timidity and prejudice. Now why do I say that? What do you find? Will you turn to the Joint Report? All the same arguments are advanced with regard to the Provinces which I have already mentioned with regard to the Central Government, and it lays down this at paragraph 238, page 194. It contemplates the Southborough Committee, and this is what they say: "Their guiding principle should be to include in the transferred list those Departments which afford most opportunity for local knowledge and social service, those in which Indians have shown themselves to be keenly interested, those in which mistakes may occur, though serious, would not be irremediable, and those which stand most in need of development. In pursuance of this principle we should not expect to find that departments primarily concerned with the maintenance of law and order were transferred." Therefore the Report takes it for granted that law and order cannot be trusted to the representatives at all; they are not fit for it. "Nor should we expect the transfer of matters which vitally affect the well-being of the masses, who may not be adequately represented in the new Councils, such, for example, as questions of land revenue or tenant rights." There is the same current of thought running underneath this, that the people are really not fit, and that the masses will not be taken care of. But, as I said before, we are not setting up a Washington Constitution. We are leaving immense powers, and we are all willing that immense powers should be left in the hands of the Central Government. We are talking

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of Provinces, and, to begin with, you lay down—you take it for granted—first, that no Provinces is fit for managinb law and order; and the second principle is that the interests of the masses must be looked after. Who is looking after the interests of the masses now? I do not want to take up, unnecessarily, the time of the Committee, but you will find in the Home Rule League Memorandum to which I have referred that we have dealt with this question of revenue; and I submit there is no answer to it, so far as Bombay is concerned, at any rate. You find it on page 107 of the Government of India Despatch of the 5th March. I do not want to repeat that. It is before the Committee, and I say there is no answer, as far as Bombay is concerned. And, what is more, you find the Bombay Government, who ought to know something — men like Mr. Curtiss, who has been in the service for a quarter of a century, ought to know something about it — the Bombay Government only wanted to reserve peace, order, law and justice, political, major ports and Imperial Services, but the hands of the Feetham Committee were tied down because the Report lays down that we would not expect those to be transferred. Reading the evidence of Mr. Feetham, of course, he has tried to explain that; but I feel certain that they were embarrassed because the Report lays down this. But I say, never mind what Mr. Feetham says, or anybody else; let us take the question on its merits, as it stands. Is there any reason when we see the steps that have been taken in Bombay with regard to the Land Revenue administration and policy, and the part which non-official members, with the little power they possess, hardly any power, have played? When the Government wanted to pass a measure in Bombay with regard to land revenue administration other members opposed it, and they were so strongly opposed to it that, as a protest, they left the Council Chamber, and Sir Claud Hill admitted —I think I am speaking correctly—that he has since inquired into it, and it has been a failure, and that the non-official members were right. Therefore I say there is absolutely no reason why you should transfer, as the Southborough Committe has done, only certain subjects. The whole protest has been this: The Local Government says one thing, the witnesses say one thing, the political organisations say another, and so on, and the Feetham Committee says: "All right, we will transfer so much." Surely that is not a process which will commend itself to this Committee. You have room to consider this. Are you really going to take a substantial step, or are you not going to take a substantial step? I say that really in the Provinces it is not a substantial step. Although the views of the Moslem League are that all the subjects should be transferred, and I personally feel that some of the Provinces are quite competent to manage if all the subjects were transferred, yet, as we have said in our answer, we are also met with this argument, that you have the announcement of His Majesty's Government, which says: "progressive realisation of responsible government." If you have got to keep within the four corners of that announcement, I am prepared to say this: Reserve police and justice and order, and transfer all the subjects, at any rate in all the major Provinces. I strongly object to all the Provinces being treated alike. That seems to be wrong on the face of it. You have got Provinces which are admittedly backward. They have never had even a Governor in Council. With slight exceptions or variations, with which I am aware, generally or mainly, I understand that they stand in the same position with regard to the transferred and reserved subjects. That is all I have to say with regard to the reserved and transferred subjects.

There is one more point, and that I want to emphasise. It has been urged on behalf of the Government of India that there should be a separate purse. I think all the fears of the Government of India, which were portrayed so beautifully by Sir James Meston, with which I do not agree, will, at any rate, substantially, if not altogether, disappear if you transfer all the subjects except police, law and order. Then you have only one reserved subject, and there will be less trouble. Although I do not agree with Sir James Meston at all—I am entirely opposed to the separate purse

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purse proposal—I say you get rid of even that unfounded fear. That is all that I have to say with regard to the transferred subjects.

There is one thing that I want to bring to your notice, and that is this. In the Montagu-Chelmsford Report it is admitted that a great deal of delay has been caused in handling the Indian problem, and hence the difficulties are greater, because they say that if earlier steps had been taken the difficulties would not have been so great. Now, the same argument will apply with more force and with more emphasis, in regard to the Indian problems of reform, to the future than to the present, for this reason. We want these reforms to be a success. Whatever may be the differences of opinion at present between the Civil Service and the popular bodies—there is a great deal of contest, a great deal of opposition, and a great deal of difference of opinion between the two—but our earnest desire is to make these reforms a success, and you cannot make these reforms a success by getting half a dozen men, or even more, however able they may be, to agree with you. They may agree with you for some reason or the other, and I think there is this feeling, and I want to put it frankly before the Committee, that if we did not support Mr. Montagu in his proposals there is a chance of this Bill being shelved. No doubt some people are weighed down by that fear, and therefore they say: "Well, beggars cannot be chosers; let us, at any rate, get what Mr. Montagu is offering, otherwise we will lose it." Well, it is a very sensible policy—I do not say it is not—from one point of view; but these reforms have got to be worked, and we want to make these reforms a success. In order to make these reforms a success, your Lordships' Committee must think of this, that you have a large body of educated men outside who are not before you except in a way through their representatives. And what is the picture in India to-day? Everybody, of course, agrees that Mr. Montagu is proposing reforms which are very valuable. I do not think there is any school of men which does not appreciate that, but what we feel is this, that it is not enough. We want the reforms to yield the best results, and who is going to work these reforms? It is the young men who have to take the burden, and if you cannot satisfy them—and I say their demands are not exorbitant—you will leave that feeling of dissatisfaction and of discontent, and the result will be that within a few years we shall get into more arrears than we have already. If I may say so, in a way it might be something like the Irish problem: the more you delay the worse it gets.

That is the short statement which I wish to place before you, and if there are any questions that anybody wants to ask me I will answer them.

3632. Does Mr. Hasan wish to supplement that by any short statement?—(Mr. *Hasan.*) Yes, my Lord. I have signed the answers given by the All-India Moslem League Deputation to the questions put by the Joint Select Committee, and I am in general agreement with the evidence given by the spokesman of the deputation, Mr. M. A. Jinnah. I wish to make, with your Lordships' permission, a few observatitons on some important points raised in the Government of India Bill. This I would do from the point of view of an Indian merchant. I am a merchant in Madras handling one of the principal articles of industry in the southern Presidency—*i.e.*, skins and hides. I am an executive member of the Southern India Chamber of Commerce, which has, by a resolution passed on the 7th May, 1919, appointed me its delegate. The resolution runs as follows:—"Resolved that the Honourable Mr. Yakub Hasan be requested to represent the Chamber during his stay in England before the British authorities and public and commercial bodies of Great Britain, and to support the views of this Chamber on all matters that may come up for consideration and discussion in that country in respect of Indian commercial and industrial interests in relation to Indian constitutional reforms."

The letter communicating to me this resolution is signed by Diwan Bahadur P. Theagaroya Chetti, President of the Chamber. He is the co-leader with the late Dr. Nair of the famous non-Brahmin movement of Madras. He is my colleague on the municipal corporation of Madras, which has recently elected him

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to the Madras Legislative Council to a seat vacated by a Brahmin. I mention this to show that the Southern India Chamber of Commerce is manned and officered by men of all shades of political opinion whose differences on other platforms have not stood in the way of their union and co-operation in the field of commerce and industry. Though I hold no office in the Chamber, I was appointed its spokeman to give evidence before the Southborough Committee.

I am also a member of the Madras Legislative Council elected by one of the two Moslem electorates of the Madras Presidency. Lord Pentland's Government, for reasons best known to themselves, refused to extend the term of the Council for one year, as has been done in other Provinces and for the Imperial Council. Fresh elections took place last month, and my constituency has returned me to the Council in my absence in the teeth of keen competition by a candidate who is the secretary of the rival association called Islamiah League, which came into existence at the time of the visit of the Secretary of State and the Viceroy in connection with the Reforms Scheme. Under bureaucratic influence division was created in Madras not only between non-Brahmins and Brahmins, but also among Musselmans and between Europeans and Indians. The Government of Madras, in the administration report for the year 1917-18, wrote exultantly that the Moslem League was breakng up fast, and a section of Moulvis and others have dissociated themselves from the political leaders of the community that were running the Moslem League, and so on. (I am only quoting from memory.) The re-election of myself is a proof, if proof was wanted, that the secretary of the Madras Presidency Moslem League, which is affiliated to the All-India Moslem League, has the confidence of the Musselmans of the City and the Presidency of Madras, and that the League continues to be the sole representative exponent of Moslem opinion, notwithstanding the representations of the bureaucracy to the contrary.

I may also mention that the other Moslem member of the Council is also a merchant. It is significant that, whereas mostly lawyers and journalists are returned by groups of municipalities that under the present system form the general electorates, merchants are returned in Madras by the Moslem electorates. This is due principally to the fact that payment of Income Tax being the principal qualification of the Moslem voters, merchants predominate in these electorates. I feel sure that when general electorates are constituted on the basis proposed by the Southborough Committee consisting of vast numbers of urban and rural population, all classes of people will have a fair chance of returning their own class-men to the Council. This chance would have become a certainty if my suggestion of plural constituencies and proportional representation system of voting was adopted by the Committee. In the Memorandum I submitted to the Franchise Committee on my own behalf, I said that there need be no class electorates even for merchants and landholders because plural general constituencies would allow the return of members representing all classes, and that popular representatives would look after class interests as well as the representatives of those classes themselves. But as separate and excessive representation of European merchants and planters on the Councils was being demanded, and was most likely to be granted, I urged that Indian Commerce should have adequate representation. The Franchise Committee has provided for the representation of Commerce, Trade and Industries in various Provinces as shown in the Table, which I hand in:—

	Europeans.					Indians.
	Commerce.	Trade.	Planting.	Mining	Total.	Commerce.
Madras	2	1	1	—	4	2
Bombay	3	1	—	—	4	4
Bengal	4	2	4	2*	12	3
United Provinces	3	—	—	—	3	—
Punjab	2	—	—	—	2	—
Bihar and Orissa...	—	—	1	2	3	—
Central Provinces	1	—	—	1	2	—
Assam	1	—	5	—	6	—

* Including one for Inland Water Transport Board.

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The following representation of Commerce is provided on the Indian Legislative Counc l :—

	Europeans.	Indians.
Madras	1	1
Bombay	1	2
Bengal	2	1
United Provinces	1	—
Assam	1	—
Total	6	4

Practically strong communal representation is secured for the European community in India by means of these and other European-elected and nominated seats. I do not grudge the Europeans these seats, in fact I advocated in my Memorandum that some representation should be given to the European community. There has been a good deal of racial controversy, which has created much bad blood among official and non-official Europeans on one side, and Indians on the other. Unfortunately it was Madras where the controversy began. The Anglo-Indian Press started it, and the editor of the "Madras Mail," who can be said to be the originator of the movement, has carried the poison to a wider circle by becoming the Secretary of the European Association. Indian and European merchants were till very recently on very good and friendly terms with one another. The control of skins and hides by the Government for war purposes produced, rightly or wrongly, the impression in the minds of the Indian merchants that officials were showing partiality to Europeans. When embargo was laid on the export of tanned skins and tanning of skins was prohibited, the Indian merchants who held large stocks of tanned skins moved the Government for permission to ship the goods. European merchants who had no stock petitioned Government to the contrary. A deputation of leather merchants, of which I was a member, waited upon the President of the Munitions Board at Delhi, and there was again a Conference held at Madras to consider the same subject. Europeans and Indians were divided into two hostile groups at this Conference. Europeans, however, soon realised that Indian merchants are no longer their dupes. They are wide awake now, and can organise themselves efficiently whenever occasion demanded it. I believe Indian merchants have risen in the estimation of the European merchants on account of the bold stand they made for their rights, and I am glad to say that cordial relations have again been restored between the two sections of the mercantile community. The European Chamber does not now ignore the Indian Chamber and the Skin and Hides Merchants' Association, but on the other hand these bodies are constantly meeting to confer on subjects in which both are equally interested. In the Legislative Council I have often joined my European commercial colleague, and he has often sided with me in resolutions of commercial interest. I have no misgivings therefore about the part the European community has to play in the reconstruction of Indian polity.

As long as Indian reforms were only problematical, and, according to Lord Pentland, far remote from practical politics, European merchants and European officials did their best to resist their introduction. But once the present bill is passed and full responsible government become the goal within measurable distance of realisation, European merchants and European officials will, I am sure, reconcile themselves to the inevitable, and would rather co-operate than obstruct in the working of the reforms.

European merchants have no reason to be afraid that their interests will in any way suffer by the transfer of government from bureaucracy to the popular ministers. Racial disabilities will never be imposed upon Europeans in India in the matter of trade and industry, as they are imposed in South Africa upon Indian Settlers. Europeans are enterprising, more capable and better organised than Indians, and they command more capital, banking facilities and trained services, which have placed them in a position of advantage as compared with Indians. Besides, they have had a long start, and Indians are only now seriously realising

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their own position. We do not want any restrictions to be placed in the way of European trade and commerce. All that we want is that the handicap that Indians are suffering under now be removed. Europeans surely have too much belief in their own capacity and shrewdness to be afraid of Indian competition on equal footing.

Before I leave the Franchise Committee, I wish to state that communities are formed in India or, for the matter of that, in any Asiatic country, on religious and not on racial basis. The Indian nation consists mainly of two peoples—the Hindoos and the Musselmans. I want each of these two component parts of the Indian nationhood to remain intact without being subdivided. The new constitution should help in demolishing the castes, and not making the demarcating lines permanently rigid. I therefore mentioned in my Memorandum that the only other community that can rightly claim separate representation on religious basis was Indian Christians, and I advocated that wherever they form a good proportion of the population they may be given separate electorates. I am therefore glad that three elective seats have been alloted to the Indian Christians in my Presidency of Madras, and that one Indian Christian will be nominated to a seat in other Provinces except the Central Provinces.

With regard to diarchy, I accept the principle of diarchy, but not for the reasons which underlie the Joint Report or the recommendations of the Government of India. I am fully convinced that Indians are quite fit to-day to have complete responsible government in the Provinces as well as in the Centre. I do not also recognise the need of prolonged training and tutelage. The Indian National Congress and the Moslem League asked for an authoritative declaration of policy in respect of India's future government, and the Cabinet was pleased to give a pledge in the form of a Parliamentary announcement that there shall be "gradual realization" of responsible government in India by "successive stages." Of all the schemes put forward to attain this object that of the Montagu-Chelmsford Report appeared to me to be the best, and I welcomed it at once. I have seen no reason since to change my opinion. I accept the principle of gradual transfer of responsibility simply because it gives the services in India an apportunity to readjust themselves gradually to the changing conditions and to the bureaucracy, gradually to relax its hold and retire with good grace and dignity.

As regards the division of functions in the Provinces, I would have a *via media* between the two extremes—the demand of the Congress League and the proposals of the Government of India. The former, according to the resolutions of their special Bombay sessions, would leave nothing to the Executive Government, beyond law, justice and police, while the latter would give as little to the Ministers as possible. I would have the Departments equally distributed amongst the two ministers and two members of the Executive Council. The list of transferred subjects in the Functions Committee's Report appears to be quite formidable on paper; but if the two sets are weighed in the balance in respect of revenue and expenditure, the division between the two halves of the Government assume a ratio, according to Sir James Meston, between one-fifth and one-third and four-fifths and two-thirds respectively. This division is very unfair.

There are some Departments that should be transferred from the very begining—for example, education and industry. Personally, I do not see why law, justice and police, of all Departments, should be reserved; but since much importance is attached to these in the Joint Report, and some Departments are to remain reserved in the literal fulfilment of the pledge of August 20th, these Departments may as well remain reserved.

I am glad that item 27 on the Provincial subject list, *i.e.*, development of industries, including industrial research and technical education, is to be transferred. I urge that item 25, *i.e*, industrial matters included under the following heads :—(a) Factories, (b) Settlement of labour disputes, (c) Electricity, (d) Boilers, (e) Gas, (f) Smoke nuisances, and (g) Welfare of labour, including provident funds, industrial insurance (gene-

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ral, health and accident), and housing, should also be transferred. Both are kindred subjects, and form one portfolio, and should not be divided.

Item 5: Public works, including (b) roads, bridges and ferries, (c) tramways and (d) light and feeder railways is transferred, and I do not see why item 29—Inland waterways, including shipping and navigation—should not be transferred at the same time.

I urge that provision should be made in the Bill for the transfer of some more subjects at the end of the first five years, as laid down in the Joint Report. The transfer should not be of only one or two subjects by way of concession to the public demand, but half the reserved subjects in charge of one of the two members of the Executive Council should be transferred at the second step whenever that step is resolved upon to take in the different provinces. It will mean that the Indian member of the Executive Council will cease to exist, and one more minister will be created to take over the portfolios of the departing member.

With regard to Central Government, by merely transferring a few subjects in the Provinces to the control of a minister or ministers, it cannot be claimed that "substantial steps" in the direction of "the progressive realization of responsible government in India, as an integral part of the British Empire," have been taken. It is more important to have a measure of responsibility introduced in the Government of India than even having fully responsible governments in the provinces. It is the Central Government that would give the tone and character to the Provincial Governments. It is no use dislodging bureaucracy partially in the Provinces if it continues to hold its own in the Central Government. If beginning of responsibility is to be made only in one or the other, and not simultaneously in both, I would rather have the reform introduced in the Central than in the Provincial Governments. The status of India among the members of the British Empire, of which it remains an integral part, will not improve until India as a whole has at least a partially responsible government. It is essential to maintain the new status that she has attained in the eyes of the world by her war efforts. It will hurt her self-respect if no beginning is made in this direction. "Such hybrid arrangements for which precedents are wanting" are tolerated—nay, they are even welcomed in the Provinces—for they are designed to lead automatically to fully responsible governments. But if the experiment is not to be tried in the Central Government, what guarantee can there be that the Central Government will not remain unreformed for an indefinite period, and that even the Provincial Government may not, on some pretext or other (for instance, on account of violent agitation for the reform of the Central Government), go back to the old system. Those who welcomed the Joint Report did so in the hope that they would be able to make the British Parliament realise the illogicality and inconsistency of the step if what has been decided upon in the cases of the Provinces is not equally conceded in the centre in strict adherence to the principles laid down in the announcement of August 20th, 1917. It was a great disappointment to them that the united voice of India was not taken into account in this respect in drafting this Bill. If even the evidence given before this Committee by the various deputations, unanimous as it is on this point, fail to move the Committee to amend the Bill in the suggested direction, it will cause very great disappointment in India, and the leaders of the community whose acquiescence in the Montagu-Chelmsford proposals as regards Provinces have already cost them their position in the community will lose their influence altogether. A reaction is bound to be created in their feelings, and they are sure to be as emphatic in their agitation for further reforms as any member of the most extreme school.

The mercantile community particularly desire an element of responsibility to be introduced in the Central Government, for the following reasons:—(1) The Industrial Commission has recommended that the Government of India should in future pay more attention to the industrial development of the country, that there should be an Imperial Department of Industries in charge of a member of the Viceroy's Executive Council, who should be assisted by a board to be called the Indian Industries Board, consisting of three members with separate charges. (2) In the list of the All-India subjects are included (18) commerce, including banking and insurance; (19) trading companies and other associations. (3) The Government of India will have the power to supervise the administration of transferred subjects in the provinces, including the subject of industries. (4) The ruthless destruction that Indian industries have suffered at the hands of the East India Company and the British Parliament and their agents in India does not entitle the Parliament to control this subject any longer. As a transferred subject in the Provinces, the Minister in charge of it will be responsible to the electorate. It is not reasonable that the member of the Viceroy's Executive Council in charge of the same subject should be responsible to Parliament. (5) Fiscal matters, for autonomy in which there is persistent and unanimous demand, should also be in charge of a Minister responsible to the peoples of India. There can be no autonomy if he is responsible to the Parliament through the Secretary of State.

As in future the Legislative Councils will have more merchants, industrialists and agriculturists than lawyers and journalists, Ministers could be recruited from all classes of people, and we hope to see commercial and industrial portfolios in the hands of merchants. I may mention that the Honourable Sir Ibrahim Rahmetullah, member of the Bombay Executive Council, is a merchant, and I believe he has already in his short term of office given a good account of what a merchant is capable of.

As to fiscal autonomy, I lay special stress on the grant of fiscal independence to India. Without it the industrial development of India is altogether impossible. It is also necessary, in the combined interest of the British Empire, that each component part of it should have the power to develop its resources to the best advantage without outside interference. England cannot supply India certain manufactured goods at certain prices, and if German goods are shut out by artificial or accidental means—by war, for example—their place is taken, not by British goods, but by Japanese goods. Everything that Japan manufactures, mostly from the raw materials supplied by India, India can manufacture if the Government of India is not restrained from affording encouragement for fear of British voters. At present India is also placed at a great disadvantage in its commercial dealings with the British Dominions. For example, England buys tanned skins and hides from India, but Australia has shut them out by a tariff of 15 per cent. On the other hand, Australia imports raw skins freely from India, for her own product is not sufficient for her requirements.

I may also mention that in the agitation against the imposition and for the removal of excise duty on cotton as a protective measure for Lancashire industry, the most emphatic protest was from several Englishmen in India interested in the cotton industry of India.

With regard to the home administration of Indian affairs, we strongly urge the abolition of the India Council. We endorse the recommendation that there should be a High Commissioner in London, through whom the Government of India should arrange to purchase such stores as they think necessary to purchase in the United Kingdom.

In conclusion, I may be allowed to observe that the smooth working and success of the reforms will not be possible unless and until the confidence of the vast Musselman populations in British fairplay and justice is restored. This can only be done by carrying out in full the Prime Minister's pledge in respect of the integrity of Turkey, as given by him in January, 1918.

Mr. *Montagu.*

3633. How long have you been in public life, Mr. Jinnah?—(Mr. *Jinnah.*) Since I was twenty-one.

3634. Have you ever known any proposal come from any Government which met with your approval?—Oh, yes.

3635. Can

Mr. *Montagu*—continued.

3635. Can you mention it to me?—The other day I supported the Government's Taxation Bill about the income-tax under the Imperial Council.

3636. You must have felt very uncomfortable?—No; I have supported the Government on various occasions.

3637. This Bill which is now before us, you realise, purported to be nothing more—with very trifling amendments—than a Bill to carry out the parts of the Montagu-Chelmsford Report that had to be translated into a piece of legislation. You realise that?—I do—much to my regret.

3638. I am not asking your opinion. I mean you realise that that is so?—Yes.

3639. And you realise that the reason that that procedure was adopted was that this Committee should decide how much further to go, or how much less to do, after it had heard evidence that was put before it?—I do not agree with you there. I think it was the business His Majesty's Government——

3640. That is not the point, if you will forgive my saying so. You may feel an objection to the procedure of His Majesty's Government?—No, I do not; not to the procedure.

3641. I say you may?—I do not.

3642. If you will allow me to finish, I say that you may feel an objection. I am merely asking you whether you were aware of the policy which was adopted by His Majesty's Government?—I am quite aware of that.

3643. Now you base your description of this Bill as inspired by timidity and prejudice mainly on the powers given to the Government of India and the Provincial Governments?—Yes.

3644. Those two things?—Yes.

3645. First of all, we will begin with the Provincial Governments. Were the proposals of the Congress and the Moslem League inspired by timidity and prejudice?—No; they were inspired by the conditions that existed in India, with the best materials that were before us.

3646. They were bold, far-reaching, Statesmanlike proposals?—I do not know about "bold."

3647. Well, they were not timid?—That is what we thought was the right thing to do.

3648. Yes, but you would contrast them with these proposals, which are timid, would you not?—I do not follow. The Congress and the Moslem League produced the scheme after investigating the conditions in India.

3649. You describe this scheme, in so far as it relates to the Provinces, as being prejudiced and timid?—Yes, I do.

3650. And your opinion is very valuable for that reason. Now, I want to compare that with something else. Supposing I compare it with the Congress and the Moslem League scheme, am I taking a good criterion or would you say they were timid?—No; you are comparing chalk with cheese.

3651. When the Viceroy and I toured India, am I right in thinking that you appeared before us in a deputation advocating the Congress and the Moslem League proposals?—I did.

3652. That was your opinion at that time?—Yes, with certain qualifications.

3653. You had in mind certain qualifications of the Congress and the Moslem League scheme?—Yes.

3654. At that time you had qualifications?—Yes, at that time my opinion was this, that so far as we could we would devise a scheme—the scheme was put forward because we were told we never put forward any kind of scheme, we, the politicians in India. We therefore tried our best to produce a scheme, and we produced a scheme, but I have always accepted that scheme with this qualification, that if anything better is placed before me I am willing to accept it. In the Indian National Congress in 1917, when I seconded the resolution, I made it clear, and I said that we should then have a special session of the Congress and consider the Government proposals.

3655. You would not for one moment suggest that this scheme is a better scheme than the Congress and the Moslem League scheme?—Not as it stands.

3656. It is worse in your opinion?—It is better in some things and worse in others. It is impossible to compare the two things.

Mr. *Montagu*—continued.

3657. But you have stigmatised this, and repeated your stigma, as timid and prejudiced?—Yes, because of your reasons.

3658. And therefore it must be worse?—No, because of your reasons. You know your reasons, why you want to go so far and no further.

3659. We will come to the reasons later on. Am I right in my recollection that the scheme that you advocated until you could get something better, the scheme of the Congress and the Moslem League, gave you an executive in the Province of Bombay of two officials and two non-officials?—Yes.

3660. And that this scheme as embodied in the Bill, will in all probability give you an executive consisting of three non-officials and one official?—Yes.

3661. Is not that so?—Yes.

3662. Would you describe that as timid or prejudiced?—I have answered your question. I say, in some respects, it is better, in some respects it is worse. If you take the whole, it is impossible to compare the Congress League scheme with your scheme—impossible. They are two different things. In some respects, if you ask me, it is better; in some respects it is worse.

3663. I will not delay on that. You will remember I am part author of this scheme?—Yes.

3664. And you will remember that it is not very pleasant to hear that one has been timid and prejudiced?—I am very sorry.

3665. I do not mind your saying it, in the least?—That is my view.

3666. What I should like to put to you is that it has been your role in politics always to accentuate and increase your demand, as what is given you is increased in itself?—Mr. Montagu, that is absolutely incorrect, because I told you that my position is this, that I have openly disagreed with the Congress, I have openly disagreed with the Moslem League, and there are some views which the Home Rule League holds with regard to these reforms which I do not. Therefore it is absolutely incorrect for you to say that, and you know it, or, at least, you ought to know it. In the Congress my attitude has been very different; in the Moslem League my attitude has been very different; therefore it is not correct to say that.

3667. I accept at once your disclaimer, of course. I put it as a question to you. I wanted to know—that was all. Now I come to the next point. You stated that the evidence of prejudice and distrust was to be found, so far as the Provinces were concerned, in the remarks about what should be transferred subjects. I want to ask you this: The land revenue is very difficult to separate—you know much more about this than I do—from irrigation. You would assume that if land revenue was transferred you would transfer with it irrigation, tenant rights, and most of the questions connected with land?—Probably, yes.

3668. Now, are you satisfied that the franchise designed by the Southborough Report is really representative of the rural population?—My answer to that is this, that I think the franchise designed by the Southborough Committee will bring in, at any rate, the best elements of every section. It will not reach everybody, but certainly, I think, it will bring in the best elements in every section.

3669. You agree, do you not, that the theory of representative government is that an effort should be made to insure that Ministers really represent the people?—Certainly.

3670. And it might well be that the suggestion that land revenue should be reserved emanates from a belief that at the present stage those interested in land revenue, irrigation, and tenant rights would not be properly represented?—I know it emanates from that, but I say there is no warrant for it.

3671. It might not emanate from a belief in the incompetence or distrust of those who would administer land revenue; it might emanate from a belief that the electorate did not exist?—I do not think you were here when I said that your strongest point is that you have not got an efficient electorate at present. That is one of the points.

3672. Would you mind now turning to the Government of India? You gave the Committee some figures as to the composition of a Joint Session?—Yes.

Mr. *Montagu*—continued.

3673. Would you repeat them?—Yes. I take it in this way: I believe you have got 121 in the Assembly and 57 in the Council of State. That includes the Governor-General, but I exclude him now, and if you exclude him that leaves 176. Out of the 176, the officials and nominated members and 1 Burman, I believe come to 73. So that the Government have got 73 certain votes in the Joint Session. On the other hand, I put the elected, and the total elected members are 103. Of course, in that 103 I include the landholders, the European representatives, and the representatives of commerce, but putting them altogether, 103, the Government have only got to convince 30 men to defeat any measure which the representatives wish to run through.

3674. It is laid down in the Report, I think, and so far as my memory serves me, there is nothing to contradict it in the Southborough Report, that the officials in the Legislative Assembly and the Council of State may be the same men?—I do not know; they may be or they may not be.

3675. I say it is suggested in the Report, is it not?—But I do not know what you are going to do.

3676. You do not allow for that?—I think that you will have separate men.

3677. You made your assumption on that?—Yes.

3678. Would it alter your impression of a Joint Session if they were not separate men?—No, because I am giving such a tremendous margin. If you turn to the Southborough Report and see the number of officials, there is a tremendous margin, because in the elected I include the landholders, the European representatives, the commerce representatives, and I say this from past experience—I do not mean any disrespect to them in any way; it is very natural—they represent certain interests, and therefore they do not bother very much about what interests us most, and generally you will find as a matter of practice that the European members, and even the landholders, vote with the Government. I say if you deduct them from it then it leaves almost an equal number—the elected number is equal.

3679. Assuming for a moment that there was no power in the Bill to pass legislation through the Council of State alone, assuming that the paragraphs about certified legislation disappeared from the Bill, would you be in favour in India of an ordinary second revising Chamber, or would you prefer that there should be no such a thing?—I am in favour of a Second Chamber.

3680. Supposing it had no function to perform except revising, and supposing a difference of opinion were to be cured by a Joint Session, have you ever considered whether you could then support a Second Chamber which was nominated for a term of years?—Oh, no; not as a Revising Chamber.

3681. You could not allow it to be nominated?—No; it would not be a Revising Chamber then.

3682. Why not? I do not follow. Many Second Chambers are nominated in the world?—By whom? That is the whole point.

3683. I am not putting forward any suggestion to you; I am only asking your opinion of suggestions which have been made to me. Supposing they were partly nominated by the Executive Council and partly by the Ministers in the Provinces?—I am very much afraid of nomination.

3684. You are very much opposed to them?—Yes.

3685. You recognise the difficulty which has been expressed by witnesses, in the Press and here, about the form of election to the Council of State or the Second Chamber?—Yes; I do. The view I take is this. As the Bill is now before the Committee, the Council of State seems to me to have only one function, that is to record the decrees of the Executive. There is no other function that I can see in the Bill. That is useless, perfectly useless. Why have all this machinery if that is the only object? Then you will ask me why I support it. I support it in view of the criticism that I offer that if you modify this Bill, as I am suggesting, then this Chamber has certain functions, and what I am looking forward to in the future is that it might become a real Revising Chamber. At present it will not be a real Revising Chamber; but if you alter your Bill in the light of my suggestions its functions will increase—its usefulness will increase.

Mr. *Montagu*—continued.

Then comes the question, How are you going to get your representatives there? For the present—we are only thinking of the transition stage—for the present I am quite content to accept the Southborough recommendation, namely, that the Councils of the various Provinces should send their representatives to the Council of State, and the object would be really—the whole object is this, the utility of the Second Chamber can only come in as a criticising Chamber, and in case of Joint Sessions you have again the usefulness of the Second Chamber in having representatives there.

3686. I am sorry I was late and did not hear the whole of your evidence, but when I came into the room you were explaining that the Legislative Assembly as constituted in the Bill would have no real powers at all—it would be a critical assembly with no responsibility?—That is what it is, practically.

3687. If it were made clear that there were certain subjects which would be left to the Legislative Assembly, that would go far to remove your objection?—That is exactly what I suggested.

3688. Forgive me if am wrong; I am trying to put it as I think you put it—your suggestion in your answer to the questions anyhow——?—No. I have not made it clear there, because we were confined to your questions, and I did not like to trespass.

3689. Am I right in thinking that what you would like in the Government of India is transferred and reserved subjects and a diarchy comparable to a diarchy in the Provinces?—Yes.

3690. Now, I want to know, so that I shall be in a position to know when we discuss possible amendments, how far you insist from your point of view upon that diarchy. I am taking you step by step. You say first that the Legislative Assembly must have certain functions in which its will will prevail; and you would like those subjects entrusted to Indian members of the Government?—Yes.

3691. Do you wish that those Indian members should be Ministers at the outset?—Yes.

3692. Or do you wish that they should be members of the Executive Council?—No; Ministers just like the Provinces. I attach very great importance to the beginning being made in the Central Government. I attach the greatest possible importance to it. I say that if you really want us to work it should be done.

3693. They should be Ministers?—Yes.

3694. Therefore, you have no fear yourself whatever that diarchy is unworkable?—Well, yes, I am convinced that diarchy is the only possible way out of this difficulty that we have to face.

3695. There are Indian witnesses, who have been before this Committee, whom you have probably heard, who are doubtful about diarchy?—I am not doubtful. I think myself it is bound to succeed. I do not see any other way, and that is the very reason why I find the difficulty in the Congress League scheme.

3696. In your capacity, as representing the Moslem League, have you ever heard anything which would suggest to you serious dissatisfaction with the Lucknow Compact?—No.

3697. None?—None whatever. Well, in Bengal there is a little breeze; that is all.

Lord *Brodrick* (Viscount *Midleton*).

3698. A witness yesterday described this scheme as a colossal measure of far-reaching consequences. Do you accept that definition?—I should like to know who that witness is before I can accept it. It seems to me an imaginative opinion.

3699. You do not regard it as a large measure?—No.

3700. You do not regard the setting up of elected Assemblies for the first time with large powers as being a great constitutional change?—It is undoubtedly a great constitutional change, but India is quite fit for it, and a great deal more than the Bill gives. Every change depends upon the conditions and capacity of the country. What may be a very revolutionary change in one country is quite the right thing in another country. Supposing you were giving this Bill to Central Africa, I think it would be revolutionary and colossal; but not for India.

3701. I am not talking about Central Africa, but the difference between the present conditions of India

Lord *Brodrick* (Viscount *Midleton*)—continued.

as regards representation and that which is proposed to be given. You do not admit that it is a large change?—No, I say we have been absolutely gagged all these years, otherwise we would have made a great deal more progress.

3702. You gave the Committee a number of comparisons as regards the electorate in Great Britain and India at different times. You laid special stress on the fact that in India in 1881 there were 9.17 per cent. electors. Do you think the conditions of England in 1881, considering all the questions of education and communication and the size of the two countries, are really comparable with those of India to-day?—May I point out that you are not giving responsible government to India.

3703. As I understood you, you were contending that the electorate which it was proposed to give was insufficient, and you were comparing the electorate of England in 1881 with that which it is proposed to give of India to-day?—I do not say the electorate is not sufficient.

3704. I understood you were comparing the two electorates—the electorate of England of 1881 (you gave the figures) with the electorate of India which is proposed to-day under the Southborough Committee?—No; my point was this: That is India—even according to the Joint Report—you can get 5 per cent. of the population in the electorate. That is what the Joint Report says. But if you look at the census of 1911, you have a literate population of 8.6 per cent. We have not got a census since, but I take it it has considerably increased; therefore you have something like 10 or 12 per cent. of educated literate people. In England you had constitutional government, representative government, in 1833, when your electorate was 4.6 per cent., and there was complete constitutional responsible government in the United Kingdom when your electorate was 4.6 per cent., whereas my electorate to-day, even according to the Report, will get in 5 per cent. But I say if you put a literary base, and reduce the Southborough qualifications for a voter, you get much more.

3705. You would admit that the want of education of the Indian electorate, as compared with the other, has some bearing?—I am taking the education test. I am not taking any other test.

3706. You have treated the nominated members throughout your evidence as being almost a negligible quantity, because their votes are known beforehand, have you not?—I do not know about a negligible quantity.

3707. Of course, their votes will count; but, as a matter of opinion, you think they are sure to be cast on one side, and therefore are not what you consider representative votes. Is that so?—Yes; that is so—from past experience in the Council. It is very natural, because a man is nominated by the Government, and therefore, to put it roughly, his constituency is the Government; he is created by the Government; he looks to the Government, and he votes for the Government. It is very natural.

3708. You are aware of a system here that there is a large number of members of the Government in both Houses of Parliament, whose votes are always cast for the Government?—Yes; because they have got a mandate from their constituency to support the programme of the Government; but that is very different.

3709. Do you know at this moment there are nearly 100 members of the House of Commons who are attached to the Government in one form or another?—Because they are pledged to the policy of the Government. That is a very different thing from voting according to the order of a Government, which is your constituency.

3710. Are you quite sure that in every case every member on the Government side agrees with the policy of the Government?—I do not know. But that is a very different thing. You cannot compare the two.

3711. It seems to me the same thing. You expressed great fear that measures would be modified, mutilated and ruined by the Council of State. What class of measures were you thinking of?—Well, what class of measures does the Bill think of? I do not know. The Bill provides for that. The Montagu-Chelmsford Report says that. Why you are giving this power to the Governor-General, I do not know.

Lord *Brodrick* (Viscount *Midleton*)—continued.

3712. I know the powers. What I want to know is what are you thinking of?—How can I tell as to what view the Governor-General will take of a particular Bill which they may propose to mutilate? I cannot say. There may be some Bills which they may not agree with. In that case they may say: "Very well, now we do not want this."

3713. What I was asking you was what is there in your mind which you think probably may be put up to the Council of State, and the Council of State will say: "We will have nothing of this class of measure." What sort of measure?—Do you mean what sort of measure I have in my mind?

3714. It is purely hypothetical?—No; it is not hypothetical. Every power is given for a particular purpose. I say, if I may with great respect, the burden lies on those who propose this power to explain why they are giving this power.

3715. Your mind is working entirely on the power. The question I want to get at is, in the practical working of this business, what it is you are afraid of? Are you afraid of a particular class of measures for the benefit of labour, or for some other class, being stopped by the Council of State? What is it you have in your mind?—That will depend upon the Government of the time, what view they may take of any measure I do not know. I cannot probe their minds. I cannot tell you what view the Government will take.

3716. You showed very great suspicion of the power which is reserved to the Secretary of State?—I did not.

3717. Have you any precedent in your mind in which the Secretary of State has intervened in the manner of which you are afraid he may, against the wishes of the Council of the Indian Government?—I did not say anything about the powers of the Secretary of State. I do not look upon him with suspicion at all. I did not say anything about that. All I said was that the Secretary of State for India will not be in a position, sitting here in Whitehall, to be a court of appeal over the Government of India, when the Government of India have decided to certify a measure. I say he will not be in a position to intervene. In many cases it is not possible; he is too far away; he has to get all the information; he has to go into everything, and in many cases he will be helpless because the Government of India will say: "We consider, in the interests of peace, tranquillity, and safety of British India, that this measure should be certified"; and it will be a very difficult thing for the Secretary of State for India to say "No" to the Government of India who are on the spot. I say, in most cases he will be helpless. It may be, in some cases he will put his foot down, and may be able to say "No." That is my point.

Sir *Henry Craik.*

3718. You said that you were in favour of a diarchy or dual system of government?—Yes; I am. I am driven into it.

3719. You mean there should be a division of functions, in which Ministers should administer a certain number of transferred subjects, and the Executive administer reserved subjects?—Yes.

3720. You see no difficulty whatever in that?—I cannot say I see no difficulty; but I say there is no other scheme.

3721. You said you thought all subjects should be transferred?—That is the view we take.

3722. Where would the diarchic system come in then?—It does not come in in the Provinces at all.

3723. Then, surely, your opinion is not very valuable in favour of a diarchy, when you, at the same time, say that you do not want any diarchy to exist?—No; still you have got the Central Government. If you get all the subjects transferred in the Provincial Government you have still the Central Government left.

3724. You are entirely in favour of a diarchy, but, at the same time, that diarchy is to administer all the subjects transferred?—No.

3725. You said, I think, that you thought that India was now completely ripe for responsible government, and you compared the United States of America——?—No, I did not.

3726. You compared the conditons?—Yes; but I did not say that India is ripe for complete responsible government. I say the Provinces.

3727. But

Sir *Henry Craik*—continued.

3727. But I think in your opening words you said: "We are now ready for full government"?—No; I never said that. I said the Provinces.

3728. We shall see what the shorthand note says as to that. I certainly understood that you said it?—If you understood it it is incorrect, and if I said it like that—I do not think I have—but if I have then I made a mistake.

3729. In another part you said you were very much opposed to treating the different parts of India in the same way—that there ought to be divergence between the way they were dealt with?—The various Provinces.

3730. With regard to those Provinces which you do not put on a level with your own, you would, I presume, think that responsible government should be denied to them?—No.

3731. You admit they are not on the level of getting responsible government, and you admit that there are some that are backward?—No; what I said was this, that the Functions Committee Report lays down practically, with small exceptions, the same rule of transferred subjects for all Provinces. I am right there; that is the Southborough Committee's Report, and I say that is not a fair way of dealing with different Provinces, because there are some Provinces which are advanced Provinces.

3732. Is not the whole question of transferred subjects one in which it is contemplated that the number of transferred subjects may be gradually increased as is found expedient?—Yes.

3733. Is not that the whole plan upon which the Joint Report rests?—Yes: that is so—that they should be gradually increased; but I say that is no reason why you should fix the same standard for every Province; but it is fixed.

3734. You admit there are parts of India which are not in this forward state of being quite ripe for responsible government?—I say every Province, in my opinion, is ripe for transferred subjects—every Province.

3735. But you want the transferred subjects to vary?—To vary according to the conditions of each Province.

Marquess of *Crewe*.

3736. You were asked some questions about the electorate in this country and in other countries in the world, from your own statement, and I see that you say, in the Report of the Bombay branch of the Home Rule League, that the reasons against the grant of full responsible government to the Provinces are (1) the smallness of the electorate, and (2) that the politically minded classes cannot be entrusted with the government of the remaining portion of the people. I think that the Memorandum goes on to say that in no country has the introduction of the extension of responsiblity been delayed or qualified by similar considerations. I imagine you, in turn, would qualify that, owing to what you said just now about Central Africa?—I gave the instance of Central Africa to show that it is a savage country. Surely you do not put that on the basis of any civilised country. We are talking of civilised countries.

3737. Do you know anything about Nigeria?—No.

3738. You do not know that in northern Nigeria there is a very ancient Moslem civilisation?—No; I do not know that part of the world.

3739. You do not happen to have read that, and you do not know that in southern Nigeria, at Lagos, there are negro gentlemen, barristers and others, who would consider themselves in education and attainments quite on a level with either Indians or British men of the same education; and it is conceivable, is it not, that men of that stamp either in the north or the south might have the same view that you take of the representative quality of the educated classes in India?—It is quite possible for them to take that view. But my view is not merely based on the fact that there are a few barristers in India, nor is the view of this Memorandum based upon that. This Memorandum takes the argument in this way: You have had at least complete responsible government in various countries where you had a much smaller electorate than the electorate you can now get in India according to your own test, according to your own standard, which is recognised by the civilised world. But still we are not asking for complete responsible government. We say that at least, so far as the Provinces are concerned, make a substantial move, and so far as the Central Government is concerned make a beginning. Is not that a fair and logical argument?

Marquess of *Crewe*—continued.

3740. You asked for complete responsible government in the Provinces—that is to say, that taking Bombay as an advanced Province and as a good instance, that Bombay should be purely self-governing, except in matters of law and order?—It would not be purely self-governing, strictly speaking. It would be subject to the supervision of the Government of India in many matters. It is really getting more or less freedom in its internal affairs, that is all. It is getting, first, decentralisation, and then getting freedom to manage its own internal affairs; but it is subject to the supervision of the Government of India.

3741. Would you agree to the list of the central subjects which is suggested in the various Reports we have had? You will find some mentioned in the Montagu-Chelmsford Report?—I have no objection to the list specified in the Southborough Committee Report, namely, the Provincial subjects and the Central Government subjects. I have no objection to them.

3742. I was anxious to know exactly what your point of view is?—Except, perhaps, about the University; but I am not very keen about it. If the Government of India wish to keep some Universities, like the Benares University, and there was a further question about the Calcutta University, it is a matter upon which I do not want to trouble this Committee.

3743. And those Universities cannot be said to be in the strict sense Provincial?—Calcutta University is Provincial; Benares is not.

3744. No; Benares obviously is not?—That is so.

3745. It is not confined to the United Provinces. Now, I want to ask you a question about the British members of the Civil Service: Do you contemplate that they will continue to serve in large numbers in the Provinces?—My opinion of the Civil Service in one sense is very high, because they are practical men of common-sense, and they will soon settle down. No man likes to part with his power, and at present they do not like it. But I think once the matter is settled we shall all settle down and they will settle down. And India is not a bad place; it gives very good pay.

3746. The position of the existing Civil Servant is carefully safeguarded, and that no doubt you would agree is the right thing to do?—I have always said this; I have never disguised this fact, that I do not wish that the interests of the Civil Servants, those who are in the present Service, should be prejudiced in any way, because I look upon their interest as vested, and I do not propose any legislation which is going to interfere with their vested interest. But with regard to the future, I do not agree with the Bill. I think Sections 24, 25, and 26 deal with public services which give absolute power to the Secretary of State for India to do what he likes, and I do not agree with that, with regard to the future. I do not want the past in any way to be prejudiced. I will respect vested interests.

3747. Do you contemplate that, as a matter of fact, many young Englishmen would join the Civil Service as you conceive it?—It is very attractive in every way. At present the feeling is a feeling which I can quite understand. If you have been ruling the country for 150 years, and somebody comes and says, "Now, look here, I want a share in this," naturally there is a feeling of a little resentment, and some people feel, "It is no good our serving in India," but I say it will all settle down, because, after all, you come to practical considerations, and with a little thought I think the Services will attract just the same.

3748. As you approach the Dominion status, you must remember in the other Dominions the Civil Service is practically confined to the natives of those Dominions?—If your Lordship means this, whether we shall have more and more Indians in the Service, I daresay we shall. That is very likely, and of course that is the very object. The object is not that we should be burdened with foreign skill, so to say, permanently in India.

3749. You

Marquess of *Crewe*—continued.

3749. You are looking forward to the time when the Civil Service will be entirely manned by Indians?—Very likely. I do not know. But I do not think that we shall ever say that other members of the Empire are not to participate in the Civil Service. They are welcome. What happens now in commercial enterprise? We employ very largely foreign skill, men from different parts of the Empire, and that will continue perhaps for a long time.

3750. You know that it has been said by possibly ill-natured critics that the connection which a certain school of Indian thought would desire to keep with the Empire is simply for the purpose of being defended?—I tell the Committee frankly, this is my firm conviction, and I believe in it, and I have always worked on these principles. I say that so long as India is part of the British Empire—and I maintain that it should continue, it is in the interests of both of us that it should continue—and I say so long as India is part of the British Empire it is open to any Britisher to come there and stand on an equal footing with us. That is my view of it. But India must be governed primarily for the benefit of the people, and not for any particular class—not even an Indian class.

3751. You want to see an Indian democratic Government within the Empire?—Yes; it should be governed for the benefit of the people.

3752. You said, in reply to a question, that you were afraid that if the younger and keener Indians do not now get all they want in the way of reforms, they will not take a proper part in attempting to carry out such reforms as Parliament does give?—May I explain that? I have not only talked with many other people, but, if I may give you a little bit of my own personal experience in the matter, I entered the Imperial Council in 1909, after the Minto-Morley reforms. I went solely with the idea that, here we have got these reforms given to us; let us put our heads together and make the best use of them, and make the best possible use of the opportunities, however small they are, placed in our way. I went there in 1909, and I was there for three years. After three years—much to my inconvenience, and prejudice, and so on—I felt that I was useless there. It may be said we should have been influencing the Government of India. That is a very fine phrase; but the Government of India is not easily influenced. It is a very difficult thing to influence them. I did not stand for the second election because I thought I might utilise my time in a way more useful to me. After three years again I go and I find that really we continued this feeling absolutely of despair, and we are disheartened. We say what is the good of standing there in the Council. We make suggestion after suggestion, move resoluton after resolution; there is an official block thrown out and nothing is done—well, I would not be quite unfair; I do not want to be unfair to the Government of India—I do admit this that in some cases, although they rejected our resolutions they have given effect to them in some small way or other. They have tried to make some improvement. But it is a very dispiriting, disheartening, slow process, and I say unless you give some life to men who want to work for their country and some responsibility, it is disheartening. That is what I mean.

3753. It is true, is it not, that people who remain for a very long time in all Assemblies everywhere are apt to be inspired with the same feeling of something approaching despair?—Yes; but here there is not even the hope of defeating the other party.

3754. You are speaking now of the desire which you have to make the Viceroy's Legislative Council partially responsible?—Yes, more real.

3755. What you have just said would not apply in the same degree, or the same sense, to the Provinces?—No. I recognise that in the Provinces there is a field provided.

3756. There would be a good opening for young, keen men to take a part in public affairs?—Yes. My only objection is this in the Provinces, that I say you are unnecessarily delaying it. It is undesirable to my mind to be so timid as this Bill purports to be.

3757. You would like to see a great many more subjects transferred. One question about the India Office, where you remember I had the pleasure of seeing you some years ago, with others. You and your friends took the vew that the Secretary of State's Council ought to be abolished altogether?—Yes.

3758. Supposing it were not abolished, would you rather, of the two, leave it as it is, with somewhat limited powers, rather on the lines of Sir James Brunyate's recommendation, or would you prefer to see it turned into a purely advisory body, rather on the lines of the majority recommendation of the Committee which is called after my name?—The view I take is this: First of all, I want the Council to be abolished, and shortly I can give you my reasons. The net result of this Council is this: The Secretary of State for India really is the master of this Council, practically, except for financial purposes; that is, the vote of the majority counts only in that respect, and nothing else. Practically, the Secretary of State for India is the master, so far as this Council is concerned. Now, what is the position? He takes shelter whenever he likes behind the Council, when he has got to face Parliament. Parliament naturally takes it for granted that here is the Secretary of State for India, undoubtedly assisted by his Council—men of ripe experience, men who have been on the spot, and so on—and naturally cannot very well interfere with the Secretary of State for India. He, therefore, really becomes the master of Parliament, taking shelter behind his Council practically. He also is the master of the Government of India, because he can order them about as he likes. Really, his position is that no one can challenge him; if he is an able man he can really do what he likes. If that is so, what is the good of having this Council? On the other hand, there is this danger, that if the Secretary of State for India listens to the advice of his Council, and he must—after all, he is a human being, and if you have fourteen men round you every now and then, and discussing things, a few things must stick—and if he listens to the advice of his Council what happens? He gets nothing more than the old bureaucratic ideas of men who have been nourished and nurtured in the administration of India. You do not get a fresh mind at all. Therefore, *nolens volens*, either he has got to fall into that pit, namely, to be guided by his Council, which to my mind is very prejudicial, and I can give you one instance of the delays that are caused unnecessarily. I happened to introduce a little Bill in the Imperial Council—the Wakf Validity Bill. Lord Hardinge and myself waited for two years to get a reply from the Secretary of State for India. My term of office was over, and Lord Hardinge then told me: "I did not get any reply from the Secretary of State for India; we cannot make any progress with that Bill. If I get a reply from the Secretary of State will you agree to be nominated to pilot this Bill?" I said I would. It was in the third year we got a reply from the Secretary of State for India.

3759. That might be accounted for by the fact that the Council does not always agree. You have spoken as if they always submitted *one* solid bureaucratic statement to the Secretary of State?—I did not mean that. I say mostly you get that.

3760. You may take it from me they sometimes differ among themselves?—I dare say.

3761. Also, you have forgotten the Indian gentlemen of whose advice the Secretary of State has the advantage?—Well, there again I do not want to say anything, but it seems to me that nomination is not always a happy procedure. I wish the Council to be abolished, but if your Lordship is going to put it to me like this: Supposing it cannot be abolished? then I say the next best course, to my mind, is this: I would rather have an advisory Committee, but I do not want this Council to continue for a day longer than is necessary.

3762. On the Advisory Committee you would like to see a larger proportion of gentlemen from India than are normally appointed at present?—Yes; I would like to see half and half by a panel.

3763. Appointed by a panel in the way suggested?—Yes.

Sir *J. D. Rees.*

3764. In the course of your evidence you have several times mentioned a problem of unimaginable magnitude—the uplifting of the masses. Did I rightly understand that you think British administration has done

Sir *J. D. Rees*—continued.

done nothing, or too little, in that respect?—If you ask me, the British administration has done very little.

3765. You feel that you and your friends in power could do more?—I am certain of it.

3766. This Bill will give you more power to do more?—Certainly, it gives us more power in the Provinces.

3767. You speak of wishing to make it a success. If it were a hopeless project, you would not want to do that?—No.

3768. In point of fact to-day, in answering a member of the Committee, you referred to an electorate of 5 per cent. as already in sight—a practical proposition in India?—More—I say 10 to 12 per cent.

3769. This scheme provides you with powder and shot for your own offensive?—I do not want to be on the offensive. I am a very mild man; I want to work.

3770. You have several times referred to, and objected to, the safeguards provided in this scheme, which, of course, are a great feature in it, and you said the Government of India, not easily influenced, as to which I express no opinion, can rush through any measure it pleases. I should like to ask you whether it has been characteristic of the Government of India while you were an additional member, have they been in any hurry to rush through measures of which their Indian members on the Council disapproved?—The last was the Rowlatt Act.

3771. I was coming to that; it had occurred to me?—But I can tell the Committee this, apart from the Rowlatt Act, which is a very exceptional case, that times out of number—and I think Lord Sinha will bear me out—Bills were placed in the Legislative Council in the morning when we arrived in the Council. Till then we know nothing about the Bill at all.

Chairman.

3772. So they are here?—There is no comparison between the Government here and the Government in India.

Chairman.] That makes no difference to the members who have to consider them.

Sir *J. D. Rees.*

3773. I am not referring to small matters which can be presented in the morning and passed in the afternoon; I am referring to large and important matters, and I ask you, except what you consider to be a conspicuous exception, the Rowlatt Act (which I think, from another point of view, *was* a conspicuous exception), has it been the custom of the Government of India to rush through legislation to which the Indian members were clearly opposed? Do you say that?—I do not know how you mean rushed through.

3774. It is a very clear question?—Pardon me, it is not. What do you mean by rushed through?

3775. Put through?—Yes, times out of number.

3776. You think they do?—Yes. Rushed through means two things. According to you it means hurry; they might not hurry. A Bill may be published and circulated for opinion, it may be weeks or months before the country; that is not rushing through the Bill.

Chairman.

3777. "Rushing" means hurry?—I say no; that is not very often. But the Government can get any measure through if they want. That is my point.

Sir *J. D. Rees.*

3778. Is it a fair description of the Government of India—I use your own words—to describe it as a body which even before these reforms came into force has been in the habit, and will under these reforms be in the habit, of really imposing its executive will?—I have no doubt that so long as the Government of India possess these powers they will impose their executive will whenever they like, and sometimes with a vengeance.

3779. You said that there was no need for a veto or a safeguard, because the Indian members, the non-official members of the Council, I think more particularly the Indian official members, almost invariably supported the Government of India?—I do not say almost invariably; I say in several important matters.

Sir *J. D. Rees*—continued.

3780. I must confess I took your words down, and derived an opposite impression. I am glad you have been able to clear it up. Without suggesting for a moment that you could bring the African on the same plane as the Indian, I should like to ask you——?—I do not think it possible.

3781. I said without suggesting it—I was careful to say that. I ask you one question arising out of what Lord Midleton and Lord Crewe have asked you, because I am not clear what your answer is. Do you seriously suggest that a useful comparison can be made between the electorate which is now to be introduced as a new thing into an Oriental Empire and the existing electorates in Europe. Do you seriously suggest that?—I suggest this, that the sooner you give up your ideas of differentiating Oriental people from European people the better.

3782. But you are not examining me at the moment. I want to ask you this, geographically speaking India is in the East, and I will call it for the moment, with your leave, an Oriental country?—Call it India; it is more specific.

3783. Would you suggest that a useful comparison can be established in that way?—Undoubtedly, yes; that is exactly what we are doing.

3784. You want to transfer law and order—you want to make it a transferred subject in the Provinces?—Yes; I think some Provinces are quite capable.

3785. In answer to Lord Crewe, where he suggested some doubts about the propriety of doing what you suggested, or put it to you that it might be open to objection, you said after all there will be the supervision of the Government of India?—Yes; so there would be.

3786. You attach importance and value to that?—No. You are afraid that the Provinces will not be able to manage their affairs, if complete responsible government is given to them. That is the proposition. The answer to that is that, in my opinion, some Provinces are quite ripe for complete responsible government, and there is nothing to be afraid of, because you have the supervision of the Government of India.

3787. Do you mention that as a valuable thing?—I recognise it as a fact, that is all.

3788. Would you allow that the action of the Indian members of the Governor-General's Council, in respect of the Rowlatt Act, was apt to inspire some doubts as to the wisdom of transferring law and order, making it a transferred subject?—I am not suggesting the transfer of law and order in the Central Government.

3789. No; in the Provinces?—They cannot deal with any legislation which may be vetoed.

3790. They may have the administration of law and order under your suggestion?—That will be administered because you have to carry out the orders. Supposing I was a member. Under the constitution, even I, whatever may be my feelings, if I get any orders from the Government of India, which is my superior authority, my discipline will compel me to carry out those orders.

3791. Would the Deccan Ryots, in respect of their indebtedness to money-lenders, altogether welcome the suggestion you have made as to the transfer of all the business with which they are connected in Bombay—to make it a transferred subject?—I have no doubt in my mind they would have any day a Minister rather than an executive bureaucrat, whether an Indian or an Englishman.

3792. You say, in your Memorandum, that the appointment of Provincial Executive Councils should be left to the free choice of the Crown, and, further on, you make the same remark as regards the Executive Council of the Governor-General. Upon whose initiative, upon whose recommendation, would the Crown act in the appointment of Executive Councils? You object to the making of rules?—I object to the making of rules because I do not know what rules they are going to be. My view is the members of the Executive Council, both of the Provinces as well as the Viceroy's Executive Council, should be appointed by the Secretary of State for India, on the recommendation from India; but there should be no limitation of any kind placed upon them.

3793. As the rules would be made under the authority of the Secretary of State, is there any real difference? Is not this rather captious criticism?—No,

Sir *J. D. Rees*—continued.

—No, because what you propose to do is to frame rules as to the qualifications of the candidates for the Executive Council. That is what you are trying to do, and I say No; fix no qualifications for candidates for the Executive Council, but leave it to the Secretary of State for India and the recommendation of the Government of India.

3794. On page 6 of your Memorandum you quote the Montagu-Chelmsford report to the effect that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as is given to Provincial Councils. You take that from the Report, and then you say: "This position is not warranted by the terms of the pronouncement of the 20th August"?—Yes.

3795. I understand you disapprove of it, but how can you say it is not warranted when the first page of that book which you have says that the pace is to be set by the British Government?—What I mean is this. The pace is to be set by the British Government, but where does it say that it must be confined to the Provinces?

3796. It does not?—Then where is the warrant for it?

3797. You admit that the pace is to be set by the British Government?—What is your question now—whether I admit that the British Government should be the judge of the pace?

3798. I did not say so; I ask you whether you can maintain that this was not warranted by the pronouncement of the 20th August?—I do maintain that there is nothing in the pronouncement of the 20th August which would justify the fourth formula laid down in the Montagu-Chelmsford Report—absolutely nothing. It is an arbitrary stoppage. We will make the Provinces the domain of responsible government; Central Government, no.

Chairman.

3799. What you mean is simply that you take a different view of the words used by His Majesty's Government from that which they take themselves?—I should like to be corrected. What are the words which warrant this fourth formula?

Sir *J. D. Rees.*

3800. I will come to the next question. Do you think that the Indian civil servant is possessed of the average intellectual equipment?—I suppose so, because otherwise they would not pass their exams.

3801. Do you think that they have a real regard for the people of India and a desire to serve their interests?—Well, they are doing their duty, but I do not think they have much attachment for India. They are always looking forward to their leave and coming home, and they are always looking forward to retire. I mean they do their duty; I do not say they do not do their duty. They carry on the administration, and some of them are very efficient officers, but I do not think that many of the Civil Service men have a real attachment or feelings for the people of India.

3802. I will ask Mr. Hasan one question: You represent the Indian Chamber of Commerce; that is not the British Chamber of Commerce in Madras?—(Mr. *Hasan.*) No.

3803. In the course of a speech you said: "The Indian merchants are no longer the dupes of the European merchants." I should like to ask you if you really mean to suggest that European merchants, those you have seen, have made dupes of the Indian merchants with whom they have been associated? You understand that it is a serious thing to say?—I say that European merchants, so far, have taken advantage of the backwardness of the Indian merchants, and, of course, being Europeans, they have correspondence with England and other foreign countries, and Indians, not knowing English, had to depend on the European merchants for their business. Indian merchants were for a long time in the hands of the European merchants, to be guided as they wanted. So Indian merchants, in order to gain the goodwill of the European merchants, had to subordinate Indian interests sometimes. Now the position is reversed; they can take care of themselves, and, as I have said, they can organise themselves; they can advance their interests, and they are no longer in the hands of European merchants, and they are no longer their dupes.

Sir *J. D. Rees*—continued.

3804. When you said that they had taken advantage, did you mean they had taken an unfair advantage?—Sometimes it was unfair.

Chairman.] I do not think anybody who has had experience of Indian merchants—as I have—would readily believe that they could be made dupes of by anybody.

Major *Ormsby-Gore.*

3805. Mr. Jinnah, you are the first Mohammedan witness who has appeared before this Committee?—(Mr. *Jinnah.*) I believe so, as far as I have read the evidence before the Committee.

3806. You appear on behalf of the Moslem League—that is, on behalf of the only widely extended Mohammedan organisation in India?—Yes.

3807. I was very much struck by the fact that neither in your answers to the questions nor in your opening speech this morning did you make any reference to the special interest of the Mohammedans in India: is that because you did not wish to say anything?—No, but because I take it the Southborough Committees have accepted that, and I left it to the members of the Committee to put any questions they wanted to. I took a very prominent part in the settlement of Lucknow. I was representing the Mussulmans on that occasion.

3808. On that point, you have nothing further to add in regard to the principle of communal representation or the actual proposed allocation of the seats in Bengal or elsewhere?—No. I have only to say this: The Lucknow compact we accept, and we are in honour bound to accept that, and, in my opinion, it should not be changed, because it was not merely a question of Bengal: it was a question of all India. You must have observed, if you have the resolution fixing the percentage that in some of the Provinces—take Bombay—it has only 14 per cent. of the Moslem population, but we get 33 per cent. of representation; in the United Provinces you have only about 14 per cent. of the Moslem population and you get 30 per cent. of representation. The whole question was an All-India question. The position of Bengal was this: In Bengal the Moslems are in the majority, and the argument was advanced that any section or any community which is in the majority cannot claim a separate electorate; the separate electorate is to protect the minority. But the counter-argument was perfectly true that numerically we are in the majority, but as votors we are in the minority in Bengal, because of poverty, and backwardness, and so on. It was said: Very well, then, fix 40 per cent., because if you are really put to the test you will not get 40 per cent., because you will not be qualified as voters. Then we had the advantage of the other Provinces.

3809. On behalf of the All-India Moslem League, you ask this Committee to reject the proposal of the Government of India——?—I am authorised to say that—to ask you to reject the proposal of the Government of India with regard to Bengal.

3810. You said you spoke from the point of view of India. You speak really as an Indian Nationalist?—I do

3811. Holding that view, do you contemplate the early disappearance of separate communal representation of the Mohammedan community?—I think so.

3812. That is to say, at the earliest possible moment you wish to do away in political life with any distinction between Mohammedans and Hindoos?—Yes. Nothing will please me more than when that day comes.

3813. You do not think it is true to say that the Mohammedans of India have many special political interests, not merely in India but outside India, which they are always particularly anxious to press as a distinct Mohammedan community?—There are two things. In India the Mohammedans have very few things really which you can call matters of special interest for them—I mean secular things.

3814. I am only referring to them, of course?—And therefore that is why I really hope and expect that the day is not very far distant when these separate electorates will disappear.

3815. It is true, at the same time, that the Mahommedans in India take a special interest in the foreign policy of the Government of India?—They do; a very,

Major *Ormsby-Gore*—continued.

very keen interest, and the large majority of them hold very strong sentiments and very strong views.

3816. Is that one of the reasons why you, speaking on behalf of the Mohammedan community, are so anxious to get the Government of India more responsible to an electorate?—No.

3817. Do you think it is possible, consistently with remaining in the British Empire, for India to have one foreign policy and for His Majesty, as advised by his Ministers in London, to have another?—Let me make it clear. It is not a question of foreign policy at all. What the Moslems of India feel is that it is a very difficult position for them. Spiritually, the Sultan or the Khalif is their head.

3818. Of one community?—Of the Sunni sect, but that is the largest; it is in an overwhelming majority all over India. The Khalif is the only rightful custodian of the Holy Places according to our view, and nobody else has a right. What the Moslems feel very keenly is this, that the Holy Places should not be severed from the Ottoman Empire—that they should remain with the Ottoman Empire under the Sultan.

3819. I do not want to get away from the Reform Bill on to foreign policy?—I say it has nothing to do with foreign policy. Your point is whether in India the Moslems will adopt a certain attitude with regard to foreign policy in matters concerning Moslems all over the world.

3820. My point is, are they seeking for some control over the Central Government in order to impress their views on foreign policy on the Government of India?—No; because that is excluded. See my answer II.

3821. You say you want to transfer a considerable number of All-India subjects to the control of the Indian Legislative Assembly?—If you will look at my answer to question No. 11 you will see I say this: "The Council of State may be retained provided that a system of reserved and transferred subjects similar to that proposed for the Provinces is adopted for the Central Government, and that in the legislature of India the certificate of the Governor General in Council should not apply except to certain reserved subjects hereinafter mentioned. The reserved subjects shall be the Army, the Navy and foreign and political relations."

(*After a short adjournment.*)

Mr. *Bennett.*

3822. (To Mr. *Jinnah.*) You gave us some very interesting statistics regarding the percentage of literacy in various countries simultaneously with the extension of their political life. Have you any figures which show the growth of the electorate in England from 1832, the time of the Reform Bill? Do you remember how many were enfranchised at the time of the first Reform Bill, and then after 1867, and then after 1884? If you could give us those I think you would complete your statistics?—I have not got that; but I start with 1835, and I come right up to 1889.

3823. You have not the number enfranchised by Lord Grey's Act?—No.

3824. I think you admit that the gross electorate at present in India is something like half a million?—Roughly.

3825. And the Southborough scheme would enfranchise 5,000,000?—Yes.

3826. Do you regard that—increasing the electorate at a bound by ten times—as a small development or a small concession?—I do not regard that as a small development. That is not my point, it is undoubtedly a development. If you have, say, roughly, half a million of an electorate all over India, and you make it into 5,000,000, it is a big increase, undoubtedly.

3827. You would say there is no timidity in that, would you not? Would you not say that a Government which at a stroke increased the number of the electorate ten times was rather a courageous Government?—I would put it in this way, that the Government thinks there is a tremendous movement all over the country, so tremendous that you can make an electorate of ten millions or fifteen millions, but still you say: "We will make it five million." That I call timidity.

Mr. *Bennett*—continued.

3828. You do not call that courageous?—Certainly not, because you have material for fifteen million, and you make a movement of five million, which is not very courageous. It is a big advance.

3829. Is not that a disputable question, whether we have such a large proportion of the population fit for political functions—is not that an open question?—No; in my opinion it is not. You can debate any question.

3830. Is not that one of the matters that have been carefully inquired into by a very competent and very representative Committee, the Southborough Committee?—If you ask me I tell you frankly that the Southborough Committee tried their very best to bring about settlements between various conflicting opinions, and no doubt they made a big advance. I am not disputing that it is a big advance.

3831. You spoke this morning of an attitude of mind in regard to this Bill indicated by certain people saying "beggars cannot be choosers, and we must therefore take the best we can get." Has there been any responsible statement or declaration in England which gives the people in India ground for contemplating the situation in that way? Can you recall anything which any responsible person in England has said to encourage that belief?—In so many words?

3832. No; I do not pin you to any particular words; I ask you if you can point to anything which has been said or done which warrants people in India looking at it from the point of view that beggars cannot be choosers?—I will tell you what—the people in India think like this: they think that you have got first of all the European community opposing the reforms; we have got the Memorandum of the European community annexed to the Despatch of the 5th March. The Government of India Despatch of the 5th March, if I may characterise it, is most reactionary; it destroys all value of the Montagu-Chelmsford proposals.

3833. All value?—I say most of the value. I put it in this way, that I think that the real things are destroyed, and, if you like, I can give you a list. I cannot possibly accept that the Government of India, with the competent men they have got, have realised that they have substantially given a blow to the Montagu-Chelmsford proposals if their recommendations are accepted. That is No. 2. No. 3 is that you have got the Indo-European Association here powerfully opposing these reforms. No. 4 is that you have the Local Governments pushing forward their schemes. Now this has led some men, for whom I have the highest respect, to take this view: "For goodness sake let us support Mr. Montagu for all we are worth, otherwise we will lose this."

3834. That is your view?—Therefore I say this is the view of some people, and the position is such that we are in the same position as a beggar who cannot choose.

3835. You spoke of the Indo-European Association. Surely this Committee will be able to take its measure of the significance and authority of any representations they may make?—I do not say that this Committee will not, and that is exactly why we are here. Our only hope now, at this stage, is to convince this Committee of our view; that is why we are here, and I hope that you will come to the right conclusion.

3836. Surely the attitude of the Local Governments in India is not illiberal. It may differ, it may be an attitude different from that of the Secretary of State, but it is not an illiberal attitude?—Not if you mean that they are in favour of making an advance, and that they recognise you must go forward. That I admit as to most of the Local Governments, except the Madras Government. I think the Madras Government seems to think——

3837. Do you not think that the expression "Beggars cannot be choosers" tends to create an unsatisfactory impression amongst people in India, and that it tends to undermine their confidence in the good will and good intentions of Parliament and the Government at home?—That is their feeling, and it rather rests with you to remove that feeling.

3838. I am sure that we will look to you to help in the removal of it, so far as you can?—I assure you that I will do my very best; but I expect this Committee and Parliament to meet us in a generous spirit.

3839. Now

Mr. *Bennett*—continued.

3839. Now you have very little confidence, I see, in the Secretary of State as a Court of Appeal as from the Government of India and the Legislature. Would you state why you would not trust the Secretary of State?—No. It is not that I do not trust the Secretary of State; that is not my point. It is nothing to do with the personality of the Secretary of State at all; but any Secretary of State who is in that position cannot possibly overrule the Government on the spot. When they put forward this formula that a particular measure is essential in the interests of good government, I say it would be very difficult for the Secretary of State for India to constitute a useful Court of Appeal.

3840. Would not the Secretary of State, if he were a man of statesmanlike temper and character, have courage to take his own line as between the disputants?—Yes.

3841. And would he not have behind him the backing of Parliament?—Yes.

3842. After all, he would know that he is acting for Parliament; would you not trust him to arbitrate in a matter of this kind?—The only man who really showed himself so competent as that was Lord Morley, and it is not very often you get a Secretary of State for India of that calibre, and even he had his difficulties. I know that.

3843. Mr. Jinnah, you more than once, in your Memorandum, refer to the appointment of Governors, and you insist upon the Governors appointed to India as being men taken from the public life of England. Now, does not that imply a certain confidence in the arbitral quality, if I may use the word, of the Governor in his temper and his attitude towards questions in dispute between various interests in India? You look upon public life, you admit, in England, as qualifying a Governor for taking a fair view of things and an impartial view of things?—Not only an impartial view but also he brings a fresh mind to bear upon the questions.

3844. Take a man from the front rank of public life in England, do you not think that fact, by presumption, invests him with an arbitral capacity which would make him a good court of appeal in matters at issue between the Government of India and Parliament?—I do not follow your point exactly.

3845. A Governor taken from the public life of England commends himself to you as an impartial person, a man capable of exercising a fair judgment and pronouncing a fair judgment between disputing elements?—Yes.

3846. The Secretary of State for India is chosen from the public life of England, and he is usually in the front rank of public men in England?—Yes.

3847. Does not that carry with it the presumption that he would fairly exercise his arbitral qualities in disputes between the Government of India and the Legislature; do you understand me?—I understand the question perfectly now. I am not disputing or questioning the desire and the intention of the Secretary of State for India, who undoubtedly will be one of the best men in public life in England, to do justice—I do not question that—but you cannot compare him with the Governor, for this reason: that the Governor will have a composite Government, one-half experts and one-half executive; the Governor will not be at Whitehall, but in Bombay, and in Madras, and so on, on the spot; he has got all the materials before him, he will have the views of the Ministers before him, he will also have the views of many of the members of the Legislative Council before him; and he is much better fitted by virtue of the materials before him to come to a right decision.

3848. May it not be an advantage that he is 6,000 miles from the area of dispute, and will he not be abundantly supplied with material, such as documents, on which to exercise his judgment? The whole of the facts will be before him?—We are talking of the certificate now. The Government of India decide. Supposing you are asking the Government of India to decide to run a measure by certificate, are you going to wait until the mail arrives with the dispatches six weeks afterwards? Certainly not. They will wire the Secretary of State for India that a particular measure is essential: "We want it certified; please give your consent." That will be done by wire. How are you going to get all the materials to place before the Secretary of State?

3849. We heard the other day of a decision which was given, and which took two years to arrive at?—That is by correspondence.

3850. That does not imply very precipitate action. However, I think we have exhausted that subject, and I do not press you further with it?—I think you know that there are certain urgent matters, and certain matters which are not urgent; some may wait for five years and others cannot wait for five days.

3851. As to matters of transfer, you would like law and order to be transferred, would you not, in the Provinces?—In my opinion the Provinces are quite ripe for it, but—I make this but—I say I also realise, which has been forced upon me very emphatically, the announcement of His Majesty's Government of the 20th August, which speaks of the progressive realisation of responsible government. As a compromise I say: "Very well; if that has got to be carried out then police, justice and law can be reserved subjects." I say that is also a primary function of the Government, and it is a very important thing, and I say: "I am willing that you should keep that to yourselves."

3852. I do not want to refer to any elements of discord in the past, but you remember probably three rather serious racial riots in Bombay in your time—I remember two in my time—Hindoo and Mohammedan riots—one in the late '80's or early '90's, and one towards the end of the 90's?—That was long before my time; I was at school.

3853. I am glad you are so young a man. Would it not be an advantage in the case of an occurrence of that kind if the maintenance of law and order were left with the executive side of the Government?—I do not think so, if you ask me, but I do not want to go into unpleasant matters, as you say.

3854. It is with no desire to bring up old troubles that I ask the question; I would like to forget them?—If you ask me, very often these riots are based on some misunderstanding, and it is because the police have taken one side or the other, and that has enraged one side or the other. I know very well that in the Indian states you hardly ever hear of any Hindoo-Mohammedan riots, and I do not mind telling the Committee, without mentioning the name, that I happened to ask one of the ruling Princes, "How do you account for this?" and he told me, "As soon as there is some trouble we have invariably traced it to the police through the police taking one side or the other, and the only remedy we have found is that as soon as we come to know we move that police officer from that place, and there is an end of it."

3855. That is a useful piece of information, but the fact remains that these riots have been inter-racial, Hindoo on the one side and Mohammedan on the other. Would it be an advantage at a time like that that the Minister, the representative of one community or the other, should be in charge of the maintenance of law and order?—Certainly.

3856. It would?—If I thought otherwise I should be casting a reflection on myself. If I was the Minister I would make bold to say that nothing would weigh with me except justice, and what is right.

3857. I can understand that you would do more than justice to the other side; but even then there is what might be called the subjective side. It is not only that there is impartiality, but there is the view which may be entertained by the public, who may harbour some feeling of suspicion?—With regard to one section or the other, you mean they would feel that an injustice was done to them, or that justice would not be done?

3858. Yes; that is quite apart from the objective part of it?—My answer is this: That these difficulties are fast disappearing. Even recently, in the whole district of Thana, Bombay, every officer was an Indian officer from top to bottom, and I do not think there was a single Mohammedan—they were all Hindoos—and I never heard any complaint. Recently that has been so. I quite agree with you that ten years ago there was that feeling what you are now suggesting to me, but it is fast disappearing.

Mr. *Bennett*—continued.

3859. I am aware that it is diminishing. I have seen that myself, and I am glad to hear that it is fast disappearing. The feeling in India with regard to this Bill has undergone a certain change since the Montagu-Chelmsford Report was issued, has it not?—I do not say that it has undergone a change, and I think there is some misunderstanding created here probably. There really, if I may say so, are two or three schools of thought with regard to those proposals. There is one school which is a moderate school, and they say: "We are prepared to accept the Montagu-Chelmsford Report, whether the proposals are modified or not." There is another school, which says: "No; we want complete responsible government in the Provinces and also responsible government in the Central Government." There is a third section, which is willing to have some more regard to the announcement of the 20th of August, and they say: "Very well, there is a difficulty in asking for complete responsible government in the Provinces because of the announcement; therefore, if you like, as a matter of settlement to wait until we think we are ready for it, and some Provinces are certainly ready for it, keep police, law and order, and transfer the rest of the subjects or most of the subjects."

3860. But there were prominent people who at the beginning said the scheme was not worth the paper it was written upon, and they now take a much more favourable view of the Bill?—I think it was rather a hasty opinion to express on the proposals, which were just published then. The proposals did not call upon us to reject them or to accept them, because they were really for our criticism and opinion, and I think there was a misunderstanding.

3861. The Bill on closer acquaintance turns out to be a more liberal measure than many people at the beginning were disposed to admit?—That is so with regard to a few—I do not say many—because those who really understood I do not think disguised the fact that it was an advance, because even the Congress said so.

Mr. *Acland.*

3862. I have only one question, and it arises from what you said about the difficulty with some of the younger men in accepting the instalment of change and reform, which is represented in the Montagu-Chelmsford Report as being something worth their while to co-operate with. Young men have been sometimes in favour of violent courses very likely during the whole of history, and certainly since the time of Rehoboam, which is about 3,500 years ago, and one is anxious that there should be no section of the population which is not prepared to cast in its lot with the change which will be made, even although they may disapprove of certain parts of it as being an improvement. Now, when you were being asked about that by Lord Crewe, you described in a way which impressed me, your feelings as the result of your experience, and you said that as the result of your experience of being permanently in a minority and so on, you had felt it certain that you were not doing your best work in that capacity, and that everything you did came to nothing, and, of course, you pointed out that that position was not quite parallel to the position of a minority in the British Parliament, because a minority in the British Parliament may always hope to be a majority some day, and I sit here as a representative of what is at present a very small minority in the British Parliament, which may hope to be a majority some day sooner or later?—I hope very soon.

3863. I see your argument from that point of view, but is not that position of the younger men whom you perhaps represent, or used to represent, when you were younger, considerably modified by this fact that admittedly I think we are now at work on something which is intended to be only a stage, and a stage which will be modified in a comparatively short number of years, as reckoned in the development of a constitution, if not as reckoned in the development of a single human life. Do you not recognise that fact, that there may be further developments towards responsible government as being a reason which should influence the younger men to take their share in trying to make this stage which will follow the result of the recommendations of this Committee, whatever they may be, workable, putting their weight behind whatever may be done in the definite expectation that there will be development towards a further stage, not only in the Provincial Governments, but in the Central Government also. I understand what you said about your disagreement, with, I think, the expression of intention of the whole scheme, that there should be a progressive development, not only in the Provinces, but in the Centre; and do you not recognise that fact as the real test lying at the base of all our work and all the intentions of the British Government towards Indian constitutional developments?—Yes, in other words you asked me to have patience.

Mr. *Acland*—continued.

3864. Certainly; just as I am having patience now?—May I answer that?

3865. Please?—Of course, it is for this Committee and the Parliament to decide eventually as to what they are going to do. Which would you rather have? Enough draft has been made upon our patience. Remember the Councils came into existence in 1892; there are some small reforms in 1909, and now, in 1919, we find with the Bill you now propose that we are practically in the same position. I am absolutely convinced—and I think I can convince you—that we are practically in the same position as the Bill stands now. Which would you rather have? Would you rather have this: That we should wait for ten years, and allow a large portion of our people to be dissatisfied? You cannot help it; it is not a thing that you can work like a machine; the human element comes in; do you expect us to allow a large body of our people to be dissatisfied and discontented? And remember, as I say, that they are men of position. Take, for instance, the man of any position in life making a large income in Bombay Presidency or Madras Presidency, going to this Council, sacrificing his money, his convenience, his comforts, and everything, sitting in these sessions for two months, and he knows he cannot do anything! Can you get people to reconcile themselves to this position when we already have had an experience of it since 1909, at any rate, and you ask me now, "Mr. Jinnah, will you not have a little more patience, and wait another ten years?" My patience is exhausted, and I ask you to make the advance now; we are fit for it—we are ripe for it; make an advance in the Central Government, but proceed cautiously; I do not ask for anything but a cautious advance in the Central Government, but giving the Central Government a Government where the people of India will have a share. Do not keep us outside the ring as irresponsible people. Is it too much to ask this from Parliament?

Chairman.

3866. You have answered that question very fully?—That is my opinion.

Mr. *Acland.*

3867. Thank you very much; I quite see your point of view, although it is not usual to answer a question by asking another?—I am only putting it to you in this way, that this is my answer.

3868. I would jst say this: Personally, at this stage of our deliberations, that I would rather accept what would be a stage in the development which seems to me likely to be almost certainly followed by a successive stage, and therefore leading on to further stages, than take a jump on to something else which may not be a success, and which may, therefore, not lead to further stages?—That is where we differ as to what is a big jump; you call it so, and I do not.

3869. I see your point of view, thank you.

Duke of *Northumberland.*

3870. As representative of the Moslems of India, do you think the majority of Moslems in India agree with you about women's suffrage, which, you say, you are in favour of?—Yes; and am very glad to tell you that not only the Moslems of India, but I have had an opportunity of meeting all the leaders who are in London now, and they all agreed with me.

3871. You want Joint Sessions in the Central Government instead of the use of the Council of State alone for securing legislation considered essential by the Government; that is the case, is it not?—Yes.

Duke of *Northumberland*—continued.

3872. Can you tell me what would be the position of the Viceroy if your Joint Sessions did not carry the legislation considered essential. Do you expect him to resign, or do you expect him to carry on with the full responsibility for peace, order, and good government without power to do what he considers essential?—We have given that power to the Viceroy that he can carry any legislation that he considers essential. If you will read my answer to No. 11 you will find this is what we say. We first of all say that the reserved subjects shall be the army, navy, and foreign political relations between the Government of India and other Powers except the relations with the colonies and dominions, including the declaration of war and entering into treaties on matters directly affecting the peace, tranquillity, and safety of the country, and that all other subjects shall be transferred. Therefore the Governor-General in Council, if he considers there is any matter which directly affects the peace, tranquility and safety of the country can run a measure through by Certificate. The Governor-General in Council can if he gives a certificate place a measure before the Council of State without going to the Assembly; it can be passed, and it need not go to the Assembly; it becomes law; it is based on the Certificate.

3873. You spoke of Fiscal Autonomy. Will you explain whether you meant by the term Tariff Autonomy for India, or did you mean complete control by the Legislative Assembly over the Budget?—Both.

3874. Can you tell me which of the three Home Rule Leagues in Bombay you are President of?—I am President of the Branch of the All-India Home Rule League in Bombay.

3875. That is the Bombay branch?—No; the whole body, Mrs. Besant's, in which Mrs. Besant is no more.

3876. I have one other question to ask. You have made it quite clear that you think this measure of self-government provided for in the Bill is wholly inadequate, and that a very much larger measure of self-government ought to be introduced at once?—I do not say it is wholly inadequate.

3877. You think it is inadequate?—I think it is inadequate, certainly.

3878. And that a much more extended measure should be passed at once?—Yes; and I think it will serve the object which we all have at heart in making a further advance if this Bill goes.

3879. You think that the people of India would not be prepared to wait until ten years have elapsed, and there is a chance of getting this whole scheme revised?—I cannot tell you what the people of India will do.

3880. Can you tell me what effect you think it will have on the agitation which is going on in India in favour of self-government, and which has been going on for some time past, if the Bill is introduced as it stands?—I am clearly of opinion that it will have a bad effect unless the Bill is modified.

3881. That is to say, that so far from appeasing the agitation it will rather tend to increase it than otherwise?—It will certainly leave a great deal of dissatisfaction. I cannot say exactly, but there will be a tremendous amount of dissatisfaction because, as I have said, we have been expecting the transfer of powers from bottom to top, and there is a disappointment in the Bill because the future remains untouched.

Lord *Islington.*

3882. You told us a good deal about your opinion on the Franchise. Would you say that India, as at present constituted, might have a certain portion of its population granted votes on other qualifications than that of being literate?—I think myself that it certainly does leave out a very large section which might be included in the electorate.

3883. You think it leaves out a lot of sections which might have been included, and a section which could not be described as literate?—Even literates might be left out, because it is a property qualification.

3884. That may be, but what I want to get at is this: You would say that there are people in India who, though they be not literate, have a sufficient interest in the welfare of the country to entitle them to a vote?—I think so, and I think they have a great deal of common sense.

Lord *Islington*—continued.

3885. People who have that kind of common sense which would justify them having a vote?—Yes; I was astonished when I attended a meeting of mill hands in Bombay when I heard some of the speeches, and most of them were illiterates.

3886. Would you like to see the Franchise extended in the direction of the industrial community being better represented than is at present suggested in the Southborough Committee proposals?—I think a certain number will get in as it is now, in spite of what Mr. Wadia said. I listened to Mr. Wadia's evidence. Of course, I fully sympathise with his point of view, but I would not like to disturb the Southborough recommendations at present.

3887. You consider that they go far enough for the first stage?—I think they do, and I think it would bring in a fairly good number of the industrial, or what you call the factory, workers.

3888. You think a great many would be represented?—That is right.

3889. You think the electorate goes far enough, but that the power of the Council does not go far enough with regard to those who are elected?—I am not opposed to extending the electorate, but I would rather not disturb it, that is all.

3890. You would be satisfied with a restricted electorate, but you are totally dissatisfied with what you regard as the insufficient power in the Council?—Not totally, partially.

3891. You have got to partially?—I think that is quite clear.

3892. That is quite satisfactory. You said just now about the communal representation, I think in answer to Major Ormsby-Gore, that you hoped in a very few years you would be able to extinguish communal representation, which was at present proposed to be established and is established in order that Mahommedans may have their representation with Hindoos. You said you desired to see that. How soon do you think that happy state of affairs is likely to be realised?—I can only give you certain facts; I cannot say anything more than that I can give you this, which will give you some idea: that in 1913, at the All-India Moslem League Sessions at Agra, we put this matter to the test whether separate electorates should be insisted upon or not by the Mussulmans, and we got a division, and that division is based upon Provinces; only a certain number of votes represent each Province, and the division came to 40 in favour of doing away with the separate electorate, and 80 odd—I do not remember the exact number—were for keeping the separate electorate. That was in 1913. Since then I have had many opportunities of discussing this matter with various Mussulman leaders, and they are changing their angle of vision with regard to this matter. I cannot give you the periods, but I think it cannot last very long. Perhaps the next Inquiry may hear something about it.

3893. You think at the next Inquiry the Mahommedans will ask to be absorbed into the whole?—Yes, I think the next Inquiry will probably hear something about it.

3894. You think that is the view of a large number of your fellow representative Mahommedans?—Not at present; at present we are in a minority.

3895. One word as to the Provincial proposals you have made. You have urged very strongly that, as far as the Provinces are concerned, there should be autonomy, and that this proposal of partial transfer is inadequate; you want to see all the services transferred to the constitutional system?—Except police, law and justice. That is what the Government of India have practically accepted.

3895. What would that entail with regard to the personnel of the Central Provincial Government? You would be very nearly extinguished in the European element straight away, would you not?—In what—in the Council?

3897. Yes?—There would be one member, and at present there will be one only. Under the Bill there would be one European member and that one would be in charge of the police, law and justice.

Lord *Islington*—continued.

3898. Not necessarily one; there may be two?—There may be—I know the provision is for four; but I do not think it is likely. We never have had more than three.

3899. You would have the law and order in the hands of the European member of the Executive, and all the others in the hands of the Indian Minister?—Yes.

3900. In answer to the question, you seemed to accept and approve the suggestion that the Provincial Government has a relation to the Government of India?—As recommended by the Southborough Committee, certain powers are given to the Government of India.

3901. The parts which come under the reserved category?—The transferred category; they have got some powers.

3902. But they have a much more remote character?—True.

3903. You consider that those powers which would be entrusted to the higher authority over Provincial Governments can better be represented as Parliamentary control by the Government of India than they could be by a Secretary of State?—Your Lordship mentions?

3904. You will try to have Parliamentary control, and I am talking of those services which remain reserved and those which are responsible to Parliament as distinct from being transferred services, which are to be responsible to the Legislative Council. I ask you which you consider is the most accurate channel of Parliamentary control—the Government of India or the Secretary of State?—I prefer the Secretary of State for India.

3905. You would prefer the Secretary of State for India; could you give briefly your reasons?—For this reason: That if his Council is abolished (otherwise it would not make much difference) I think he would be free from a certain amount of what I call the settled views surrounding him, and I think he would be able to bring a fresh mind to bear upon it. That is the only difference.

3906. You said you were anxious to see certain powers granted to the Central Legislative Council, and you laid great stress upon that, and I think you said, in answer to a question just now, that, amongst those questions you set store by was the power over the Budget?—Yes.

3907. You would like the Central Budget of India to be handed over to the Representative Assembly?—No; not the Budget handed over.

3908. You said the Budget just now?—But, you see, it will be the same as the Provinces—similar to what you have in the Provinces. There would be the transferred and reserved subjects in the Central Government, and the Budget will be subject to the same procedure as in the Provinces.

3909. You do not suggest that the power on the part of the Viceroy and his Council should be removed to raise money for the services for defence and order of the country?—No; I said that would be a reserved subject.

3910. They are to be reserved subjects. They are also to have full power to raise the money to maintain them?—Yes; because he will have the power. If they are reserved subjects it really follows.

3911. You have put very emphatically this point about the Central Government, and it has not been discussed, either in the Joint Report or in any of the subsequent Reports, but we have had several witnesses who have advocated the same position as yourself. Are you in a position to tell us the services which you would like to see handed over to the constitutional system in the Central Government?—As a matter of fact, this question has got more or less out of the arena of discussion.

3912. You very emphatically argued this this morning; you said that India would not be satisfied unless something was done in this direction, and now I want to take you a stage further. You have given us a broad statement; are you prepared with the detail?—Unless I know exactly how the various departments are worked it will not be possible for me to submit a scheme before you. I must know how the departments are worked.

Lord *Islington*—continued.

The whole thing is going to be so much altered; for instance, take the devolution of subjects from the Central to the Provinces, what will be left is the balance, and what is to be done with the balance?

3913. We have got that quite clearly; we have the line of demarcation between the Provinces and the Central Government. You have advocated very strongly that you should divide those subjects in the Central Government into transferred and reserved, and I presumed that, taking up the very strong attitude you have taken up with regard to that, you would have gone a little further and satisfied yourself as to the services you would like to see transferred?—I cannot do that for this reason, that unless I know the balance of departments left in the Central Government, how they are going to be reorganised, I cannot answer.

3914. You know the balance?—I do not know how they are to be reorganised. It is a very difficult thing to submit a scheme of this kind unless you know the inner working of the administration; I am not of the administration, but my answer is, first, that at some stage I hope that responsibility is going to be introduced into the Ceneral Government, and I take it that it would not be with one bound. How would you do it then?

3915. I know that you are asking me that question; I started by asking you?—Unless I know the working of the administration, unless I have access to the papers of the Indian Government I cannot answer or suggest a scheme.

3916. Up to now you have not got further than advocating it as a bad principle?—I cannot go further, because I have not got the materials. I can only guess.

Lord *Sinha.*

3917. I want to confine myself to the Bill and to ascertain if I can whether I have understood your evidence correctly without adjectives and without reasons. Do I understand this to be the effect of your evidence? First, you think the announcement of the 20th August is not only consistent with, but absolutely requires the introduction of the element of responsibility in some measure into the Central Government, but you are not prepared to put forward a scheme with regard to that because that has not been thoroughly investigated?—I have not access to the materials I should like to have, namely, what is behind.

3918. Secondly, so far as the Provinces are concerned, it is your opinion that it would be possible to have complete responsible government for some, if not all, of the Provinces; and thirdly, in any case the only subjects which need to be reserved in the advanced Provinces are law and order and justice; and you and those you represent are prepared to acquiesce in the arrangement for diarchy so far as the Provinces are concerned?—Yes.

3919. May I take it that your view is that, although that would not be completely satisfactory to all parties in India, every party would try locally to develop and work whatever scheme the Joint Committee may work out: may I take that?—I did not catch that.

3920. Every party would try loyally to develop whatever scheme the Joint Committee of Parliament might work out?—I think all the thoughtful people in India, however much they might be dissatisfied and discontented and disappointed, would certainly make an effort to do the best they could under the circumstances.

3921. To make the best of whatever powers are proposed to be conferred, with a view to obtaining further powers later on?—Every thoughtful man would do that.

3922. May I take it that is your view of the situation, because you have been asked a lot of things about what you think is going to happen, and I am putting it to you whether you do not think this is what is going to happen——?—I apprehend trouble—I honestly do—unless you meet this strong volume of opinion for a further advance in the Provinces and the Central Government I think you will not satisfy the people of India; I frankly say that before the Committee.

(*The Witnesses are directed to withdraw.*)

3923. Lord

13 *August* 1919.

MR V. S. SRINIVASA SASTRI and MR. M. RAMACHANDRA RAO are called in; and Examined, as follows:—

Mr. *Montagu.*

3923. Lord Selborne has asked me to take the Chair, as he has to ask a question in the House of Lords, and he will be back again shortly. Mr. Sastri, do you desire to add anything to the statements you have already put in?—(Mr. *Sastri.*) Yes, sir, I have several things to say, but I will try to be as brief as I can, and to bring it under certain heads. I think it would be an advantage if at the outset I said to you how I meant to divide my evidence. In the first place I would like to take the Joint Committee, if they will permit me, through the Bill and its various clauses. That is work which has not been done yet. I want to take the clauses in a certain order and to point out what in my opinion requires amendment here and there, but I will reserve the discussion of Clause 9, which deals with the Finances of the Provinces to the end, and when I have done that I propose to address to the Joint Committee a few general remarks on the Grand Committee. I will not say what has been already said. But it does seem to me that one or two things may well be placed before the Joint Committee which have not yet been drawn to their attention. Then I will deal with the Instrument of Instructions which is proposed to be issued to the Governors of Provinces. I will then state what I consider to be a very important omission in the evidence which has been so far tendered, for which it seem to me nobody in particular is responsible, but which is, all the same, very unfortunate. We have no knowledge whatever of the rules which are going to be made under this Act; but, as I cannot deal fully with the subject, I think the least I can do, with the Joint Committee's leave, is to place before them two or three very important matters which may have to be borne in mind by those who draw up the rules hereafter. I will, in conclusion say just one or two words, and not more, about the vexed question of Brahmin v. non-Brahmin in the Province from which I come. I will now take, by your leave, the Bill, and I will first of all refer to Clause 3 of the Bill, and there I add no more than this: That I agree with those who think that the Minister should be placed in a position of perfect equality with the members of the Executive Council with regard to salary, status, and powers. When there are more than one Minister the Ministers should be able to form one entity similar to the Executive Council, meeting together and voting together, and, further, that the Governor of the Province should exercise his power of overriding the decisions of the Ministers only to the same extent as he exercises his overriding power with reference to the Executive Council. Then I come to Clause 4, with regard to which I have only to say that I favour the original suggestion adopted in the Montagu-Chelmsford Report, that the Executive Council in the Provinces should consist only of two members, one a European official and the other a non-official Indian. The point has been fully dealt with in the Memorandum, and I will not take up the time of the Joint Committee any further. In Clause 6 there is a certain omission which I might point out. On Sub-Clause (3) (a) the term of office of members of Governors Legislative Councils. This is a most important item, which, in my opinion, should not be left to be decided by the Rules. The analogous requirement is not left to be decided by the Rules in the case of the Governor-General's Legislative Council, in which case, for example, the time is fixed in the Bill, and it is stated to be three years. Why it could not be fixed for a similar period in the case of the Governors' Legislative Councils I fail to see. Then the Governor-General is, in Clause 17, empowered under certain circumstances to extend the lifetime of the Legislative Assembly. A similar power ought to be given to the Governor of the Province, but it is not so given. In Clause 8, and specially Sub-clause (3), which deals with the restrictions proposed to be imposed on the legislative power of Provincial Legislative Councils, there are several important things to say, but I will leave it to my honourable friend to deal with that part of the subject. Clause 9 I said I would deal with a little later, as it deals with a most important subject. I will now come to Clause 12, which empowers the Governor-General in Council, with the sanction of His Majesty, to create new Provinces, and likewise to create new sub-Provinces, with Deputy-Governors over

Mr. *Montagu*—continued.

them, whose status and powers, however, are left in an indefinite condition, to be determined in each particular case by the Governor-General in Council. I think this is a provision which requires to be carefully scrutinised, and I am not prepared to support it, as it is embodied in this particular clause. In the first place, I would like to point out the very serious omission to consider the feelings and sentiments of those who, having been living under one Administration, would be, under this provision split up into two or three Administrations. We have had a very unfortunate example of the evil consequences which may follow when the people are so split up against their will. Provision should be clearly made that their wishes would in every case be consulted. Then I do not quite approve of the creation of a sub-Province with a Deputy-Governor. I do not understand, because it was not at all mentioned in the original Joint Report, the necessity of creating a sub-Province with the Deputy-Governor, and possibly—I only say possibly, because I do not know what is really contemplated—without even a Legislative Council, without any of the powers that the people of the Province, sub-divided, may have enjoyed, nor is there anything in this clause to indicate the circumstances under which such action should be taken.

I now come to Clause 20, and Sub-clause (2) deals with very important matters, which are vital to the functions and status of the Legislative Assembly and the Legislative Councils correspondingly. The point is that the Bill proposes to leave these very important matters to be decided by the rules hereafter; for instance, the arrangements for presiding over the Assembly and the Legislative Councils are certainly of such great importance that they should be settled in the Bill itself. Personally, I am inclined very strongly to adopt the view that the Legislative bodies, especially where they happen to be popular houses, must be allowed, as, of necessity, to elect their own Presidents and Vice-Presidents. I certainly deprecate the proposals made both in the Joint Report and in the Bill before us for allowing the heads of Governments to nominate the President and Vice-President. I am not aware of any great Constitution in the world where a popular House is presided over by the head of the Government or by a nominee of his. It is of the first importance for the growth of free institutions that the popular House should have its own President and its own Vice-President. Then the number of members required to constitute a quorum and the rules for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules—these deal so entirely with the very scope of the functions of the Legislative Assembly that I should personally like them all to be embodied in the Bill itself. Sub-Clause (4) describes the class of cases in which the Governor-General in Council may certify certain legislation for treatment by the Council of State in preference to the Legislative Assembly. I do not object to the words "safety and tranquillity," but I object to the words "interests of British India or any part thereof." The Governor-General in Council may if he is so minded use the words "interests of British India or any part thereof" in such a way that the Indian Legislative Assembly may have almost nothing to do, for I cannot conceive of any serious administrators bringing forward Legislative measures which were not in the interests of British India or any part thereof, and if when any such interests are concerned the Council of State may be invoked, it might be invoked on any occasion. I shall perhaps be told that this expression already is found embodied in another Statute, and that it has not been there used at all. I am aware that the expression is used in the 50th Section of the Government of India Act. In that section the Governor is empowered to over-ride in certain cases the decisions of the Executive Council, and the words "interests of British India or any part thereof" are used there. That may be so, but we are now dealing with the application of these words in a sphere entirely new. The Governor in such cases has to deal with the measures of the Executive Council. If you interpret those words in reference to measures brought forward in the Legislative Assembly, which is the popular House, in which his official advisers may

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may conceivably be out of sympathy, he may be induced to interpret the words "interests of British India or any part thereof" much more widely than he has ever been used to do. I do not see personally why those dangerous words should be retained. Sub-Clause (6) allows Standing Orders for the conduct of the Legislative Assembly, and by analogous provision of the Legislative Councils, to be amended in future by these bodies, but the amendments are made subject to the consent of the Governor, or subject to the consent of the Governor-General, as the case may be. It is difficult for me to understand why the Standing Orders which are merely regulations for the business of the Legislative bodies, should require the sanction of the head of the Government. Any statutory body may well frame rules for the conduct of its own business.

I now come to Clause 1, and Sub-clause (2) reads: "Provision may be made by rules under the principal Act as to the qualifications to be required in respect of members of the Governor-General's Executive Council in any case where such provision is not made by Section 36 of the principal Act as amended by this section." I need only say, with reference to this, that I support the general requirement that one-half of the members of the Executive Government of the Governor-General should be Indians. Of course, when I speak of one-half of the members of the Executive Government, I am using the expression "Executive Government" advisedly, so as to include any Minister who may be appointed if the Joint Committee adopts the recommendation unanimously given by the Indian Deputations as to the liberalisation of the Government of India. I am personally very strongly in favour of the liberalisation. On Part IV., "The Public Service in India," I consider that it is a great misfortune that a mighty Government like the Government of India, with enormous powers over vast millions of people, should be under an obligation to start their great career with a body of servants whom, however, they cannot fully control, whom they cannot appoint, and whose salaries are fixed for them by higher authority. Really, responsible government in India starts under a great handicap, when all their servants are to be controlled, to be regulated, and to be recruited by the Secretary of State for them. I am aware, Sir, that this arises from the circumstance that the Statute vests all the revenues and resources of the Indian Empire in His Majesty's Secretary of State for India, and not in the Government of India and the Legislature of India, as would ordinarily be the ase if the Joint Committee were dealing, for example, with a self-governing dominion. This naturally necessitates the Government of India coming up to the Secretary of State over small matters relating to their own servants. I recognise gladly that the Bill confers on the Secretary of State power to devolve rule-making power both on the Governor-General and on the local Governors. I only hope that this power will be very liberally used, so that the great Governments with which we shall have to deal in India hereafter may really be started on a level which is consistent with their dignity. Part V., "Statutory Commission," Clause 28, deals with the ten years' Commission which is to inquire into the growth of representative institutions in British India. At the time the original Joint Report was published, criticism was strongly made that the terms of reference, already enunciated therein, did not make provision for this periodical Commission inquiry into the way in which the Central Government of India was coming under popular control. I am very sorry to find that the Bill, even as placed before us, does not rectify that omission satisfactorily. The Commissioners are to be charged not merely with the duty of inquiring into the way in which responsible government in the Provinces should be improved, but the way, also, in which responsible government in the Centre should be improved. I hope that is an omission which has come in by inadvertence, and which will be removed without difficulty when the Bill takes shape in Parliament. The last important remark I shall make in this series is that Clause 30 really seems to me to embody a very defective provision. Clause 30 speaks of the way in which the rules under the Act, for which provision is made in various ways, should be made alterable. The original rules are to be made partly by the Governor-General in Council

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and partly by the Secretary of State in Council. They having been so made, it is declared in this Clause 30 that they should not be alterable by the Legislature either of India or of the Provinces. It seems to me that this is a provision which is very drastic and sweeping, and is likely to cause immense inconvenience in actual working. Unfortunately, the rules have a very wide range, and are likely to cover provisions of great importance and provisions of very small importance. I can understand provisions of Constitutional importance, which deal with Imperial interests, and deal, really, with the Constitutional development of India, being left over for consideration by the Secretary of State, but small rules, of which the scope is really internal, should be alterable by the Legislatures concerned. It is possible to divide the rules up into two classes or categories. I do trust that that division will be worked out, and that the Clause which says "and shall not be subject to repeal or alteration by the Indian Legislature or by any other Legislature," will be altered accordingly. The whole question of rules under the whole of this Act will be dealt with by my honourable friend when he comes to make his statement to supplement mine. I now come to Clause 9, which deals with the Budget, and I will try upon this head to be as brief as possible. I wish to preface my remarks by saying that, in my humble judgment, the provision made in the Joint Report of the Secretary of State and the Viceroy with regard to the provisional Budgets was a piece of able and wise workmanship, and any departure therefrom would take away seriously from the value of the Reform scheme. The power of the purse, the power of determining the revenues to be raised and the way in which the revenues should be expended, is one of the elementary powers recognised in the English Constitution and in the constitutions modelled on the English Constitution. That elementary right has yet to be conceded. That is the way in which, even in India, we have understood the development of the Constitution. Long before we had the power of interpellating the Executive Government, long before we had the power of moving resolutions, long before we ever had the power of influencing the Administration in practical matters, the Budget was to be placed before the members of the Executive and Legislative Councils and discussed, if not altogether voted upon. We began in that way. Many years have elapsed and it is high time, when you are inaugurating a great experiment in self-government, that you gave us the power of the purse outright. Without the power of the purse responsible government can only remain in a very inchoate and unsatisfactory condition. The Joint Report, however, did not propose to give us the power of the purse altogether. It placed upon us a very serious and, in my judgment, necessary limitation. It limited the power of the purse by vesting in the Governor of a Province the power of restoring items struck out by the Legislative Council. This would almost always have had the effect of preserving the integrity of the reserved services. Whatever the reserved services were, they were services that had been more or less well developed. I may say, after a long series of years, that the reserved services as proposed in the Feetham Committee's Report are those which have had a larger share than was perhaps their due in the revenues of the Provinces, the transferred services having come a bad second. It is time now, when you are transferring these services to the control of popular Ministers, that you gave these services an innings. In my opinion, therefore, it is perfectly reasonable to make a provision which will prevent the reserved services from continuing to enjoy precedence in this matter of the adjustment of local resources. The expedient by which the Joint Report secured this result was to make Provincial taxation a transferred subject, and make all proposals come before the Legislative Council for additional taxation only with the consent of the Minister. I consider that a most important provision. I consider, further, that any proposals which will give any member of the Executive Council similar powers of taxation of the Provinces are retrograde, and calculated to take away seriously from the power of the purse, which it is time was granted to the people of the Provinces. I can understand the great reservation in this regard in the case of the Government of India,

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India, where it is not intended to confer responsibility on popular representatives, at least to the same extent. But I always understood that the merit of the Montagu-Chelmsford scheme was that it proposed a generous measure of Provincial autonomy, restricted, it may be, in various ways, but not restricted so dangerously in the matter of finance as to preclude all chance of development. The proposals made by the Government of India in their recent Despatch might lead to that result.

"Having made these preliminary observations, I will now say one or two words about each one of the sub-clauses or provisos made in them. I believe the whole provision is defective, inasmuch as it excludes the raising of revenues or taxation from the scope of the Legislative Councils. The Budget, as we have understood it in Madras hitherto, a tall events, includes two heads—the head of revenue and the head of expenditure. The whole of the head of revenue is excluded from the scope of the 9th clause, to that extent constituting a very serious defect. I hope it is intended that that will be rectified before the Bill takes final shape. The proviso (b) deals with what I may call the transferred section of the Provincial Budget. Proviso (a) deals with the Reserved Budget. Proviso (b) is apparently intended, although it is not expressly stated, to deal with the whole of the Budget, but really will deal only with the transferred part of the Budget, and it is proposed that the Governor should have it in his power, whenever he considers it necessary, to incur expenditure, even in the case of a transferred department. I have no doubt, considering the matter very carefully, that it is quite conceivable that an angry Legislature, wishing to bring about a deadlock, might in some cases go the length of denying the finances necessary to carry on one of their own departments, say registration. It is conceivable, and it is perhaps necessary, to clothe the Governor with power in such circumstances for getting over the deadlock and carrying on the department which is so starved, although it happens to be transferred. But if that is what is intended to be provided against by sub-clause (b) it should be clearly stated. I would secure the object by saying "for the carrying on of any department for which the Legislature has failed to vote the necessary amount," or something of that kind, if that is the object intended. If any other object is intended I cannot support the provision so far as I can understand it. Then when the Governor exercises this extreme power even over the transferred services he ought to issue a certificate stating what the emergency is which compels him to carry on a department in the face of the Legislative Council's opposition. Then under Sub-clause (c) "Nothing in this sub-section," etc., it is intended here to enact something like a consolidated list. I have no objection whatever to such a fund being provided for, and certain items being taken out of the annual vote of the Legislative Council, but I do trust that the Legislative Council will take power to examine items connected with the salaries of the smaller officials. When the Colonies had their responsible government provision was made to secure from their vote, from the capricious vote, if I may say so, the salaries of people of great dignity appointed directly by the Crown. It was necessary to save them from the indignity of having their salaries cut down or refused by the Local Government, but the salaries of other officials—the monies which might be necessary to carry on a large body of services—should not be so exempted. That is the remark I would make on sub-clause (c). On sub-clause (d) there are one or two things one would like to say, and I will now indicate them. I approve of the principle underlying it. It should not be open to a private member to spring on the Legislative Council and on the Executive Council all kinds of financial resolutions for which the Budget may be unprepared; but I would point out to the Joint Committee that in India so far the private member has enjoyed the right of moving financial resolutions, which are now treated as recommendatory, of course. It would be rather hard to take this away, and I would humbly submit to the Joint Committee that it is desirable to retain this power. The Government of India themselves do not wish the power wholly taken away. They think it is a power which may be well given still to private members of the Legislative Councils, only they make a limitation that the increase and the decrease which the private member may propose should not belong to different halves of the Budget—the reserved and the transferred—or that they should belong to the same half. It might be necessary to introduce such a restriction where there was a divided purse, but since we are strongly in favour of the original joint purse idea of the Joint Report we do not see the necessity of that restriction. I next come to certain provisions of importance in the same clause. Sub-clause (3) deals with the appointment of a Grand Committee, but it takes away the power of appeal which was left to the Provincial Legislative Council against such a decision to the Governor General in Council. In our Memorandum we have stated the grounds upon which we should like this power of appeal to be restored. There is only one argument I would add to the arguments set forth in the Memorandum. In other constitutions these difficult matters of conflict were left to be decided by judicial tribunals which had authority to go into all these disputed matters. By a certain section of your Bill, with which I have no quarrel whatever, you propose to exclude the Courts altogether from jurisdiction in respect of these constitutional disputes.

Lord *Sinha.*

3924. Clause 30?—Clause 30.

Chairman.

3925. Will you please continue your statement?—The way I am inclined to be in favour of that restriction is that being in favour of that restriction I urge that as an additional reason for your leaving this power of appeal to the Governor General in Council. Under sub-clause (5) the Governor is to be vested with the power, which he has not hitherto enjoyed, of blocking legislation altogether which he may not like. I am not aware that the Governor General in Council is to be invested under this Bill with such a power. I do not see the necessity for the Governor having this new constitutional power. It is a dangerous power for any Governor to have to exercise. The Governor has the power in the last resort of vetoing legislation. I put it to the Joint Committee that it would be considered an extraordinary thing to empower the Governor to go to the Legislative Council and say: "Now you are discussing this subject I will not allow you further to discuss this subject." It would lead to a very dangerous situation, and it is not necessary. Where the Governor is strongly of opinion that any legislation would be risky or dangerous or undesirable, he has it in his power to veto it at the end. Perhaps if he allowed the discussion to go on he might change his mind and he would see that it was a measure which he could on the whole accept. You propose, further, to invest him with the power of returning such a Bill for the re-consideration in certain respects of the Council before he gives his assent. That power should be enough. I am strongly, therefore, against the blocking power proposed to be vested in the Governor under sub-clause 5. Then there is an emergency provision made in this Bill against which also I wish to raise my voice in protest. The emergency provision in the case of the Governor-General seems to me to be unnecessary. He has got power in the shape of his ordinances and he, acting with his Council, has got the power too, in the shape of his own regulations, lasting for six months, of coping with all emergencies which may arise. Why it is necessary to duplicate this emergency power by further giving him the liberty to set aside the Legislative Assembly and have things suddenly pushed through the Council of State, I cannot see. If there are real emergencies, let him meet them by issuing ordinances and then coming to the Legislative Council for sanction.

Now I want to say a word about the Grand Committee, against which many things have been heard in the course of the evidence. I am, on the whole, inclined to favour the expedient of the Grand Committee. In addition to the reasons already employed, I have to draw the attention of the Joint Committee to what I consider to have been the underlying reason for the devising of this extraordinary expedient. On the face

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of it it looks somewhat cumbrous and unusual, and it does require, therefore, a somewhat elaborate defence. Lord Sinha asked Sir James Meston whether he did not consider that the Councils of the future would in law really have less power than the Councils at present have, and the answer was in the affirmative. But in order to correct the impression which might be produced, the Secretary of State asked later: "Are not the representatives of the people really gaining in the Grand Committee the power they are losing in the Legislative Councils?" and the answer was "Yes"; but I do hope that the Joint Committee will bear with me while I urge the consideration from a slightly different point of view. One of the great objects of the Montagu-Chelmsford Report was to advance in the Provincial sphere the power enjoyed by the people's representatives in every respect, and not to reduce it in any respect. Now, in the present Legislative Councils a private member has got the power of bringing forward legislative measures on any subject whatsoever, whether it belongs to those which are now called reserved or whether it belongs to the group which is now called transferred. On any subject a member of a Provincial Legislative Council is now at liberty to bring forward a Bill, and so long as he can get the non-official majority to be on his side, which is not certainly inconceivable, he can obtain leave to introduce a Bill, he can push the Bill through all the further stages, and he also enjoys the power of defeating any Bill which the Government may introduce. I quite remember in the Madras Legislative Council years ago the Government bringing forward a Bill and the non-officials—the nominated and the elected members—combining together and refusing leave to the Government. It made a sensation at the time, but we now have got the power of refusing legislation that even the Government may introduce. That power would be lost to us if the subjects were to be divided into transferred and reserved, and the Legislative Councils were to have full power over the transferred but not to have full power over the reserved subjects. That power must be reserved to us according to the dictum of the Joint Report, that we are not to lose anything we have got. The constitution of the Grand Committee is an expedient intended to secure that result. In the Grand Committee under the Joint Report the elected members and the nominated non-official members together would still be in a very considerable majority over the official members, and, therefore, there is preserved this right —it may be academic to a large extent—but a legal right of refusing Government measures as presented to us in the Grand Committee. Any other expedient which has been suggested as an alternative to the Grand Committee would leave us without that right; for example, if the Governor-General in Council or the Secretary of State were to have the power of issuing ordinances to secure Provincial affirmative legislation, and the Assembly refused, we should certainly lose that theoretical power. The Grand Committee secures us in this right, and it seems to me that is one of the considerations which this Joint Committee might remember in dealing with the question whether the Grand Committee is to be retained or not.

Having said so much, I wish to say one word about the composition of the Grand Committee as recently recommended by the Government of India. The Government of India proposes to cut down the strength of the Grand Committee from 40 per cent. of the Legislative Council to about 33 1-3 per cent. on the average. It differs in the case of each Province, but that is about the average. I cannot support this contention that this very important legislation to meet a Provincial need should be put through in Councils which are even smaller than the Provincial Legislative Councils at present.

One question was asked of the witness who sat here before me whether the majority, if only one, of the nominated members was not a very risky expedient for the Governor to rely upon when he wanted certain essential legislation. According to the recommendation of the Government of India, the majority is really not one. The figures show a majority of one, perfectly true, but they seem to me, in

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their Despatch, to exclude the Governor, and, in other Provinces, some members of the Executive Government, as well. It is not made perfectly clear on a reading of the Government of India's Despatch, whether, when the Grand Committee is constituted, members of the Executive Government shall be nominated to it or not. Apparently it is not intended to nominate them, as they would be *ex officio*. If they sat *ex officio* on Grand Committees the strength of the Grand Committees would by that very fact be increased, so that the majority of nominated over elected members would not be one, but really four, and in some cases, perhaps, five; so that there would be no risk whatever of the Government not being able to obtain the legislation they wanted.

Now I come to the Instrument of Instructions, and I request the Joint Committee to bear with me, because this is a very important point, one of the most vital in the whole scheme. The Instrument of Instructions, as drafted, is included at pages 64 and 65 of Volume III. of the Views of the Government of India upon the Reports of Lord Southborough's Committees. I have two or three faults to find with this Instrument of Instructions. In the first place, it is defective in that it conveys to the Governor no instructions whatever as to the circumstances under which he is to exerise some of the most delicate and difficult powers entrusted to him. He is not told when exactly to refuse his assent to the Bills passed by the Legislative Council. He is not told when exactly he is to dismiss a Minister. He is not told when exactly to over-ride the decisions of Ministers. He is not told when exactly he is to resume subjects which Ministers usually administer; and, so far as I can read the Government of India's recent Despatch, he is allowed, even when he has dissolved a Council, and the new Council supports the policy of the old, to go on, with or without Ministers. I consider this to be in many ways a most extraordinary step for the Governor to take. He is displeased with the local Legislative Council; he is displeased with his Minister. He dismisses the Minister, and finds that insufficient; perhaps no other Minister is forthcoming; and then he dissolves his Legislative Council. Practically, in Constitutional parlance, this would mean an appeal to the electors of the country. When he has appealed to the electors of the country, and a new Council comes into being, and that Council endorses the decision of its predecessor, one would expect that the Governor would be instructed definitely to accept the decision of the Council. Any other action on his part which seemed to defy one Council and also another would create almost a civil commotion; and yet it is contemplated by the Report of the Government of India that, even in such a case, the Governor should have the power of carrying on the administration as if there were no transferred subjects and as if there were no Ministers I take it that the Instrument of Instructions must be amended accordingly.

There is one other general observation that I should like to make under this head. In many places the Governor is enjoined specially to safeguard legitimate rights—specially to safeguard the recognised rights and privileges of the services. Now the recognised rights and privileges of the services include what are called legitimate privileges, but meanwhile privileges cease which it is necessary in the public interests to remove. For instance, in some Provinces I know, as a matter of fact, the officials have the privilege of impressing carts and conveyances into the service. This may become in course of time unnecessary, if it is not already unnecessary. I know it is objected to very seriously. Now it is open to the Governor to consider that this was a recognised privilege, and it certainly is a recognised privilege. If when the people attempt to get rid of it on suitable representations, it should be open to the Governor to come down and say, "This is a recognised privilege, and I will safeguard it all I can." It would be using his power in a way in which he could not use it to-day, and I am particularly anxious that the removal of inequalities and privileges and immunities and monopolies, which, in the ordinary course of things, may be removed to-day by well-directed agitation, should not be barred in future merely on account of the Instrument of Instructions

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structions conveying a general instruction that the Governor shall always safeguard these things. That is no doubt intended, but it should be made clear.

With regard to one clause about educational institutions conducted by missionary bodies, the Instrument of Instructions seems to me to be particularly defective. "The Governor is required "—I am reading XI.—" to secure that the interests of existing educational institutions maintained or controlled by religious bodies are duly protected in the event of any changes of educational policy affecting them adversely." Now this it too wide and too stringent; it will certainly, I think, lend itself to an interpretation which will prevent, for instance, one of the questions in which I have interested myself recently—the introduction of a Conscience Clause into the Education Codes of India. Interpreted stringently, this particular instruction might be used by the Governor to block such introduction. I am perfectly willing to adopt the language which the Southborough Committee on Functions has recommended in this regard. For instance, it says only " to take care that no change of educational policy affecting adversely Government assistance afforded to existing institutions maintained or controlled by religious bodies is adopted without due consideration." That seems to me to be particularly cautious language, free from the danger of any revolutionary change. That ought to be sufficient.

Now I come to the rules. I will only mention four points on the rules which are necessary. I make the complaint that the rules are not appearing there. In the first place I should like a rule made in the conduct of the Legislative Council that matters of urgent public importance could be brought forward without the requisite notice by private members. There is no such provision now, and we have very often suffered from the lack of such a provision. Then the power that is now vested in the Governor of disallowing questions or resolutions is very drastic. He has got the power merely by saying, " I consider this is injurious to the public interests " to bar any questions which might be asked, and to bar any resolutions which might be moved. I know of one Government at least —the Government of Madras—which has used this power in a way to cause widespread dissatisfaction. Tht power, it seems to me, ought no longer to exist. Then the rules for the conduct of the Legislative Council are very often suspended, and it is necessary to suspend them, I will grant, but the power of suspensions must vest in the Council itself and not, as in the case of several Legislative Councils, in the President acting singly. No rules for the conduct of business should be suspended by the act of the President only.

Now I come to the last head that I mentioned, and on this head I will be brief, for reasons which may be obvious—and that is the question of the Brahmin versus non-Brahmin. Yesterday evidence was tendered here which seemed to indicate that the very unfortunate condition of the Panchamas in Madras is in some mysterious way the work of evil-minded Brahmins. I am one of those who think that the Panchamas are in an extremely bad condition, but I may be allowed to point out in the social service that is now being undertaken on a very wide scale in that Province in order expressly to improve the condition of the Panchamas, the Brahmins are taking a most honourable and conspicuous part. The presidents and the working members of nearly every social service institution are Brahmins; Brahmin judges, Brahmin advocates-general, Brahmin barristers, and Brahmin professors take a very active share in this work.

The next point I will mention is with reference to the Varnashrama Dharma Association, of which so much was made. There is a new body which has come into existence within the last twelve or thirteen months in Madras, of which the avowed object is to maintain caste on its present footing, and perhaps also to make it more rigid. I deplore the starting of such an institution. I have nothing to do with it, and I might go further and say that no politician in Madras of any consequence who has borne a share of the work of public agitation in recent years has anything to do with that Association. It is an obscurantist body, which we discountenance. It was wrong to have sug-

Chairman—continued.

gested that many of the members of that body are also political workers, and that the political workers therefore might be generally charged with a desire to bring back ancient institutions of a cramping nature. As a matter of fact, I may state further to this Committee that the Varnashrama Dharma was started partly for the purpose of protesting against a Bill for which I was responsible, which might have interfered with some of the interests of our Province. It is intended really to attack social reformers, to attack all advance in the direction of unifying castes, and we have nothing to do with it; no political worker of any consequence has anything to do with it. Against the proposal to reserve certain seats in plural constituencies to which mixed electorates should elect candidates, the idea was started that the men who actually came out of the election successfully would be those who would not represent the class intended to be represented. To be concrete, if there was an electorate composed partly of Brahmins and partly of non-Brahmins, any non-Brahmin candidate who might be elected by such a mixed electorate would be a person whom the Brahmins had favoured and who was favourable to the Brahmin aspect of things. I venture to think that that view is entirely without foundation. As was pointed out subsequently to the Southborough Franchise Committee, in nearly every constituency the non-Brahmins enjoyed a preponderance of nearly five to one. If, therefore, any non-Brahmin candidate was really elected by this constituency he would come in on the strength of a majority of votes coming from his own community. The Brahmin, being in the very small minority, would contribute very little towards his success. There is no danger, therefore of the successful non-Brahmin being a Brahmin non-Brahmin. I must draw up a rider to this: that, in my own judgment, the increased power is in the hands of people who may be described as Brahmin non-Brahmins or non-Brahmin Brahmins. We want people of that class. We strongly dislike non-Brahmin non-Brahmins and Brahmin Brahmins, people who stand at the opposite extremes and tend to pull the community to pieces. We want people who can take cosmopolitan views, Brahmins who can sympathise with non-Brahmin views and claim to represent them, and non-Brahmins who can claim to sympathise with Brahmin views and claim to represent them. The whole of our future depends upon the way in which we allow mixed electorates to bring forward people who conciliate both sections, and are anxious to take a broad and national view of all public affairs, and bring, therefore, a catholic outlook to bear on the conduct of public affairs. I am, therefore, without the slightest apprehension as to the result of the experiment which will create mixed electorates and give to non-Brahmins the security of a large specific number of seats for their own community. I am all in favour of that expedient. The reason why the Southborough Committee could not recommend this in their Report was that they were not satisfied that that expedient would meet the wishes of the non-Brahmin community. That was all. If we had been assured that that would end the dispute satisfactorily I think the Southborough Committee would not have had any hesitation in recommending that expedient. The only thing I need add under this head is that if such an expedient is finally decided upon the proportion of 30 to 61 seats that the Government of India have recommended does not seem to me to be excessive, and it is a proportion which I should certainly support. The further remarks under this head I will make if I am asked by the Joint Committee in cross-examination, and my friend Mr. Ramachandra Rao is in a position to answer all questions on this head with great personal experience and knowledge.

(Mr. *Ramachandra Rao.*) May I make a statement, my Lord? In the first place, I will refer to the last point which has been taken by my friend, namely, this question of Brahmin and non-Brahmin. With regard to this matter, the impression conveyed yesterday by the statements made by the Witnesses before your Committee led one to suppose that the non-Brahmins had not in the past been returned adequately to the Legislative Council. I therefore propose to state very briefly to your Lordships' Committee the facts from 1893

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as to the number of men who were elected. From 1893 to 1909, when the Minto-Morley reforms came into force, there were seven elective seats in the Madras Legislative Council. One of them was allotted to the University and another to the Chamber of Commerce. With regard to those two seats, they were generally represented by Europeans on behalf of the University and the Chamber of Commerce. There were exceptions with regard to the University, and Sir S. Sivaswamy Aiyr represented the University for some time before 1909. Then we have the Madras Corporation, and with regard to this institution, Mr. Rangayya Naidu, Mr. Theyergarayachty, Desikerchary, Mr. Vakata, Ram Anujulu Naidu, Dr. Nair and T. Rangachary were the representatives from 1893 up to 1918. Of these, Mr. Rangayya Naidu, Mr. Theyergarayachty, Mr. Venkata Ram Anujulu Naidu and Dr. Nair were the non-Brahmins, and the two Brahmins for those sixteen years were Desikerchary and Mr. Rangachary. Mr. Rangachary got into the Council in 1916 with the active support of Dr. Nair himself. With regard to the other representatives to the Council, there were two groups, known as the northern group and the southern group, of the Municipalities and District Boards. There were two representatives of the northern and two of the southern group, one voted for by municipalities and the other by the District Boards. In the northern group we had generally one non-Brahmin representing the District Boards, and the representatives were Mr. Subba pathy Modelyar, Mr. Jambiliger Modelyar and Mr. Kesava Pillai. In the southern group of municipalities and District Boards we had Mr. Ratnasahatpathy Pillai and Mr. Krishnan Nayar, who represented the District Boards continuously for a long time, that is, so far as the state of things from 1893 up till 1909, when the Minto-Morley reforms were introduced, and afterwards we have had several members who were non-Brahmins in the Legislative Council. I can say this with knowledge, because I have been on the Council since 1910. We had Mr. Sambardan, Mr. Shanmugan Pillai, Mr. Modeili, Mr. Chidambaranatha Mudaiyar, Mr. Mappili Nayar, Mr. Kesava Pillai, Mr. Ram Menon, Mr. Kamevasu Naidu, Mr. Venkatapathy, and Mr. Habebulle, who represented a mixed territorial constituency consisting of Hindoos mainly, but they preferred to be represented by a Mohammedan gentleman. I am, therefore, anxious that your Lordships' Committee should see that from 1893 up till 1909—that is the period at which the Minto-Morley reforms were introduced—and after 1909 up to 1916, there were a large number of members who were non-Brahmins in the Legislative Council. The next point I should like in this connection to mention is to give to your Lordships an idea of the electorate which is to be constituted under the new Southborough proposals. I will illustrate it by referring to my own constituency. My constituency consisted of 490 voters in the three districts who were members of local boards and municipalities; they were the principal voters who represented the general population of these districts. They had a system of indirect election, and, under the present arrangement, we are to have eleven members instead of one—four for the one district, four for the second, and three for the third. As regards the voters, they are 20,744 in the one district, 37,576 in the second district, and 25,032 in the third district, making a total of nearly a lakh. This is on the proposal made by the Madras Government, subsequently much enlarged by the Southborough Committee, and I take it that if those recommendations are given effect to the constituency which I represented in the Legislative Council would not have anything less than a lakh and 20,000 voters. We would have eleven members representing them as against one and 490 as against a lakh and 20,000 voters. As regards the proportion of Brahmins in these electorates, your Lordships' Committee will see that the proportions which are indicated on the figures of the Madras Government have been brought out by me in the Memorandum I presented to the Franchise Committee, and in most of the districts this proportion goes as low as 10 and 11 per cent. of the total number of voters. In one of the districts it would amount to 13 per cent.

3925A. You need not give us all that detail?—My point is that whatever members there may have been

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under the system of indirect election, where the whole body of electors are only 490, as we are to have such a large electorate now by the system of direct election, the number of members should be considerably larger than they ever were before. There is absolutely no conceivable way in which those seats could be rushed by the Brahmins, and any Brahmin who can now get into these constituencies can only get in by the good will of the large majority of non-Brahmins in these districts. I have given these figures with a view to giving you an idea of the new constitution which has been recommended by the Southborough Committee. My Lord, I should also like to say that in the past, as I have already stated, the whole population has been represented both by Brahmin members and by non-Brahmin members. There are various mixed motives with regard to the election of members to the Legislative Council and distinguished service, and generally the character of the candidate has always been one of the main considerations with the electors whether Brahmins or non-Brahmins. This idea of a Brahmin voting for a Brahmin and a non-Brahmin voting for a non-Brahmin has never hitherto predominated except after this agitation in 1917, which was organised after the defeat of three or four candidates in the elections of 1916. A great deal has been said on this question of the Brahmin preponderance on the Madras Legislative Council, but I have already pointed out the state of things until 1909. That I have already placed before your Committee. There were, in 1910, when the new Councils were constituted under the Minto-Morley reforms, six Brahmin members; in the next term there were seven, and in 1916 there were ten. Of these ten two came in uncontested, and in two constituencies there were no non-Brahmin candidates at all. So that for the four constituencies there were no non-Brahmin candidates, and with regard to the fifth, namely, Mr. Rangachary, of the Madras Corporation, he got in by the active support of Dr. Nair himself. So with regard to four of these seats there was no contest by non-Brahmins, and in the fifth Dr. Nair himself put up a candidate who was a Brahmin and assisted him to get into the Council. The point I should like to place before your Lordships is as to whether anybody who appeared before your Lordships' Committee or anybody else is able to point out to us who have been doing public work in Madras whether we have done anything in the course of these ten years in the Legislative Council to the detriment of non-Brahmins or to the detriment of any particular community in Madras, and in order to elucidate the point I have placed before your Lordships' Committee a summary of the work of the Madras Legislative Council for the last ten years. I invite the attention of members of your Committee to that summary, which is fairly exhaustive, of the activities of the Madras Legislative Council, and from that the members will be pleased to see that most of the work of the Council—it begins at page 13—consisted of questions which were of vital interest to the ryot population, and in several respects we tried to improve the economic position of the ryots as well as to improve the position of the other classes. I invite your attention specially to page 26, where the questions arising with regard to the depressed classes have been dealt with, and where the activities of the Council for the amelioration of the social conditions of the poorer classes has occupied the attention of the members of the Council. I claim, on behalf of the members—more especially the Brahmin members—that we did our level best to initiate a new policy, even against the wishes of the Madras Government, who in several respects opposed this, having regard to financial and other general considerations. My Lord, I only wish to say that there are other considerations which apply to this question. If you introduce this system of communal electorates, what is to become of our District Boards and Municipalities? For the last thirty-five years we have been working side by side in our important District Boards and with the Municipalities, without the system of communal representation, and the moment it is conceded for Legislative Council elections, I am certain that in the field of local self-government there would be a great many complaints which would arise by the demand for communal electorates,

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torates, and it would result in the homogeneity of the present system being disturbed. I do not wish to dilate further on this matter; but I am prepared, with reference to the statements made by a witness here yesterday, to answer any questions so as to throw as much light on this question as I possibly can, to the satisfaction, I expect, of your Committee.

There is only one word I should like to state, as something has been said about the influence of the Brahmin officials. I beg leave to state that, during the last ten years not a single petition has been presented under the Election Rules to set aside any election on the ground of undue influence of the official class, or anybody else, and that is a circumstance which has to be borne in mind with regard to this matter.

I have a few observations to make on the text of the Bill, if you will permit me to do so.

3926. I want you to be as brief as you can?—I will be as brief as possible. With regard to the powers of legislation conferred by this Bill, Sir James Meston stated, with regard to the matter of Hindoo and Mohammedan law, that he would like to see this made the subject of Central legislation. I am one of those who hold, in this matter of the reform of Hindoo and Mohammedan law, that the Provinces should have the widest possible freedom, and any attempt to curtail their activities by previous sanction of the Government of India is detrimental to the best interests of social legislation as well as legislative reform. There are many questions with regard to Hindoo law especially; we have the Mithakshare law in Madras, the Mayugha law in Bombay, and the Duyabhega law in Bengal, and there are many questions of Hindoo law which require legislative action. The question of legislative activity is also bound up with the question of the public opinion of the Provinces. The public opinion, as well as legislative opinion, varies, and I therefore think that, in order to give liberty to the Provinces, to undertake necessary legislation for the reform of Hindoo law will be a step in the right direction. I may say that in Madras we have already moved in this direction, and the Act which was placed on the Statute Book to get over the decision of the Privy Council known as the Tagore case, has resulted in drawing public attention to the subject and inducing one of the members of the Imperial Legislative Council to take it up. With regard to another branch of Hindoo law, I introduced a Bill four years ago, which was supported by the Madras Government, by the High Court, and by the public opinion of the Province, but it is still being hung up for want of the sanction of the Government of India. Therefore, I ask for the utmost liberty in undertaking this reform. I have prepared in regard to the statutory rules a note which I placed before the members of your Committee, and to that I invite the attention of the Committee. I make it part of my evidence now because I shall be glad to answer any questions in elucidation of the facts which are mentioned in that note. The chief point I should like to urge with regard to the Legislative rules is that so far as the composition of the Legislature is concerned, they should be set free to undertake supplementary legislation for the modification of any regulations which may be framed with regard to the composition and qualifications of members as well as other things. This Bill is obviously a Bill for conferring self-government, and that being so, it seems to be rather hard that the Legislature should be tied down by outside regulations in the matter of the composition of the Legislative Councils in regard to questions relating to qualifications, in regard to the increase in number of the members of the Council, and as to the matter I have stated in this note, I trust, the facts being stated, it will induce your Lordships' Committee to recommend this power, namely, the power of modification of any regulations which may be made at the present time. I may say, with reference to the Rules Business, that is the next head I have in this note. I have also prepared another note on Budget procedure which I have circulated to the members of your Committee, and I trust that the points therein stated will receive your attention, and in further elucidation with regard to these points I am prepared to answer questions.

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Then there are only two other subjects I should like to press upon your attention, and one is the question of transferring Land Revenue from Madras, with regard to which I shall be able to say a great deal if necessary, and the other is as to transferring the subject of Provincial Services to the control of the Minister, which is not contained in the recommendations of the Functions Committee. I have also to add that with reference to the Provincial Railway policy there is no foundation in the Note of the Government of India that it would be detrimental to the interests of the Provinces. I strongly support the suggestion that the Provinces should be in a position to initiate Provincial Railway policy for the development of light or feeder railways. We in Madras have suffered greatly in that matter. We have now 350 lahs collected from ratepayers, which is now lying idle without any schemes for railway construction and without any possibility of such schemes being furthered. All this has arisen on account of the obstructive attitude of the railway companies, over whom the Provincial Governments have no control, with regard to the attitude of the Railway Board. I think, in the interests of the future welfare of the Provinces, it is absolutely necessary that the Provincial Governments should have a considerable voice in the railway administration of the Provinces, and it is somewhat curious—and it has struck a great many people as somewhat curious—that the whole administration of railways should now be carried on by a central authority in India—namely, the Railway Board. This is the old question of the evils of the centralised system. I do not wish to underrate the importance of a general control, but it ought to be subject to all reasonable limitations. The Provincial Governments should have influence over the railway administration with regard to third-class passengers, platforms, and many other things which have arisen during many years past, and which have been ventilated in the Provincial Councils without success. In all these matters I think there would be greater contentment if the Provinces were allowed to deal with these matters and set free to pursue their own line with regard to them.

Major *Ormsby-Gore.*

3927. Mr. Sastri, you have been in public life in Madras or the Government of India for many years?—(Mr. *Sastri.*) Yes.

3928. How many contested elections have you had to have, in one form or another?—On the Madras Council I was a nominated member. I had a contest one time, when I competed for the Indian Legislative Council. We had then, as a matter of fact, six people contesting two vacancies. One candidate was Dr. Nair, and he was defeated in that election.

3929. Was that in the city of Madras?—The constituents consist of the non-official members of the Provincial Legislative Council. The election took place in the city of Madras, but the electors came from different parts.

3930. Were both the persons elected out of the six Brahmins?—Yes.

3931. How many of the voters would you say were Brahmins, and how many non-Brahmins?—I cannot say exactly. I cannot say at once what the figures were, but I think there were more Brahmins than non-Brahmins—perhaps one or two more, that is all.

3932. Therefore, the experience of the elections of the past, with a very limited Franchise, is nothing to go by, looking to the enormous increase in the Franchise now proposed?—Nothing whatever. On the contrary, if I may disclose some of the facts of the election, it was the majority of the non-Brahmin votes which sent me up, and Dr. Nair had perhaps more Brahmin votes than non-Brahmin votes.

3933. You spoke, in connection with this controversy which we have heard so much about, of certain organisations for social service in India?—Yes.

3934. Are you referring to a body like the Servants of India?—Not only to the Servants of India, but there are branches in several places, and a good many Social Service

Major *Ormsby-Gore*—continued.

Service Leagues have been started for the express purpose of ameliorating the condition of the poorest classes, among whom the Panchamas are the chief in point of number. They exist all over the Presidency, and a very large number of them are to be found actively working in the City of Madras. The great majority of these workers are Brahmins of the higher class.

3935. Brahmins of the higher class do not nowadays perform these social services actually in the districts where these Panchamas live?—Not at all. I myself have been in the Panchama dwellings and have examined into their condtion and resources.

Chairman.

3936. You mean, Mr. Sastri, that there are Brahmins who take up that work, but you would not say that all do?—I do not say that all Brahmins do; but amongst the workers the very considerable majority are Brahmins.

Major *Ormsby-Gore.*

3937. All the Brahmins who take part in political life, or the vast majority of them, behave as you do—that is to say, they are not so rigid as some Brahmins in regard to social service?—I can only say that I am by no means exceptional.

3938. To go to quite another question, you spoke in your opening statements of the liberalization of the Government of India: could you give me something a little more in detail, especially after the evidence we have had from Mr. Jinnah this afternoon, as to what you have in your mind with regard to the liberalization of the Central Government?—I mean that some Departments, however few and however unimportant to the control of the Legislative Assembly, ought to be administered by a Minister.

3939. You think that at the outset it is a feasible suggestion to introduce diarchy in the Central Government?—I think it is feasible.

3940. If you take the list of All-India subjects as proposed by the Feetham Report, which I understand you accept as the list of All-India subjects, and if you take out the Navy, the Army and foreign policy, and the relation with other States, all those subjects which were reserved even by Mr. Jinnah, and the subjects like railways, which are bound up very largely with the problem of finance, do you not leave only certain technical services, such as survey and archæology and things of that kind in the hands of the Central Government? There are practically no important subjects in the All-India lists which are suitable for transfer?—I was not thinking particularly of any very important subjects; even if they were unimportant, I should like the principle of responsibility in the Government of India recognised at the very start—I have mentioned the subject of the salt revenue; I have mentioned the subject of income-tax and general stamps as probably subjects which might suitably be transferred, but there is in Sir James Brunyate's dissentient Minute to the Crewe Committee Report a further list of subjects which seem to me to be fit for transfer.

3941. You would ask this Committee to consider the proposed division of All-India subjects contained in Sir James Brunyate's Minute of Dissent to the Crewe Committee Report?—Yes.

3942. Otherwise they are largely subjects of revenue, the subjects which you contemplate the transfer of. Is not that the case?—Not so much the transfer, but the working from the start.

3943. What generally are to be the powers of the Indian Legislative Assembly over the revenue and expenditure? Would you not say that the liberalization of the Central Government of India meant increasing the powers of the Legislative Assembly of India in finance?—I think so; I think the problem might be so stated.

3944. That would be almost equivalent to liberalizing the Central Government?—Yes, it would be.

3945. If you will come to another question, you said you atttched great importance to the Legislative Assembly of India and to the Legislative Councils of the Provinces selecting their own Presidents and Vice-Presidents—that is to say, in no case do you want an official?—Exactly.

Major *Ormsby-Gore*—continued.

3946. Who presides over the Legislative Council—the Governor General?—The Governor General in person.

3947. You wish that to cease?—Yes, in the case of the Legislative Council, but not in the case of the Council of State.

3948. In the Provinces I understand it is proposed that the Governor should preside at the Legislative Council; you think that is a mistake?—I think that is a serious mistake.

3949. You would think that neither the Governor nor a nominee of the Governor should preside in the Provincial Legislative Council?—That is so.

3950. You think that you would have men elected to the Legislative Council who would have sufficient past experience of deliberative assemblies to preside over them in the first instance?—I would not say that the men should have experience of presiding over a deliberative assembly, because that would be impossible.

3951. Well, of the working of them?—And so would it be impossible to find officials to answer that description.

3952. Now you were on Lord Southborough's Franchise Committee?—I was.

3953. What view do you personally take on the women suffrage question?—I do not wish to differ on that matter from my Committee, having signed the Report, but I did think at the time of signing it, although there were great considerations in favour of the women's suffrage, that it would not be wise at the very beginning to take a step for which, as I estimated the demand, there was not sufficient demand at the time.

3954. Your experience being mostly in Madras, do you think the demand varies a great deal in different parts of India?—It does; and in the case of Bombay, perhaps, it is most pronounced. Perhaps Madras comes next, or perhaps Bengal comes next, and then Madras, and it goes down in the other Provinces.

3955. Do you see any real objection to having a different Franchise in one Province as against another?—You mean in respect of this particular question?

3956. Yes?—I do see serious difficulty. It might lead to invidious distinctions, and disputes might spring up, and in my judgment it is not necessary at all to make any discrimination. After all, even in Bombay the women's suffrage, if granted, would be taken advantage of by only a small section. It may be that if in Bombay one hundred women took advantage of the privilege, in Madras only fifty or sixty might take advantage of it; but the particular circumstances need not necessarily lead to giving the Franchise in Bombay and denying it in Madras.

3957. Another Franchise question: Did you hear Mr. Wadia's evidence with regard to the possible enfranchisement of factory workers?—I am very sorry I was not here at the time.

3958. Do you think it would be possible, in view of the possibility of the rise of industrialism in India, and the labour problems which this tends to bring with it, in certain towns in India, to create a special Franchise for factory workers?—I generally endorse the opinions on that subject advanced before the Joint Committee by Sir Frank Sly. I think, for the next few years, it is not necessary to create any special Franchise. At the next opportunity the necessary steps might be taken in this direction.

3959. You are one of those who are pressing for fiscal reforms, as we used to call them in this country, for India as a whole?—I am.

3960. In order to develop the taxable capacity of India, by encouraging local manufactures?—Quite so.

3961. That operation will considerably increase the industrial classes?—It will; but it is not a fact that has yet emerged into practical politics, and it may well wait.

3962. You think it can wait for ten years, until the next review by the Parliamentary Commission?—I think it can; I was thinking about fiscal autonomy in connection

Major *Ormsby-Gore*—continued.

connection with the question of enfranchisement of industrial workers.

3963. One question, now, about the Feetham Report. We had evidence just now that the Government of Bombay favours the transfer of land revenue. What is the attitude of the Government of Madras, do you know, with regard to the possibility of transfer of land revenues?—I think it is strongly against it.

3964. Do you, personally, think that there would be considerable practical difficulty at this stage of the Land Revenue Legislation for transferring it in Madras?—I do not think so at all.

3965. You would be in favour of transferring land revenue in Madras?—I should be in favour, but I am not pressing for that at this particular juncture.

3966. I see in your remarks, in reply to questions with regard to your comments on the Crewe Committee, you attach considerable importance to and have emphasized the desirability of the proposed Select Committee on Indian affairs?—Select Committee of the House of Commons.

3967. You wish to confine it to the House of Commons?—Yes; I wish it confined to the House of Commons.

3968. You think that Indian opinion, generally, is in favour of its being limited to the House of Commons?—I think, so far as I have been able to judge of it, that is so

3969. What do you think educated Indian opinion considers that Committee will do?—It has great hopes, I must say, that the Select Committee will practically be equivalent to a revival of the periodical inquiry that we used to have into Indian affairs before the Crown took over the administration. Perhaps that hope is doomed to disappointment. This proposal is the lineal successor of a series of proposals we have had for a restoration of that periodical inquiry which used to be thorough, and led to good results. Perhaps in these days the Select Committee of the House of Commons which the Crewe Committee contemplates may not yield those particular results, but I do think it is a step in advance, and I should like it on the whole.

3970. Do you think that it could in any way do some of the work which the Council has hitherto done with regard to finance?—I am not intimately acquainted with the actual work of the Secretary of State's Council. Judging from a great distance, I have never been a great believer in that Council. Although it has had the power of controlling the expenditure of Indian revenues, I do not think that there is a record of any conspicuous instances of the use of that power in the directions that we should desire. I therefore view with perfect equanimity the disappearance of that Council.

3971. With further regard to the proposed Select Committee of the House of Commons, it would sit every session, I gather? You want to sit while Parliament is sitting?—Yes.

3972. It would review the past Acts of the Government of India. Is that your idea, or that it should in any way influence future policy?—Our original idea was that the Select Committee should have power even to interrogate the Secretary of State, and ask him to make statements about affairs as they were taking shape in India. For instance, were a Government in collision with this Legislature, the matter would first be represented to the Select Committee of the House of Commons before the decision was actually taken as to how to deal with it by the Secretary of State. But I am by no means certain now that that idea is still kept in view. It has perhaps receded.

3973. May I put this difficulty: That, as responsibility increases, and so-called liberalisation takes place in India, do you not think it would be very difficult for a Secretary of State, who would have to obey a majority of a Select Committee of that kind here, to enforce the wishes of that Committee of the House of Commons, either on a Provincial Government or on the Government of India; because if you have a Committee of the House of Commons I presume you must let it vote and decide by a majority—I am sure that would lead to a difficulty; but are we not really confining this Select Committee of the House of Commons to an examination of those matters in respect of which the local Legislative Council has not yet been endowed with power?

Major *Ormsby-Gore*—continued.

3974. That is to say, you would limit its functions?—Yes.

Mr. *Bennett.*] Could you give us a little further exposition of the work that has been done by societies, like the "Servants of India," for instance; have not they great religious fairs?

Chairman.] Do you think that bears very closely on our work?

Mr. *Bennett.*] It is with regard to the social work which is being done, and the bringing together of all classes.

Chairman.] There are so many extraordinarily interesting things in India which we cannot touch.

Mr. *Bennett.*

3975. You know, further, that in the Deccan just now there is at work a league called the anti-Untouchability League?—Yes.

3976. Is that characteristic of the new attitude of the upper classes—the educated classes—in India, or a considerable portion of them, towards the lower classes and the depressed classes, of whom we heard so much yesterday?—It is; and it is one of those things which bear the greatest promise for the future.

3977. You referred to the desire to put the election of Presidents in the hands of the Legislature. Do you attach much importance to that?—I attach very considerable importance to that, because if there were a permanent official presiding over a Legislative Assembly with popular traditions I foresee a time when every time the President takes his seat and gives a ruling an atmosphere of hostility might be generated, and the whole House will have to conduct its proceedings in a very unpromising environment.

3978. What kind of training or preparations or experience for that post do you look upon as possible in India?—Where would you look for your men?—Among the members of the Legislative Council. I would look for a man who had taken part in practical affairs, and perhaps had also either administered or practised the law for a number of years—I would look for such a man.

3979. Would you regard a district officer who had had some years' experience in presiding over district boards as a man qualified by his experience for such a post?—Not at all. All his experience would have been gathered at Boards of people with Executive business to transact, and he would be out of sympathy altogether with the proceedings of a body which settled matters by continuous and thorough discussion. A man who thinks that despatch and quick decision is the essence of business is not likely to be a person who will be the most safe guide of the deliberations of a popular Assembly.

3980. You make a reference to practice in other countries, I think. What is the prevailing practice?—What I was thinking of was the Presidency of the Representative Assembly in America or the popular Assembly in the German Constitution, or the popular Assembly in the Japanese Constitution, or in France. We never hear of the head of a Government sitting and presiding over the deliberations of these popular Houses.

3981. But in some countries is it not the case that the Crown nominates the President of the Assembly?—Not of the Assembly.

3982. Of the Legislature?—Where the reigning monarch does not himself preside over the Upper House he has his own nominee for that House.

3983. How would you regard a practice which prevails in some countries of the Chamber providing a panel of three or four members, and submitting that to the head of the Government?—As a first measure it is worth consideration.

3984. You would look upon that with favour?—Yes.

3985 You

Mr. *Bennett*—continued.

3985. You refer to a passage in the Instructions to Governors about the Conscience Clause in schools. That is rather important. Would you tell us exactly how that stands? What is the exact ground of your objection to that, because I did not quite understand it?—What I meant was this. I will make a statement which may take me three or four minutes.

3986. I hope not more?—The introduction of a Conscience Clause in our Education Code is a matter——

Chairman.] What is the point?

Mr. *Bennett.*] The point is, the instructions of the Government are, in Mr. Sastri's view, defective, in so far as they say that the Governor is required to secure that the interests of existing education establishments managed or controlled by religious bodies are duly protected. One gets rather anxious when one learns that Mr. Sastri is not satisfied with that. I think it is a very important point that the interests of educational institutions managed by religious bodies should be duly protected.

Chairman.

3987. Will it take some time, because, if so, I would prefer a Memorandum on the subject?—It may take me three or four minutes. I have already stated that I prefer the formula which the Feetham Committee recommend in that regard. You have read the recommendation of the Government of India on the subject, which goes too far, and is framed in very stringent language.

Mr. *Bennett.*

3988. Perhaps it will be sufficient if we refer to that?—I am quite prepared to submit a memorandum on the subject. (*See Appendix P.*)

3989. I will leave that to the Chairman?—If the Chairman will allow me to do so, I will.

Mr. *Acland.*

3990. I asked Mr. Reddi yesterday a question on the vexed difference of opinion with regard to communal representation for the non-Brahmins, and I realise, of course, that we should not be able to arrive at a general agreement in anything that we recommend at the present time. But my question tended to suggest that the differences and difficulties which now, unfortunately, exist might tend to disappear in the course of time better if Brahmin and non-Brahmin throw in their lot together than if there is a separate representation. Can you make any comment bearing upon that one way or the other?—I quite agree with the suggestion contained in your question that separate representation by means of separate electorates would really act as a bar towards that union in political affairs which we consider is the necessary condition of a good future for India. But if the non-Brahmins could be brought into line with the political development only if suficient safeguards were introduced into the Constitution, I am prepared, as a compromise, to consider the suggestion of a certain proportion of the seats in plural constituencies being reserved for them. I am only suggesting it as a compromise, if it proves satisfactory to all the parties concerned.

3991. You would be willing to go so far in recognising the special interests of the non-Brahmins as an accepted compromise?—Yes; I would be willing to go so far to respect their feelings and their wishes.

3992. On the whole, do you agree with the view which I suggested in the course of argument, that probably in the long run the difficulties and differences would tend to disappear rather by a common system of election than by a separate system?—Certainly; that is the best way of looking at it. That is how it appeals to me, decidedly.

Lord *Sinha.*

3993. I had the disadvantage of being away during some portion of your evidence, and I only propose to ask you one question following on what Mr. Acland asked—I do not know if you have answered it already—about communal representation. Is it the fact that this agitation with regard to separate electorates for non-Brahmins in Madras is of recent origin?—Quite recent origin.

Lord *Sinha*—continued.

3994. The question was raised by the Madras Government, was it not, at the time of the Morley-Minto reforms when the first Councils commenced under that?—Yes.

3995. Do you yourself know as to what the opinion was then of the leaders of the non-Brahmin section?—I know they objected strongly to it.

3996. They objected strongly to their being separately represented?—Yes.

3997. And, amongst others, the Maharajah of Venkatagiri, who was President of the Madras Landholders' Association; the Maharajah of Bobbili, who was afterwards a member of the Madras Executive Council; the Rajah of Kollengode and the Honourable Mr. Krishna Nair, who afterwards became the Dewan of Travancore, all strongly objected to separate electorates?—Yes.

3998. And they are all leaders of the non-Brahmin community?—They are.

3999. The Madras Board of Revenue also strongly objected?—Yes.

4000. And considered that it would have most untoward consequences?—That is so.

4001. And afterwards practically all the non-Brahmin zemindars, big rulers like the Rajah of Pittapur and the Rajah of Karupam and so on, all objected to being separated from the rest of the community, and the Madras Government, on considering all those opinions, abandoned the scheme for communal electorates?—That is exactly so.

4002. And I believe on the last occasion, when the matter was being considered by the Madras Government, and there was a Franchise Committee appointed, Mr. Ramachandra Rao served on that Committee?—(Mr. *Ramachandra Rao.*) Yes. It was a preliminary conference called by the Madras Government just before the arrival of the Franchise Committee to frame their proposals.

4003. To consider the proposals from Madras?—Yes.

4004. The Madras Government convened the conference?—Yes.

4005. You took part in that?—Yes.

4006. And there all these opinions of the non-Brahmin leaders were brought forward?—I think so.

4007. And you yourself put in a Memorandum?—I did.

4008. Have you got a copy of the Memorandum to give the Chairman?—Yes, I have a copy of it. I will give it to the Chairman at the end of my evidence. (See Appendix L.) I wish it to be placed on the record this Memorandum was before the Madras Government when it framed its own proposals.

4009. And it is only since 1916 that the movement for separate electorates has been started?—Yes, that is so.

4010. And all the non-Brahmin leaders have throughout been taking part in the National Congress?—Several of them. Dr. Nair was in the Congress.

4011. He was himself a very prominent member?—Yes; and Mr. Reddi was in the Congress in 1916, when these Reform School proposals came up for consideration, and when the Congress League scheme was passed in Lucknow he was there.

4012. This was in December, 1916?—Yes.

4013. Up to that time there had been no question of separate electorates or communal electorates for non-Brahmins in Madras?—Certainly not.

4014. Is it a fact that the non-Brahmins of Madras are a homogeneous body or do they consist of various castes differing from each other?—If I may draw your attention to the Memorandum to which you referred your Lordship will find 36 Tamilas castes and 40 Telingus castes, which are homogeneous, which do not intermarry and do not interdine, and there is no reason why they should be regarded as a homogeneous community for the purpose of elections, and the Brahmins alone should be separated from this category. The Kshatriyas, the fighting class, are not interested in this demand.

4015. We heard something about the Brahmins not having tried to help in the war and only the non-Brahmins having done so. Is that a fact?—It is a most unfounded allegation. I may say that in Madras, first of all taking the recruiting for the Indian Defence

Lord *Sinha*—continued.

fence Force, a Brahmin, Sir P. Swaivaryaiyr, was the President of a Committee to encourage recruitment, and several of us were members, which was organised with the intention of securing the recruiting of students. Madras was one of the first in India. The largest number of persons recruited from any single caste was from Brahmin caste.

4016. It was a University Corps, was it?—No, they were recruited on the Indian Defence Corps. Of the others, five of the prominent men in Madras—Brahmins—were invited to the Delhi Conference for war work by his Excellency the Viceroy, and they did considerable work of organisation and they have served on the Committees. Two of them are here. In the Province itself considerable work was also done in the District Committees by Brahmins and also in the Provincial Committees. As regards recruitment, some of the recruiting officers employed by the Government were Brahmins, and in the District Committees some of the influential men who served were also Brahmins. I served on the Committee of my District.

4017. They took their proper share?—Undoubtedly, not only by actual work in recruitment, but also by contributing to the various funds in connection with the war.

Mr. *Montagu.*

4018. In the Joint Report, page 200, paragraph 246, you will find this: "We believe emphatically that redistributions of Provincial areas cannot be imposed upon the people by official action, and that such a process ought in any case to follow and neither to precede nor accompany constitutional reform. But we are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made." And at the end: "In Orissa and Berar, at all events, it seems to us that the possibility of instituting sub-Provinces need not be excluded from consideration at a very early date." I draw your attention to those extracts because you said in your evidence that you did not understand the relation of Clause 12 of the Bill to the Report. May I ask you whether your objection to that clause would disappear if the same words were added to it to insure that the action should not be taken, except after consulting the Legislative Council?—(Mr. *Sastri.*) That is one thing. Then there must also be some guarantee that the constitution under which the separate Governments will work would not be less advanced than the combined one out of which they are formed.

4019. Now, if I may go to Clause 20 of the Bill, Subsection 4, you dislike intensely the formula "Essential for the safety, tranquility or interests of British India or any part thereof." You said they were very wide words?—Yes.

4020. I think I am quoting you correctly in saying that any Bill that the Government of India brought forward they could claim was in the *interests* of British India or any part thereof; but surely they could not claim of any Bill that it was essential to the interests of British India or any part thereof, could they?—Certainly. The work of legislation is so difficult that unless it was felt in some degree essential people would not put themselves to the trouble of formulating Legislative proposals and inviting public criticism.

4021. Do you think that is so? Then let me ask this question. I think this question was asked of another witness before. What do you anticipate would be the position of a Governor-General—you do not want him to certificate a thing unless it is necessary for safety or tranquility—if he introduced a Bill which he believes to be essential in the interests of British India, and it is thrown out? He must not certificate it to the Council of State, according to your view, because it is not necessary for safety or tranquility. Is he to continue in office, or would you expect him to resign?—I should not expect him necessarily to resign.

4022. Then you would expect him to go on, responsible for the interests of British India, although he could not get the legislation essential in his opinion in the interests of British India?—You eliminate the words "interests of British India or any part thereof"?

Mr. *Montagu*—continued.

4023. If you eliminate those words?—Then he should be persuaded that it is not essential to the interests of British India. He has had the benefit of a discussion in the Legislative Assembly which takes a different view from his. I expect, as a reasonable man, he will see that that was a more sensible view, perhaps.

4024. If you were Governor-General of India, would you go on with the enormous responsibilities of that office if you could not persuade yourself to agree with the Legislative Council on something that you regarded as essential?—On something which I regarded as essential?

4025. Yes?—Essential to safety and tranquility?

4026. No, to the interests of British India. I may be tempted to argue with you, but I will not?—The Crewe Committee themselves recommend that these words are too wide, and they would like the substitution of the formula "peace, order and good government." I should be inclined to support that suggestion.

4027. You would prefer "peace, order and good government" to "safety, tranquility or interests"?—Or "general interests," yes. That is the second alternative.

4028. That is what I want. On the subject of exclusion of revenue from the Budget discussion, you point out that Clause 9 of the Bill deals only with expenditure and not with revenue. We have always to remember that in this country we are dealing with a situation in which the Provincial revenue is mainly derived from land revenue and excise, which do not depend upon any statutory action. I think I am right there?—Yes.

4029. But there is nothing in this Bill which would prevent, on some future occasion, the Legislative Council passing a Statute to make its revenue annual or to make its revenue included in Bills? Such a Bill would be subject to the veto; but, supposing that happened, is not the real remedy not to make revenue part of the Budget, but to make revenue, as it is in this country, dependent upon Statutes and Acts?—That would be the real thing. Yes, I should be in favour of it.

4030. When the Governor certificates, you want the appeal kept. The appeal, you recollect, was only to be on the question of fact?—Yes.

4031. Would it not be sufficient to have the power of disallowing a Bill still vested either in the Government of India or in the Secretary of State or in His Majesty? Do you really attach importance to delaying matters of appeal as to fact?—It is an appeal on a small matter, but an acute feeling on the part of the Legislative Council might be immediately allayed. Where the Legislative Council felt that a wrong certificate had been given by a Governor in order to curtail its activity an immediate and prompt decision by the Governor-General in Council might probably clear the atmosphere one way or the other.

4032. With regard to Clause 9 (5), I do not quite understand you. You do not want the power to block Bills left in?—That is so.

4033. This point also arises: Supposing it is not the intention of a Governor or the Governor-General to refuse his assent to a Bill when it goes through, but supposing he is quite prepared to accept it and not to refuse his assent, provided certain amendments are made in it, and therefore he wishes it sent to the Grand Committee where he has a better chance, rather than lose it altogether, the Sub-clause (5) gives him power either to block it or send it to the Grand Committee. Do you object to the retention of power to send it to the Grand Committee?—No, I only object to the blocking power, which is new to the constitution.

4034. I think you said you protested against the fact that the rules were not before you?—Perhaps I used the word, yes.

4035. You realise that under this Bill such rules as are to be made are to be made by the Governor-General in Council?—I am under a difficulty in stating my case. It is really so under the Bill, but we are objecting to the Bill in that regard. We think the Bill leaves too much to the rules, so that the real scope of the reforms will be unascertained under the Bill until it has become an Act, and the rules of the Government of

Mr. *Montagu*—continued.

India come in. We want to know what those rules will be like, so that we might ask that some of them should be put in the Bill or some of them altered.

4036. If they remain rules the rules cannot be made till after the Act is passed?—No. We therefore want a draft so that nothing is settled now. When the draft came and we examined it, and we thought that certain portions could with advantage be put into the Bill, we could make such a representation to the Joint Committee.

4037. But cannot you suggest to the Committee yourself the things you want put into the Bill?—I have suggested one or two things.

4038. That removes your objection if those things were granted?—Not altogether.

4039. With regard to land revenue, I think you said that you did not press for the transfer of land revenue in Madras at this stage. Would you suggest that land revenue would be a more suitable subject to transfer if something like Sir Sankaran Nair's suggestion had been adopted first. You remember he talked about a statutory enactment?—Land revenue being placed on a statutory basis?

4040. Yes?—There is nothing in the idea to which I am opposed; but I do not see how it is a necessary preliminary to the transfer of land revenue.

Lord *Sydenham*.

4041. In a Memorandum which has been laid before us you are quoted as using these words: "It is unusual to make special arrangements for the protection of an immense and overwhelming majority; but it is also unusual for a numerically small class to enjoy a decisive ascendency over most other classes in culture and social and political influence"?—Yes.

4042. "The framers of the Congress League Scheme failed to foresee this contingency, but some way must be found of overcoming it." Those are your views?—Yes.

4043. You could not have described the basic conditions of India—and especially of Madras—more accurately than in those words. Is it not the fact that those conditions do not exist in any other country in the world?—I have said so. I have said it is very unusual.

4044. Would not you admit that they are unique?—Yes, in some ways they are.

4045. They arise from customs which have been ingrained in India for 2,000 or 3,000 years?—That is so.

4046. Do you agree that if what you have called this decisive ascendency is continued or extended by the operations of this Bill the first principles of democracy would be violated?—Quite so; but I do not agree to the condition. This Bill is not likely to perpetuate that ascendency.

4047. I put it quite conditionally: if you perpetuated or extended it, you would agree that it would violate the principle of democracy, would you not?—Yes.

4048. You say some way must be found for overcoming this decisive ascendancy? Do you propose to fix a maximum for the little Brahmin minority?—That was my first idea as a possible solution, but I find that most of my countrymen would prefer, if they were driven to it, the other alternative of reserving a certain number for the non-Brahmin community out of plural constituencies, and as the two work towards the same result I do not see much difference.

4049. You would rather reserve seats for non-Brahmins than limit the number of Brahmin seats?—We find that plan to be more generally acceptable.

4050. You think either of those plans would be better than any form of communal representation, which you oppose?—Decidedly.

4051. Did you hear the evidence of Mr. Samarth?—Yes, I was here.

4052. Would you also say that if you do not get what you want in the Bill there would be an agitation throughout India which would stagger imagination?—Perhaps I should not have used such language.

4053. Do you think it is really wise to make threats of that kind?—I would prefer not to be asked to answer that question.

Lord *Sydenham*—continued.

4054. You do realise what this great agitation throughout India would mean—where the people are so ignorant and so easily excited? They always lead, do they not, to the loss of quite harmless lives? Is not that the invariable experience?—It is by no means an invariable experience.

4055. It is fairly common experience?—It occurs now and then. Probably in England it occurs also.

4056. We have been told that the Home Rule League has a rule prohibiting students from having anything to do with it. Have students been made use of for political purposes in Madras or not?—Not to my knowledge.

4057. You have never heard of it being done?—I have heard of it being done, but I do not think there is truth in it.

4058. It has not come to your knowledge. Now, you are president of the "Servants of India Society"?—I am.

4059. I took a great interest in that Society in its early days, and Mr. Gokhale assured me more than once it would never become a political body. Can it be said it is a non-political body now?—I am not aware that at any time Mr. Gokhale intended it to be a non-political body.

4060. He told me so more than once. Is it a political or a non-political body now?—It is a political body. It was a political body from its very inception.

4061. That is not what was explained to me. Now, you are going to put in a Memorandum of your views as to conscience clauses?—May I say a word about that last point? I was present when your Lordship visited the Servants of India Society. Mr. Gokhale was there, and I had the honour of taking tea with you.

4062. I remember?—I think at that time a conversation took place which pointed to the fact that we were all studying political questions and administrative questions with a view to their being agitated. I remember discussing with your Lordship at that time the report of the Police Service Commission, which had recently been issued. I remember discussing it with some particularity.

4063. I quite understood the subject was being studied, but I also understood certainly that the Servants of India was never to be made a political body?—Your Lordship made a present of several books to the library. I hope you went over the list of the library books. It was a strongly political library that we had.

4064. I do not remember giving political books. You said you were going to put in a Memorandum about the Conscience Clause?—Yes.

4065. Did you graduate at the Madras Christian College?—No, I came out of the Kumbakonam College. It was a Government college.

4066. Were you at one time before you embarked on a political career the headmaster of a school?—I was.

4067. In those days did you admit Panchamas to your school?—No, we did not admit Panchamas to the school. I was the headmaster, but I was not the manager. During my headmastership several applications were made from Indian Christians and Mohammedans to be admitted to the school, and, although I personally recommended it, the management would not listen.

4068. Then you were personally willing?—I was personally perfectly willing.

Mr. *Montagu*.

4069. May we know what the management was at the school?—It was a Hindoo high school.

4070. Managed by private individuals?—Yes, intended specially for caste Hindoos.

Chairman.

4071. I want to ask a question about this communal vote. Your principal reason for objecting to communal representation is that it retards the blending of castes and classes?—I am not one of those who look forward to the blending of castes or to the elimination of caste boundaries. That may or may not be possible. But I am certainly looking forward to the softening of those distinctions and acerbities until all communities learn to regard themselves as harmonius parts of one people—of one political people. More than that I am not prepared to say with regard to the future of the caste system.

Chairman—continued.

4072. Is it not rather strange, as has been represented to us several times in evidence, that the co-operation of Hindoos and Mussulmans has become much more cordial and general since the Lucknow Compact?—That is a fact; but I am not prepared to say that the entire explanation is to be found in the Lucknow Compact itself. Very possibly a great deal of explanation is to be found in the circumstance that Hindoos and Mohammedans have had many over-mastering causes for acting together, quite apart from the removal of the cause of difference that the Lucknow Compact composed.

4073. Still, it remains a fact, does it not, that this happy achievement of the power of co-operation between these two great communities did synchronise with the promise to Mussulmans of communal representation in the Lucknow Compact?—Yes. I am quite prepared to admit that the immediate effect of the removal of a cause of difference is certainly to bring the two communities together. But may I add a word: Quite apart from this beneficial egect, this also had, in my judgment, so far as I have been able to observe, the very undesirable consequence of the great majority of the representatives of the different communities considering themselves in some way or other as bound to safeguard the interests of the particular communities they happened to represent. There is that tendency also much more strongly noticeable than before.

4074. Can you, under any system of democratic government, escape that tendency? Is not the first idea of the Labour Party in England to-day to look after the interests of Labour?—But are the Labour Party the special representatives of labourers? I always understood the members of the Labour Party were returned by electorates which were not composed entirely of labour people. Here you have a Mohammedan returned by an electorate composed entirely of Mohammedans, and you have a Hindoo returned exclusively by Hindoos.

4075. I want to put two or three questions which I should have put to Mr. Jinnah if I had not been called away, but which you will be able to answer. Whether you think that the system of government proposed for India should be extended in its responsibility or not, you admit that the ill as it stands to-day would constitute a real extension of responsible government in India?—Yes; the Bill is so framed that it only needs a few modifications—some of which I have suggested—to make it a satisfactory beginning.

4076. That is not the question I am asking now. I quite understand that you would like various modifications in it, to make it better; but you would admit that, such as it is to-day, it is an extension of responsible government?—It is.

4077. Can you think of any greater extension of responsible government that has ever taken place in a civilised state at the same time in one step?—Oh, yes, surely.

4078. Which?—When responsible government was conferred on Canada it was an immensely bigger step than this.

4079. A bigger step than this?—Very much bigger, I should think, as I read things.

4080. But surely there had been forms of self-government in the Canadian Provinces?—It was a higher form of self-government than we enjoy; but we have also enjoyed some measure of self-government for a number of years.

4081. You would regard this as a lesser step than the Canadian step?—Much less.

4082. That is a matter of opinion. I am surprised to hear you say so. I hope some impartial person will examine that proposition. Can you think of any other. I think when some of the Australian States were erected into self-governing States they also took a bigger step than we are now taking.

4083. I should like that proposition examined also. I presided over one part of the Dominions when it passed from Crown Colony government to responsible government: I do not think the step was a bigger step?—May I ask a question or make a statement?

4084. Both?—Did your Lordship ever hear of a measure of self-government coming thirty years after representative institutions began in which the financial resolutions of a Legislative Council should have

Chairman—continued.

no effect whatever—should only be recommendatory in both the reserved and the transferred spheres?

Lord *Sinha.*

4085. That is not this Bill?—Well, it is that modified slightly.

Lord *Sinha.*] Modified by the Despatch, you mean, not the Bill.

Chairman.

4086. Our estimate of the comparative importance of steps would not always agree. Therefore we will not pursue it. You wish that the Governor of one of these Provinces should be a politician sent from England—you would prefer that? The scheme, however it emerges, will have to be worked in a Province by Indians and Englishmen in conjunction?—Yes.

4087. Has it ever occurred to you that not a single one of those Indians or those Englishmen in any Province except the Governor will ever have had any experience of responsible government?—That is so.

4088. You admit that?—Yes.

4089. Do you consider ten years a great span in the life of India?—No, I could not say that at all.

4090. Twenty-five?—Twenty-five is longer than ten, surely—much longer, and at the pace at which we are moving twenty-five years would make an enormous difference.

4091. On that view of arithmetic you and I are quite at one. Would you regard fifty years as anything but a speck in the life of India?—I should regard fifty years as nothing but a speck in the life of India, surely, as an academic proposition, but your Lordship and I talking together over this matter are practical politicians, and I suppose neither of us will venture to start on any drastic changes with a certain knowledge that only after fifty years such-and-such things will happen. We shall always have in view a much shorter period during which what we do may be expected to bear fruit. Revolutions may happen in fifty years, and all our calculations be frustrated.

4092. Do not you think the patient genius of India may be a wholesome corrective to the rather hasty actions of Europe?—It is a mistake to suppose that the genius of India is any longer patient if we are to consider the politically-minded classes. Really, as somebody stated here, our patience has been sorely tried.

4093. I was not using that word in relation to any action of the British Government, but the teachings of your own history?—Your Lordship is perfectly justified in expecting that India would take steps with caution, on constitutional lines, with regard to matters to which she is not accustomed. I have not met with any proposals in the whole course of recent history which have not been characterised by a very proper amount of caution in most cases, and by an excessive degree of caution in some. I am not prepared to say that the experiment embodied in this Bill errs on the side of haste or of rashness; it is an exceedingly cautious measure. In my judgment it is over-cautious.

4094. Supposing you get, when the time comes, your full measure of responsible government to which you look forward, do you think the evolution in India of the Indian Constitution by Indians would be on Western lines or something different?—As regards the higher spirit of equality and the brotherhood of peoples, I am one of those who strongly hope that it will run on Western lines. I indulge in that hope, and so far as my conscious energies may be directed, they will be bent to that purpose.

4095. That is not the whole picture, is it?—If other parts of the picture have to be filled in I am prepared to give answers to questions.

4096. I asked the same question of Mrs. Besant, and she gave me a perfectly definite answer. I speak in her presence. I think she would have said exactly what you said, so far; but, beyond that, I understood her to say that development would differentiate in certain definite ways, according to the genius of the people. Is that your idea or not?—I have no doubt it will.

Chairman.] Thank you.

(*The Witnesses are directed to withdraw.*)

Die Veneris, 15° *Augusti* 1919.

MEMBERS PRESENT:

Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.

THE RIGHT HON. THE EARL OF SELBORNE IN THE CHAIR.

MR. A. H. CHOWRRYAPPAH, is called in; and Examined as follows:—

Chairman.

4097. I think you came to England primarily to help Dr. Nair?—Yes.

4098. And to secure the inclusion of the Madras Christians in the non-Brahmin communal representation?—That is so.

4099. And you were deputed for this purpose by the Indian Christian Association of Madras?—Yes.

4100. You are here in the witness chair as a substitute for what Dr. Nair might have said on behalf of that association?—Yes.

4101. May I ask what that association represents in Madras?—It represents the Indian Christians of the Madras Presidency.

4102. Of more than one Church?—Of all the Churches except the Roman Catholic Church.

4103. You have been good enough to send in answers to questions?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India. I would define "responsible government" as that form of government in which the Executive carries out the will of the people as a whole, and not that of a minority. If a legislature should consist mainly of representatives of any one particular class it cannot be said to represent the will of the people. I accept the proposition contained in the Preamble provided that "responsible government" carries with it the meaning indicated above.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—I am of opinion that the realisation of responsible government involves the establishment of a substantial elected majority in provincial legislatures.

3. Do you think that the non-official members of the Provincial legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—The actions and policy of the Executive Government should be guided to a large extent by the non-official members of Provincial legislatures, provided always that measures have been taken for the due representation of all classes of people, thereby preventing the preponderance and undue influence of any one particular class. They do not possess such power at present.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Most decidedly. Nothing should be done to weaken the provincial Executive Government in regard to certain subjects which ought to remain "reserved."

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections

Chairman—continued.

to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—The system of Diarchy is undoubtedly a novel one, and certainly a very bold experiment. There are many objections against it, but considering that there is no other reasonable or satisfactory alternative that would actually fix the responsibility on the people themselves, we accept, provided that so far as the Madras Presidency is concerned, the principle of Communal Representation is extended to the non-Brahmins.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages, and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? and (ii), does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the legislature and those who represent it in the Executive?—I have no other method to suggest.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—I have no modifications to suggest.

8. In particular, do you think: (1) that Ministers should hold office "during pleasure," *i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the legislature? (Clause 3 (1)). (2) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3 (3)). (3) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian? (Clause 4). (4) That the Governor should have power to dissolve his Legislative Council? (Clause 7 (4))?—(1) Yes. (2) Yes. (3) Yes. (4) Yes.

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (1) suitable, or as (2) unnecessarily severe, or as (3) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—(1) They are suitable. (2) They are not severe. (3) They are adequate to safeguard the responsibilities referred to.

10. In particular: (1) Do you think that the legislature should have power with whatever limitations to vote supplies. (Clause 9 (2)). (2) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(1) Yes. (2) The plan of Grand Committees is acceptable.

11. Do

Chairman—continued.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Most certainly. Nothing should be done to weaken the authority of the Central Government.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature. (Clause 16)?—Yes.

13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation, and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—Yes.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature? (Clause 20 (3) and (4)). Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—We accept.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—We accept.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act. (Clause 23)?—No modifications of the provisions are involved.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Yes. It is the only way of finding out whether any advance has been made that would justify a further stage in the direction of responsible government.

19. Have you any observations to offer in the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—(1) The most important observation is that the question of Communal Representation of non-Brahmins should be satisfactorily settled, and due provision made for it in the Bill. Unless the principle of Communal Representation is extended to the non-Brahmins, thereby preventing the preponderance of the Brahmin element, the latter would surely capture a very large majority of the seats, and would wield all the power in the legislative Council. This would certainly be a very great calamity, inasmuch as the interests of the masses would not be safe in their hands. (2) There must be a residential qualification for candidates. (3) The Franchise should, as far as possible, be extended to women. (4) We accept the Report on Functions, subject to one exception, namely, that Secondary and University Education should not be made a "transferred" subject. (5) Lastly, the number of seats allotted for Indian Christians in Madras is inadequate considering that the community has a population of over a million and a quarter, and "is growing in importance and strength, and has a high standard of literacy." There ought to be at least six, namely, two for Madras city, and four for rural areas.

4104. Would you like to make any statement in supplement?—Yes. I was given very short notice, and my answers to the questions necessarily were very brief. I will therefore ask permission of your Lordship to allow me less than ten minutes to make a statement.

My Lord, speaking on behalf of the Indian Christian community of the Madras Presidency in general, and on behalf of the Indian Christian Association in particular, I desire to express my gratitude to your Lordship's Committee for giving us the opportunity of expressing our opinion on the Government of India Bill. Of all the innumerable and priceless blessings of British rule in India nothing do we prize more than that of freedom of faith and worship. Under the ægis of the British Crown, and in the bracing atmosphere of religious neutrality we have grown into a community, but the history of Christianity in India is much more remote than that of the British connection with that country. Indian Christians have been in existence from an age when British Druids did not even dream of Christianity or of such a country as India. In point of age Christianity in India ranks next only to Brahminism. Mohammedanism appeared on the scene several centuries later. The adoption of a foreign religion brought down on the Indian convert the wrath and hatred of his neighbours and relations, and he became a victim of social ostracism. The hard conditions of life to which he was thus exposed, his privations and his persecutions half a century ago would be deemed incredible at the present time; in them, however, one must seek for an explanation of the community's remarkable appreciation and assimilation of those principles of Western civilization, for the high percentage of literate persons in the community, and for the premium it puts on the education of women.

The Census Report of 1911 shows an Indian Christian population of 3,572,977, making it the third largest community in India. It is also a fast-growing community, as is evident from the same Report. During the ten years preceding the last census operation "the Indian Christian community gained 36.6 per cent. in numerical strength. It had more than doubled since 1881, and had multiplied treble since 1872." The figures of the Report of 1911 work out the following results as regards the percentage of literate persons in the three principal communities:—

	Percentage of literates.	Percentage of literates in English.
Hindoo ...	... 5.51	4
Mohammedan	... 3.78	... .27
Indian Christian	... 16.3	... 3.10

The fusion of the several communities into one Indian nation is a consummation devoutly wished for by all interested in the political progress of India as an integral part of the British Empire. The Indian Christian community is the nucleus of a future Indian nation. It counts among its numbers those who belonged to the untouchable, depressed classes as well as those of the priestly Brahmin caste. The Indian Christian community is an outstanding landmark in the evolution of a homogeneous social unity out of a heterogeneous social complexity.

In constructive work such as education, medical aid, social reform, famine relief and industrial development Indian Christians have contributed very largely, and have played their part well. Indeed it could be safely asserted that consciously or unconsciously, and without any flourish of trumpets, they have worked more effectively for the regeneration of their country, especially of the depressed classes, than many social reformers or political workers. This alone establishes a strong claim in their favour to a definite place in the contemplated re-adjustment.

Indian Christians have not in the past demanded any special favour from Government on the ground of their faith. Nor is it their intention to do so now. On the contrary, they have always been ready to sacrifice their material interests and to efface themselves, if need be, for the well-being of their country. Their claim for recognition rests on the character and attainments of their members, which makes the community a new factor in Indian life.

Indian Christians are as much interested in the moral, material, and political improvement of their country as the most ardent patriot, and as such the introduction of representative institutions preparing the way for the gradual growth of self-government is equally, if not more, a source of inspiration to them as to their Hindoo and Mohammedan brethren. But we would be failing in our duty if we did not point out that, for a long time to come, communal association must be the main channel for the development of civic virtues

Chairman—continued.

virtues in our country. We might, indeed, wish it were otherwise; but the many and wide divergences of interests, creeds, and social systems in the country make, for the present at any rate, the ideal of development on purely national lines somewhat Utopian. The publication of the Montagu-Chelmsford Report has given rise to the strongest expression of communal feeling. What is this due to? For long years British rule in India has secured for the people internal peace, security of person and property, freedom from oppression, and even-handed justice as between man and man, and it followed as a matter of course that the depressed classes, the backward classes, and the great bulk of the people who are not politically-minded put their whole faith and trust in the Government. Now came the rude awakening that the protecting hand of the British nation is to be gradually withdrawn from the internal administration of the country. The announcement caused widespread alarm and fear among these classes, for it was felt, and felt rightly, that any transfer of power from the British Government to the people would inevitably mean the passing over of that power into the hands of a small section of the priestly caste, who for long ages subjected these people to the most shameful indignities. The feeling of impending helplessness caused the demand to be made all over the country for communal representation. It seems to me that the underlying meaning of all this agitation for communal representation is that the Brahmin community should not be allowed to monopolise more than its fair share in the political development of the country. Nationhood, democracy, citizenship, are mere catchwords, and behind the outer veneer of all this political phraseology lurks the reactionary spirit of caste.

There are those who tell us that there is no such problem as caste, and that it is fast disappearing. These statements are not only misleading, but are wholly inaccurate. With the advent of the Home-rule movement the Varanashrama Dharma movement has also been started, which stands for the revival of the ancient tyranny of caste. The condition of the depressed classes, who number about seven millions, is simply terrible. They are far too poor, and cannot afford to send a deputation to ventilate their grievances. The account given by Sir Alexander Cardew is a very mild one. Let alone pollution at a distance of 64 feet, the Panchamas have no right of access even to the village proper; their huts must always be half a mile outside the village, and they dare not stand erect before a Brahmin. Their children cannot have access to the village school; they cannot draw water from the village well; and, though they be dying of thirst, they must stand at a respectable distance till some charitably disposed individual should think of pouring a potful of water from a safe distance. In one village there are four wells, and not one can be used by the Panchamas; but they have to resort to a shallow pit, the water of which is used not only by these unfortunate people, but also by the village cattle. The Panchama, under the penalty of a severe punishment, must call out from a long distance on the public way to warn high-caste Hindoos of his presence. The touch of the filthiest vermin does not offend so much as that of the "untouchable" men. Could human perversity go further? Could arrogance brutalise humanity more? And yet, this is a true picture of the present state of things. Sixty-five years ago the British Government laid down the principle that no boy be refused admission to a Government college or school merely on the ground of caste. The principle has been reiterated many times since; but the result of an inquiry by the Government of Madras has revealed the fact that out of 8,157 publicly managed schools there were only 609 into which the children of these classes were admitted. In this connection it may be interesting to note that out of 424 posts in the Provincial Educational Service 310 are held by Brahmins.

This brings me to the question of education. We are very strongly of opinion that secondary and university education should not be made a "transferred" subject. Higher education has been our one asset and sheet-anchor, and we are sure that, under

Chairman—continued.

a popular Minister, a deliberate attempt would be made to cripple secondary education. Macaulay's minute remains the great landmark in the history of the Indian Empire; and there is much to justify Sir John Seeley's sentence with respect to that minute, that "Never on this earth was a more momentous question discussed." Right-thinking men are of opinion that the famous minute is even of greater importance than the pronouncement of August 20, 1917. And yet there are movements already on foot to "nationalise" education; which means, of course, getting back under the spell of Sanscrit literature. Only so recently as July 10 the present system of education is criticised in a leaderette in "New India," and Sir Henry Craik is quoted as having said that the present system "produces village schools beneath contempt."

We wholeheartedly support the extension of the franchise to women; but, as this would involve a great deal of complication, we would suggest that, to begin with, a literacy qualification be allowed, and the vote given to all women who are graduates of any department in the university. This would be the means of stimulating higher education among women. Finally, we ask that proper safeguards be made to protect the interests of the masses, who look up to the British Government for security and freedom from oppression; and that due care be taken to ensure a just and equitable distribution of political power among all classes of the people, without which no scheme of reform could tend towards responsible government.

Mr. *Montagu.*

4105. You told the Committee that you represent the third largest community in India?—Yes.

4106. About three millions?—About four millions.

4107. And the second largest community in India are the Mohammedans?—Yes.

4108. About how many does that number?—About seventy-two millions, I think.

4109. Did you come to this country originally as a representative of the Indian Christian community?—Yes.

4110. And also to help Dr. Nair?—Yes.

4111. So that you have come in a dual capacity—first as a non-Brahmin, and secondly as a representative of the Christian community?—No, I have nothing to do with the non-Brahmins.

4112. Could you explain how you came to help Dr. Nair?—Our Association had no idea that any of its representatives would be called upon to give evidence; but we felt that as Dr. Nair was going to England, and as he was sympathetic towards the interests of our community, I would support whatever he had to say on behalf of the Indian Christians, and confirm anything he had to say in regard to the Christian community.

4113. Did you give evidence before the Southborough Committee?—No.

4114. Did any Indian Christians give evidence before the Southborough Committee?—Yes.

4115. How was that Indian Christian chosen?—By ballot from our Association.

4116. Could you remember who he was?—Yes, Mr. Devadoss.

4117. Do you believe that the elections in India in these newly enlarged constituencies will turn on religious questions. Supposing there is no communal representation; supposing all the electorates were territorial, do you believe that the elections would always go according to the religion of the candidate?—I think so.

4118. Always or only at first?—I should think at all elections at first.

4119. Do you look forward to its disappearing in time?—Certainly I do.

4120. I want to understand your position, if I may ask you a rather long question as the best way of bringing home to you what I mean. In an English constituency there is sometimes a small minority of one profession or of one faith, let us say numbering 1,000 in a 10,000 constituency—we have no communal

[representation

Mr. *Montagu*—continued.

representation here—and you will appreciate that sometimes the result of an election turns on a very few votes?—Yes.

4121. Therefore it becomes very important to each candidate to capture the vote of that particular community. Each candidate as a rule makes very extravagant promises that they will regard their interest as a first charge upon their time if successful. You appreciate that sort of thing?—Yes.

4122. The community—this minority community—therefore has enormous influence. It may decide the result of the election, and naturally, if it votes for a man once it votes against him the second time if he does not come up to their expectations?—Yes.

4123. You cannot picture such a thing happening in an Indian constituency at the present time?—No.

4124. Why not? Could you elaborate that answer?—Because the conditions are not the same in India as they are in England.

4125. That is very true, but exactly why should not that happen? What would prevent it?—Because for long ages religion and caste have played a very important part—in fact, they are inseparable—and they would not in any way yield to the interests of another caste or community. It would always be self first.

4126. In your answers to questions, you gave this excellent expression of opinion: "The actions and policy of the Executive Government should be guided to a large extent by the non-official members of Provincial Legislatures, provided always that measures have been taken for the due representation of all classes of people, thereby preventing the preponderance and undue influence of any one particular class. They do not possess such power at present." Now, I put it to you that, when the constitution is altered so that the vote has a value—because the representatives obtain a power that they do not possess at present in your own words—will not they vote from different motives?—I do not think so.

4127. Could you tell the Committee why not?—Because constitutional government is a new one to the people, and especially to those in rural areas, and even to those in smaller towns, and it will be a long time before they appreciate the real value of constitutional government, and in the beginning they would tend to move towards their own particular group, or caste.

4128. You told me earlier that you look forward to the time when they would vote in that way?—Yes; I do.

4129. If they are divided at the present moment into communities, how can they ever learn to vote in that way?—I think that will come naturally when once they learn to value the vote, and they are trained in constitutional government. There will certainly come a time when safeguards such as communal representation will not be required.

4130. If you, at the first moment, segregate Indian Christians into one electorate and Indian non-Christians into another electorate, does not that tell them that they are to be concerned for their religious beliefs and for nothing else?—That is really very unfortunate. So far as the Madras Christians are concerned, they would gladly sacrifice those three seats. This demand for communal representation has arisen only through fear that the Brahmin community would swamp the whole Council, and that there would not be a chance for the other communities, such as the non-Brahmin communities, to have a share.

4131. You are putting that plea forward not on behalf of the Christians, but on behalf of the non-Brahmins?—No. I have nothing to do with the non-Brahmins; I am speaking from the Christian point of view.

4132. Are you asking for communal representation for Christians?—I say we are not very anxious if a safeguard is made which would prevent a preponderance of Brahmin representation.

4133. By giving communal representation to other people?—No, by limiting the influence of the Brahmin community.

4134. How would you do that?—They are only a million and a quarter, the same number as the Indian Christians. Our number is one and a-quarter millions,

Mr. *Montagu*—continued.

and the Southborough Committee has only given us three seats. Why should the Brahmin community be allowed to preponderate in the Councils?

4135. You would limit the number of Brahmins in the new Councils?—Yes, I would.

4136. I have been asking questions of you the whole time, in the belief that you were asking for communal representation?—No, we are not particular about communal representation.

4137. I was guided by your answer to Question 5: "We accept the principle of diarchy provided that, so far as the Madras Presidency is concerned the principle of communal representation is extended to the non-Brahmins." But you told us you wrote that in a hurry?—Oh, no, I did not say that at all. I simply said that so far as Christians are concerned we would not press for communal representation if the interests of the non-Brahmins are protected, because we do not fear that they would in any way trench upon our interests.

4138. I think you told us in your evidence that non Brahmins had a very poor chance of getting Government appointments?—Yes, that is so.

4139. Is that because of their education?—No. I do not think so at all.

4140. I think also in your evidence you paid a very gratifying and, if I may say so, a perfectly just tribute to the fairness of British Government?—Yes.

4141. Is not it the British Government that has made these appointment to the Government Departments, and could have made them to non-Brahmins if they had wished?—The policy of the Government is right, and I believe they are truly anxious to serve the interests of all communities, but there are certain difficulties that stand in the way. They cannot look into all these matters. These are departmental matters and are held by Brahmin influence.

4142. Did you ever read the evidence given before Lord Islington's Commission on Public Services?—Yes, I have.

4143. Do you remember the discussion on the employment of non-Brahmins there?—Yes.

4144 Do you remember what Sir Alexander Cardew said?—Yes, I remember what he said.

4145. Would you be kind enough to tell me what sort of number would you suggest at the beginning that the Brahmins should be limited to rather than the Government of India scheme, which suggested 30 out of 61?—I think it would be very unfair to give 30 seats to a community which represents one and a quarter millions.

4146. Supposing there was no limitation of Brahmin seats and there are 61 elected seats under the scheme suggested by Lord Southborough, how many seats do you think the Brahmins would win?—I think they would win a great number of seats, perhaps all with the exception of a few.

4147. How would you suggest they would do that, because they are cleverer, because they are better educated?—Not at all, not because of their intellect. They are no doubt more educated; but because of the wonderful influence they have in the villages.

4148. You would say to a candidate who has a marvellous influence, "We are not going to allow you to exert that influence, although you possess it, but we are going to give a constitution such that you shall have no more seats than you are numerically entitled to." Do you think that would be characteristic British fairness to the Brahmin?—I think it would be.

4149. Have you any knowledge of administration yourself?—Yes.

4150. You approve, in the answer to questions, of diarchy?—Yes.

4151. And you think it would work if you divide the Education Department into two halves, one dealing with primary education alone and the other dealing with the higher branch?—I think it would work very well.

4152. Would you divide the educational service—I suppose you would not?—No, the educational service would be one.

4153. Have you ever fought an election yourself?—No.

4154. Have you ever helped in fighting an election?—Not very much; I have tried to do a little.

4155. Are

Sir *J. D. Rees.*

4155. Are you a Christian born or converted?—I am a Christian born.

4156. What is your occupation?—I am the head of a publishing house in Madras.

4157. Do I rightly understand this: You have got the communal representation you want for the Indian Christians?—Yes, the Indian Christians have been allotted three seats in the proposed Council.

4158. Do I rightly understand the object of this Memorandum to be to prevent the Brahmins from getting the seats which they would naturally get under a system of open election?—To prevent the Brahmins from getting over-representation.

4159. But what is over-representation? Your immediate object is to limit the number—to place the Brahmins under a disability?—It would not be. I do not think it would be a disability.

4160. But if you limited the number of the seats by an order it would be a disability. I do not say unjust. I am not arguing. But that is your object, is it not?—Yes; but I do not think it is a disability.

4161. Do you represent the Church Missionary Society and the Society for the Propagation of the Gospel?—No, I do not represent any Mission.

4162. Is not Christian South India their child and creation almost?—Certainly not.

4163. If you exclude the Catholics?—No, there are other Missions older.

4164. Are not they immensely the two greatest?—No, the Baptists are much stronger.

4165. You say they are not the greatest bodies of Christians in South India?—That is so. They belong to the body of Missions which are operating in India, but they are not by any means the strongest.

4166. In South India they are not the strongest numerically?—No.

4167. Who are the strongest?—I should think the Baptists.

4168. The Baptists are stronger still?—Yes, by far.

4169. The Christians in South India have multiplied and flourished exceedingly, have they not? They have increased in numbers, and in all respects have been a prosperous community?—Yes.

4170. Is that due to the toleration of the Government system?—Certainly.

4171. May I ask if, under that system, the chief agents of the Indian Civil Service have not been Brahmins? Well, you have just said so; you have just said so. You complained that almost all of the officials of the Government were Brahmins—that they were so powerful that they got most of the appointments. I agree with you?—I do not complain; I simply state the fact.

4172. That being the fact, that most of the subordinate appointments, indeed the highest appointments under the British Government are held by Brahmins, and the Government having been by your confession a very tolerant Government under which the native Christians have prospered, what is your objection to the Brahmins as officials?—They have no power now; the British Government holds the scales.

4173. But they are the agents of the British Government?—Yes, they simply carry out the policy of the Government.

4174. You mean, if they had power they would behave badly? They would be different?—I believe so.

4175. You have stated in your evidence that your community includes Brahmins as well as the depressed classes. Is not a Brahmin an extremely rare phenomenon amongst the native Christians?—I do not understand your question.

4176. Did I understand you rightly to say that your community included Brahmins?—Yes.

4177. I say, is he not very much an exception, a Brahmin among the native Christians?—I do not think so.

4178. May I ask what sort of proportion of the Christians you think are Brahmins?—A very small proportion.

4179. Could you put it into figures? Is it big enough to admit of expression in figures?—I have no figures with me at present.

4180. Is it not the case that when a Hindoo becomes a Christian he asserts an equality with all the higher castes? He says they are all equal before God. He asserts equality, does he not?—Yes.

Sir *J. D. Rees*—continued.

4181. Is it for that reason that a kind of antagonism develops between native Christians and the higher castes of the Hindoo system?—Yes.

4182. It is for that reason you said that the native Christians had done most for the depressed classes?—Yes, undoubtedly.

4183. What power have they to do much for the depressed classes?—In social service no power is required. It is open for any community to administer to the needs of the depressed classes.

4184. You do not mean they have been able to confer any conspicuous benefits through legislation or anything else upon them, or to propose it?—Not through legislation. I did not mean through legislation. I meant purely in social work.

4185. What conspicuous benefits have the native Christians been able to confer upon the lower classes?—In teaching them industries and giving them an improved system of weaving, etc.

4186. Has not Mr. Gokhale, who is a Brahmin, devoted himself in politics to giving universal education to the lower classes?—Yes, and we owe a great deal to Mr. Gokhale.

4187. Then there are good Brahmins?—Their number is very few and far between.

4188. You spoke of the Brahmins as the priestly caste?—That is so.

4189. That is, historically speaking you call them that?—Yes.

4190. Have you ever lived in villages in India?—Yes.

4191. Have you lived in a Shana village in Tinnevelly?—I have not lived long in them, but I have been to those villages.

4192. May I ask if in South India there is any priestly tyranny, or if the Brahmin really is more likely to be a priest than anybody else?—A great deal of tyranny.

4193. That is to say, the village priest is very often a Brahmin, you mean?—The Brahmins as a whole. No caste man can stand erect before a Brahmin.

4194. I am talking of priestly functions. Is there any presumption that because a man is a Brahmin he exercises priestly functions now?—Yes.

4195. You commit yourself to that?—Yes, I do.

4196. Is the Brahmin priest in the village a man of great authority and power—the temple Brahmin?—Oh, yes.

4197. You think he is?—Certainly.

4198. You assert that?—Yes.

4199. Have you lived in these villages?—I have not lived there, but I have been to these villages.

4200. You spoke just now of a movement for revival of caste. Had caste disappeared in any way?—No, it has not disappeared; it is being revived.

4201. A revival would imply a fall?—The fear is that caste is dying out, and that it ought to be revived.

4201A. There is a fear now that it is dying out?—Yes.

4202. Is that felt among the Indian Christians?—We have no fear.

4203. Who is it that fears that it will die out?—The caste Hindoos.

4204. Do you speak for the feeling of the caste Hindoos?—Particularly, the Brahmins.

4205. But can you speak for their feelings?—I do not purport to speak on their behalf; but I speak from what I know.

4206. You told me just now that, almost necessarily, some little antagonism was developed between the native Christians and the Brahmins?—No antagonism at all.

4207. You would hardly pretend to be a witness to their feelings?—We have nothing to do with them.

4208. Then you drew a picture of the conditions of the lower castes—whom you call Panchamas—in the villages. You consider their position is a cruel one?—It is very cruel and humilitating.

4209. You said just now the British Government was very tolerant?—Yes; but what could the British Government do when people are not willing that their conditions should be ameliorated?

4210 If the people are not willing, that means that public opinion supports the system which you have characterised as inhuman and cruel?—It does; I will tell you why.

4211. It

Sir *J. D. Rees*—continued.

4211. It does?—Yes.

4212. Why?—In March, 1916, a Parsee member of the Imperial Legislative Council brought forward a resolution to form a Committee to investigate into these shameful indignities, and to see if measures could not be introduced to ameliorate their conditions.

4213. I do not think it will be necessary to refer to it in detail?—Two Brahmins spoke very vehemently against that proposition, and it was lost. If you will allow me to give the reference I will do so.

Marquess of *Crewe* (in the Chair).

4214. You have answered the question. You said there was a case in which there was a demand made to bring forward the grievance of these people, and nothing was done, owing to the opposition of two Brahmin gentlemen?—Yes.

Sir *J. D. Rees.*

4215. You refer to the division of the village into a Brahmin and non-Brahmin quarter?—Yes.

4216. Is it the case that in India, owing to the climate, practically the street is very much the home of the people. The street in which a particular caste lives is very much its home; it is not so much a thoroughfare as its home?—It is a thoroughfare managed by the municipal authorities.

4217. Do you say the Agraharem in a village is a thoroughfare?—No, that is only a small place; but there are other streets.

4218. If the Agraharem, the Brahmin quarter, is practically the home of a particular caste, is this hardship so great as you represent?—Yes, because the Agraharem does not represent the whole village; it is only a small part of the village.

4219. As regards the schools, am I right in supposing that the British Government in India impose no disability upon any low caste to prevent them attending schools?—The Government does not.

4220. What does?—The people who carry out the policy of the Government—the officials.

4221. Did you say officials prevent Pariah boys from going to the schools?—Not directly, but indirectly.

4222. How?—Well, the inspectors are generally Brahmins, and naturally they build, or at least they give permission, to have school-houses put up in the Brahmin quarter in the village proper.

4223. How does the village tolerate that?—They are helpless. I say a Pariah cannot stand erect before Brahmins.

4224. Is it true that public opinion up to now approves of that of which you are disapproving as a native Christian—the Hindoo public opinion?—Yes. As I said before a Parsee gentleman brought a resolution, and no heed was taken.

4225. Would you have the Government go so far ahead of public opinion as to enforce the attendance of Pariah boys at school, which would make others go away?—I think they would change their policy. They would appoint non-Brahmins more largely into the educational service.

4226. You refer to the Women's Franchise, of which you are in favour?—Yes.

4227. Do you not think that the fact that this is now a matter of serious politics is an immense testimony to the fairness and impartiality of the British Government in India that this question should have come within the reach of practical politics?—Oh, yes.

4228. Can you say that people in the villages do not prefer high Hindoo caste officials?—They would not say they did not, because they would be subjected to a great deal of persecution.

4229. Could you say they do not?—They do not. They simply submit to it.

4230. They never approve?—They do not approve.

4231. Are they rather helpless in the expression of their opinion?—Absolutely helpless.

4132. How does it happen that they burn down churches? In the Shanar villages, in south India, Christian churches are sometimes burnt down?—By whom?

4233. By the non-Christians. Have you heard nothing of local Christian differences, where they burn down one another's churches and seem quite capable of expressing an opinion?—During the last riot a number of Christian churches were burnt. It is only in exceptional circumstances.

4234. May I ask you whether giving communal representation to non-Brahmins would not mean disfranchising Brahmins who are 3 per cent. in favour of 97 per cent.—not disfranchising them, but placing a disability upon the 3 in favour of the 97 per cent.?—I do not think there would be any disability.

4235. You do not think it is a disability to be excluded from being elected?—Excluded after a certain number.

4236. But you would if they were Christians?—No, not even then.

4237. Is there anything in the Bill preventing the election of non-Brahmins to the general seats?—There is nothing at all.

4238. Why do you want a residential qualification for candidates?—Because a member, simply with the object of being elected, would come down to a certain place and stand for election to the detriment of the man who has been there much longer and who would probably be more acquainted with the affairs of his locality or his constituency.

4239. Do not you think a residential qualification could be acquired with extreme ease and without spending money?—No; on account of the family system.

4240. I suggest that a hut does not cost much?—Huts would not come into this thing at all.

4241. Why do you think that secondary and University education should not be made a transferred subject? I am not perfectly clear about your attitude about that?—I have said in my statement that there is a strong tendency towards what is called nationalising education. That is going back from the present system. And besides there would be plenty of scope for a Minister to devote himself to primary compulsory education. I think it would be imposing too much upon a popular Minister in throwing upon him the burden of primary education as well as secondary and University education. To begin with, I think it would be well to entrust to a popular Minister primary education before trusting the whole of education.

4242. You do think this scheme embodied in the Bill is a good and progressive scheme? You only want to make it a condition that Brahmins should be placed under some disabilities so that not too many may be elected?—I do not like that word "disability." I would say that they should not be allowed to preponderate in the new councils.

Major *Ormsby-Gore.*

4243. Your Association was represented before the Southborough Committee that dealt with Franchise, when it visited Madras?—Yes.

4244. Were they dissatisfied with what they were given by the Southborough Committee?—Yes, I think they are.

4245. On what ground were they dissatisfied with it—their representation?—Because the number of seats is not equitable. The Mohammedans who number 2½ millions have been given 13 seats, whereas Indian Christians, who number 1¼ millions, have been given 3 seats.

4246. Take the number of electors—the number of Christian electors is very small, is it not?—Yes.

4247. Much smaller than the number of Mohammedans *per se*?—That is because of the property qualification.

4248. You would like to do away with the property qualification, and have representation on a population basis?—A literacy basis would be better.

4249. You speak for the Association of all the Christians other than Roman Catholics?—Yes.

4250. What proportion do the Roman Catholics bear to all the other Christians put together?—I think it would be about 50 per cent—half the number.

4251. Do you anticipate that half the seats that you are allotted, or at any rate one of the seats you are allotted, would be filled by a Roman Catholic?—Yes, I think there would be no difficulty about that.

4252. There has been no arrangement come to in that respect?—No. We came to an arrangement

Major *Ormsby-Gore*—continued.

before coming before the Southborough Committee. We said we would join together in the matter of political reform.

4253. From your cross-examination, am I right in gathering that you are not in the least frightened of any disadvantage you might suffer from either the Mahommedans or the non-Brahmin Hindoos?—Certainly not.

4254. And it is only the Brahmin you fear?—Yes.

4255. And therefore you want Brahmins to be regarded as a separate community from the other Hindoos?—That will be a very good thing; that would solve the difficulty.

4256. That is to say, you would treat the Brahmins not as Hindoos, but as members of a separate community altogether?—Yes.

4257. You said something about the transfer of education. You said it was feared that if secondary and higher education were transferred there would be a revival of the study of Sanscrit literature?—Yes.

4258. Do not you think that would be a very good thing?—I do not think so at all.

4259. Are not the Indian classics nearly all written in Sanscrit?—Yes; but they are also translated into other languages in India. They are not a sealed book to other Hindoos.

4260. Do not you think the education of every country should be based upon the great classic literature of that country?—It should not be made the sole basis.

4261. But it should be the important basis?—Yes; but the trouble is that the Sanscrit is regarded as a sacred language, and objection would be brought forward to the lower classes being admitted to the colleges where Sanscrit is taught. That is so, even at the present day.

4262. Do not you think that, with the transfer of education to popular control, that prejudice against allowing any class of Indians to learn and read Sanscrit would rapidly disappear under the pressure of the new democratic system?—No; I think it would be the other way.

4263. You think that the tendency of education, as a transferred subject, would be to restrict education to a particular class?—Secondary and higher education.

4264. In addition to that, Sanscrit, after all, contains the religious writings and communications to the majority of the community of India. It is to the Hindoo what the Hebrew Scriptures are to you?—Not to all the Hindoos; only to the Brahmins. The great bulk of non-Brahmins pay very little attention to Sanscrit; in fact, they are excluded—if I am not mistaken—from the Sanscrit colleges which have been established recently.

4265. You say in your answers that the present Franchise proposals would merely increase the preponderance of the Brahmin element: "This would certainly be a very great calamity, inasmuch as the interests of the masses would not be safe in their hands." By the masses you only refer to the outcast peoples?—Yes; especially the depressed classes.

4266. You are referring to the Panchamas. Is it not true that Brahmins are beginning to take an interest in social service, and in raising the social and political and educational conditions of these depressed classes?—No, I do not think it is general, because so recently as 1916 two Brahmin gentlemen in the Imperial Legislative Council voted against a resolution brought forward by a Parsee to ameliorate the condition of the lower classes.

Marquess of *Crewe*.

4267. I think that is the same statement you made before. Are you alluding to the same occasion?—Yes.

Major *Ormsby-Gore*.

4268. That is the only instance you want to bring to our notice in that connection?—May I read what the member for the Government of India said: "The honourable member who moved this resolution has accused the Government of apathy and of merely following a negative policy of drift. Well, sir, my task in defending the Government from this charge has been considerably lightened. Not only have

Major *Ormsby-Gore*—continued.

representatives of two Governments got up to protest against the accusation, but I find myself in the pleasant position of having two honourable members, with whom I often have to disagree, as the staunchest supporters of Government of any who have risen to speak—I refer to the Honourable Mr. Surendrenath Banerjea and the Honourable Pandit Madan Mohan Malaviya. I welcome their support."

4269. You said in answer to questions just now that in the villages the priests were Brahmins?—Yes.

4270. The bulk of the Brahmins are not priests, are they?—No, all Brahmins are not priests, but all priests are Brahmins.

4271. Only a small proportion of Brahmins are priests?—Yes.

4272. The bulk of them are cooks and manual workers and people of that kind?—They are gradually giving up their priestly profession and taking to secular professions.

4273. Is it not true that most of the Brahmins—say in public life, the educated Brahmins—rather look down in some sense upon those other Brahmins who merely take the role of village priests?—I do not think so.

4274. The Brahmins do not gain their ascendancy on account of their being wealthier than other classes?—No; more on account of their caste.

4275. It is simply the religious traditions of the people?—Yes.

4276. You think those religious traditions would have such an effect on the working of a democratic system that there would be no social reform?—Absolutely none whatever.

4277. I express the hope that your fears may prove groundless in the future of India.

Lord *Islington*.

4278. Would you like to see the Christian community, in regard to their education, made a reserved subject?—What part—the primary education?

4279. The whole of their education, from primary upwards?—No; I would keep secondary education as a reserved subject.

4280. You would be satisfied to see primary education a transferred subject, and controlled by an Indian Minister?—Yes.

4281. But you are very anxious to see higher and university education retained as a reserved subject?—Yes.

4282. Could you give me quite briefly your main reasons for desiring to see higher and university education retained?—I think I have already answered that question. There is a genuine fear that higher education will be crippled. There is a movement to nationalise education, and already there is what is called the National Education Scheme. This is to educate the people on ancient lines, and not in accordance with the scheme sketched out by Macaulay.

Marquess of *Crewe*.

4283. You are afraid that the British tendencies of education will be set aside by a return to a more exclusively Sanscrit education?—Yes.

Lord *Islington*.

4283A. A witness the other day, in discussing the education question, mentioned the insertion of a Conscience Clause. Do you know anything about that?—Yes.

4284. How would that Conscience Clause affect your mission schools?—The mission schools and colleges would have to be closed up.

4285. Will you explain that?—They would not consent to go on with merely secular education. They include religious education as a part of their curriculum, and if it is to be excluded, naturally all mission schools and colleges will have to be closed down.

4286. So that your mission would be very opposed to this Conscience Clause? Am I right in drawing that inference from what you have just said?—Yes.

4287. I want to know whether I derived a right impression from the answers you have given to the various question which have been put to you. You say

Lord *Islington*—continued.

say that on the whole you are not so dissatisfied with the Christian representation that is given to you, though you would like to have more?—We are not very particular so long as we have representatives to put our point of view before the Council.

4288. You would like to see more than three, but you do not urge or press very strongly for a larger representation?—No. We think we ought to have more than three seats. We think the more equitable principle would be six.

4289. Am I right in deriving an impression from your answers that what you press for is that the non-Brahmin representation in its most comprehensive sense should be made definite and distinct from the Brahmin representation?—Yes.

4290. And you believe that unless that is done the non-Brahmin community, which is the large majority of the population, will not be adequately represented in the Legislative Council?—Yes; and what is more, the smaller communities will suffer a great deal.

4291. The smaller communities will suffer?—Yes.

4292. What do you mean by that? Do you mean the smaller communities are to have sub-community representation?—No; I do not say so at all.

4293. The question I asked you was as to the whole community, the non-Brahmins. You would be satisfied, on the whole, I understand, if that is safeguarded as against the Brahmin community?—Yes; that is our point of view.

4294. You said just now you did not think 30 out of the 61 was adequate, as proposed by the Government of India?—In my personal opinion, that is a very unfair number.

4295. What do you suggest as an alternative number?—The number that has been given to the Christian community—the number is three. Double it, treble it, or multiply it four, or even five times, if you like.

4296. Multiply what five times?—The three.

4297. I am talking of the proposal made by the Government of India that there should be 30 seats allotted to the non-Brahmins out of 61. You say that is inadequate?—I say the Brahmin proportion would be too much.

4298. What I want to get at is, what proportion would you like to see in point of numbers as an alternative to the 30 out of the 61 of non-Brahmins?——

Marquess of *Crewe.*

4299. What the witness intended was this: He says that the number of Brahmins and of Christians is about the same. Three seats are to be allowed by the scheme to the Christians. He would be willing to give five times as many to Brahmins, although they are only the same number. Therefore he would be prepared to give something like 15 seats. (To the *Witness.*) Is that what you mean?—Yes.

Lord *Islington.*

4300. You would increase the non-Brahmins only by another 15—from 30 to 45?—Yes.

4301. You think that would be a fair proportion?—A very fair proportion.

4302. Would you say so, when you take into calculation the position that the Brahmin community have occupied in the past in the public life of Madras?—I do not think that is a reason why they should be allowed to dominate the Council, which is to be representative of all classes of people.

4303. But your proposal would be of a very restrictive character, would it not, in its relation to Brahmins?—It may appear restrictive, but it is just and equitable.

Lord *Sinha.*

4304. I think you said that Christianity has existed in the south of India for many many centuries?—Yes.

4305. And as a separate community there has been a Christian community in the south of India, particularly in Madras, for many centuries before the advent either of the British or even of the Mohammedans?—That is so.

4306. The Hindoo religion does not make proselytes, does it?—No.

4307. You can only be born a Hindoo?—But there is a movement called the Arya Sumaj, which takes Christians back into its fold——

Lord *Sinha*—continued.

4308. That is more or less confined to the north, is it not?—No, there are branches even in the south.

4309. Yes. That is a new movement?—Yes.

4310. Apart from that, the cardinal tenet of Hindooism is that you are a born Hindoo and you cannot be made a Hindoo?—Yes, those are the cardinal tenets.

4311. For that reason Hindoos are very tolerant of all other forms of religion, are they not?—Yes, they are.

4312. And both Christianity and other religions have always found asylum in India—for example, the Parsees also. There has been no persecution of any people on account of their religion in India?—No.

4313. Hindooism has been extraordinarily tolerant of all other forms of religion. That is a fact, you agree?—Yes.

4314. And another name for Hindooism is Brahminism, is it not?—Yes.

4315. Therefore I take it the Brahmins are very tolerant of other forms of religion?—I do not understand your question. So long as they are Brahmins they are all right.

4316. I am not suggesting they treat everybody else, whatever his religion, with equal respect, or anything of that kind; but, so far as a man's religion is concerned, they look upon it as no concern of theirs. They are extraordinarily tolerant of other forms of religion?—Towards others. But when a Hindoo becomes a Mahommedan or a Christian, for example, then the intolerance begins, then the persecution begins. They are not tolerant if a member chooses to follow a different faith.

4317. You mean persecution follows if a Hindoo is converted to another faith?—Yes.

4318. Although members of that faith themselves, as such, are not persecuted?—No, not particularly.

4319. If there were no Brahmins in Madras you would not want communal electorates for anybody, I understand?—No.

4320. And the non-Brahmin castes, the Panchamas and Christians, and everybody else, would be one happy household?—Not in such an ideal way as you put it; but there would not be so much trouble as exists at the present time.

4321. I was putting it too high, perhaps; but it would not be different from any other country. There would be differences, of course, between different sections of the people, but there would be no need for any separate electorates for any part of the people if there were no Brahmins?—I do not think so.

4322. Is it a fact that the non-Brahmins of Madras are the owners of the bulk of the soil?—Yes.

4323. Could you tell us what would be the number of castes composing those non-Brahmins, apart from the Panchamas, who have no caste, as I understand? How many non-Brahmin Hindoo castes do you think there are?—A very large number.

4324. Over 150, we heard from a witness the other day?—Yes; probably so.

4325. Are they a homogeneous body, these 150 and more castes?—To a great extent they are.

4326. They do not inter-marry, do they, and they do not dine together?—Not as a rule.

4327. We have seen it stated, in Sir Alexander Cardew's Minute, that non-Brahmin caste people are all equally exclusive and largely antagonistic to one another: Is that correct?—I do not think there is such a marked difference in their views.

4328. You do not agree with that?—No.

4329. You do not think there is any antagonism between these different castes, excluding Brahmins?—No; not so much as Sir Alexander puts it.

4330. But there are some amongst them—for example, the Khatryas—who will not have anything to do with the others, and there are a very large number of them, are there not?—But they are not quite so tolerant as the Brahmins are.

4331. But they consider themselves higher than any other castes, and are very exclusive?—They are exclusive, but they do not entertain such exalted views of themselves as the Brahmins do.

4332. The Vallalas is another caste, is it not?—Yes.

4333. There is a very large number of them?—Yes.

Lord *Sinha*—continued.

4334. They look upon themselves as higher than all the others?—They, too, are exclusive.

4335. But again they have not such an exalted notion of themselves as the Brahmins have?—No.

4336. Is it the fact that the Panchamas—that is, the non-caste people—are kept in a servile position by all the other castes, non-Brahmins no less than Brahmins?—That is not true. The non-Brahmins are not so hard upon these depressed classes as the Brahmins are.

4337. I am reading to you from Sir Alexander Cardew's Minute, where he says with regard to these Panchamas, "Though no longer nominally a slave he"—that is, the Panchama—"is effectively kept in a servile position by the higher castes, non-Brahmins not less than Brahmins, who own the whole, or the great bulk, of the soil." Would you agree to that?—Not entirely.

4338. In so far as the owners of the soil treat the Panchamas as servile or depressed, it would be mostly the non-Brahmin caste people, because you have told me they are owners of the bulk of the soil?—Yes.

4339. And it is the non-Brahmins who set up claims to the ownership of the labourers' house-sites, and often to the huts in which they live?—But they do a great deal to ameliorate their condition in the villages.

4340. Notwithstanding that, we have heard the condition is that they cannot get water and there is no sanitation where they live. Is that a fact?—You mean among the non-Brahmins?

4341. The Panchamas?—They suffer a great deal.

4342. Their condition is very bad. They have hardly any potable water, and every kind of sanitation is wanting in the places where they live, and so on, and that notwithstanding the fact that the soil upon which they live belongs to the non-Brahmin caste people?—Yes.

4343. Is it not the fact that the character of caste, so far as it went by occupation, has confined education, particularly education of a literary character, to Brahmins for thousands of years? Is that a fact or not in India?—That is so, because they have excluded education from the other classes. They have kept it as a close preserve for themselves.

4344. And the system of caste was more or less based upon that of occupation?—Originally it was so.

4345. And the effect of it has been that the Brahmins have got the largest number of educated people amongst them in all parts of India?—That is so.

4346. The reason why they monopolise, where they do, offices and positions and emoluments is due to the education which has been their monopoly for centuries?—It is not entirely due to their education, but also to their influence. Take the superintendent or manager of a certain office: He would like to see as many Brahmins as possible.

4347. He gets in his own caste people?—Yes, he prefers them to those belonging to another caste.

4348. And so does the non-Brahmin, when he gets into that position, I suppose?—No; I do not think he is so exclusive.

4349. Does not he favour his own caste people?—No; I think he is more generous.

4350. Do you object to national education suited to the genius of the people?—I do not object to national education; but I object to putting back education.

4351. National education, as such, in the sense of education suited to the genius of the people, you would welcome, I suppose?—Yes; I think all Indians would welcome it.

4352. So far as the educated classes in India are concerned for many years their one cry has been that secondary education and university education has not been sufficiently encouraged by the Government. They want the kind of education there is now to be increased and improved, do they not?—That is what they say.

4353. For example, with regard to Lord Curzon's reforms of the university—which were alleged to restrict university education—that was the cry: "You must not cut down English education"?—Yes.

4354. Every so-called attempt to improve university education is looked upon with suspicion as an attempt to restrict English educaton?—Yes.

Lord *Sinha*—continued.

4355. So that it is a fact, is it not, that whereas the cry is for national education, the real demand is for more and more English education?—Not for more and more English education—not on the present lines—but on an entirely different line altogether.

4356. Do you suggest that there is any demand amongst educated Indians for cutting down the English curriculum for the improvement of the Sanscrit or vernacular curriculum?—No; that demand is not at all a large one. It only comes from a very small section of the people.

4357. In fact the demand is all the other way, to go on increasing the English curriculum, and the vernaculars do not matter very much?—Not entirely neglecting vernaculars.

4358. I mean that is the kind of thing you are constantly hearing in India—give us more and more English education; it does not matter about the vernacular education?—Yes.

4359. And it is the Government itself which insists upon the utility of vernaculars and ancient classics?—Yes.

4360. And it is only latterly that people are beginning to see that there is something in that point of view?—Oh, yes.

4361. You and I being agreed with regard to that, that the educated classes are asking for more—in fact it is put against them that they ought to ask for more primary education and not for more secondary or university education, but that being their tendency, that they are asking for an enlarged university education and an enlarged secondary education—why do you think that the transfer to a Minister would restrict either of them?—The people as a whole are asking for more secondary or university education, but there is a small section of the people who are trying their level best to put back education towards the old Sanscrit and Arabic. It is a very small section. The great bulk of the non-Brahmins have nothing to do with this so-called national education.

Marquess of *Crewe*.

4362. Do you mean that although it is a small section it is powerful, and it can get its own way against the majority?—At present it is trying to assert itself.

Lord *Sinha*.

4363. By that small section do you mean the Brahmins?—Yes.

4364. The Brahmins throughout India, or in Madras only?—I should like to confine myself to Madras.

4365. You do not suggest that Mr. Sastri is against the extension of University education?—I do not know.

4366. You knew the late Mr. Gokhale, did you not?—Yes.

4367. He was not one of this minority which wants to put the hands of the clock back?—Oh no, certainly not.

4368. You do not think the National Congress, as such, wanted to put the hands of the clock back, do you?—I would prefer not to give an opinion upon that. I do not know; I am not sure.

4369. Have you been a member of the Congress at any time?—No.

4370. Have you read any of the Congress literature?—Yes, I have.

4371. Have you read the resolutions passed since its inception, from somewhere in the eighties—in 1885, I think?—Regarding education?

4372. Yes, and everything else?—Yes, I have.

4373. With regard to education, have not the resolutions throughout, from 1885 onwards, constantly asked for the enlargement and extension of educational facilities for all classes?—Yes.

4374. Have you any reason to think that that is not a sincere desire?—I would not suggest such a thing at all.

4375. You think, therefore, there is a sincere desire on the part of the members of the Indian National Congress, those who have taken part in it from the beginning, to improve and enlarge facilities for education for all classes?—Yes.

4376. It is the fashion now to call them politically-to restrict English education?—Yes.

4377. That

Lord *Sinha*—continued.

4377. That being so, I take it it is your view that the politically-minded classes desire to enlarge and improve the facilities for education of all classes?—Yes, that is my view. For instance, Mr. Basu, in delivering an addres only a few weeks ago, said that there are people who thought that the famous Minute of Macaulay was even of greater importance than the pronouncement of the 20th August, but I find that in Madras there is a deliberate attempt to criticise and belittle this great scheme of education, and to go back to national education.

4378. Since when has this movement, which you and I, at any rate, would call a retrograde movement, set in in Madras?—I think on the advent of the Home Rule movement.

4379. That is since 1916?—1915 or 1916.

4380. It almost synchronised with the Montagu-Chelmsford Report, I suppose?—Yes, perhaps a little earlier.

4381. Is your reason for saying that the propaganda with regard to Varnashrama Dharma movement?—Yes.

4382. You do not suggest that the Varnashrama Dharma movement has anything to do with the Home Rule League or with any political movement?—No, I do not think it has.

4383. The President of the Varnashrama Dharma is the Maharajah of Durbhanga; he has nothing to do with the Home Rule League?—No. The organising secretary of the Home Rule League in Madaas is an active worker on the movement.

4384. I daresay there are members common to both, but the two movements, I suggest, are quite independent of each other?—I think they are very closely allied.

4385. In any other Presidency is there any single member of the Varnashrama Dharma, any single office bearer or important member who is also a member of the Home Rule League?—I am not aware of it outside the Madras Presidency.

4386. Is there a close connection between the two bodies in Provinces other that Madras?—Mr. Madhav Rao has presided over the Varnashrama Darma Conference.

4387. He is a Madras man?—Yes.

4388. I am asking you if you are aware that there is that connection which you say exists in Madras in other places?—No. Madras is the stronghold of caste.

4389. Therefore it is your distrust of this new movement, the Varnashrama Dharma movement, thatmakes you think that the policy of education with regard to the Minister who may be appointed under this Report will be a reactionary policy?—Yes; we are very suspicious.

4390. It is principally because of the Varnashrama Dharma movement?—Yes. When they began to discuss the Vedas at a Varnashrama Dharma Conference non-Brahmins were asked to leave the place; it was confined only to Brahmins.

4391. With regard to these schools, caste Hindoos, whether Brahmin or non-Brahmin, are on the same footing?—No, they are not exactly on the same footing.

4392. There is nothing to bar a non-Brahmin from admission to schools or colleges?—No.

4393. Any more than there is a Christian?—There is a great deal of difference. Take the Pachapas College in Madras—no Panchama or Christian boy would be admitted.

4394. I am speaking of Brahmin and non-Brahmin caste Hindoos. There is no distinction between them with regard to schools and colleges?—No, no distinction with regard to their admission.

4395. And the educational facilities of the Provinces are equal to all castes, whether Brahmin or non-Brahmin? I am leaving the Panchamas out?—Yes.

4396. It is only the Panchama who is deprived of admission?—And the Indian Christian.

4397. It is the Panchamas who are deprived of admission to some of these schools and colleges?—To most of the schools and colleges.

4398. Even when they are Government schools?—Yes. I said in my statement that out of 8,157 schools publicly managed by the Government only in 609 schools are Panchamas allowed admision.

Lord *Sinha*—continued.

4399. Publicly managed schools?—Yes, Government schools.

4400. Under the rules of the Government colleges and schools Panchama boys cannot get in?—Yes. There is a G.O. published, and I should like your Lordship to see it.

4401. There is an order of the Government excluding them?—No. A Government inquiry revealed the fact that in only 609 schools Panchama boys are allowed admission out of a total of 8,157 schools.

4402. The Government does not encourage that—the Government rules do not exclude them?—No.

4403. It is the management and the masters and teachers?—Yes.

4404. Contrary to the spirit of the Orders of the Government?—Yes.

Marquess of *Crewe*.

4405. Macaulay has been held responsible for a good deal of misdirected education in India?—A very small section of people think so, but the great bulk really think that he did splendid service to India in introducing that famous Minute.

4406. It is quite possible that education in India might be carried on in all its grades on the lines and in the spirit which Lord Macaulay really intended, and at the same time full attention could be paid to the great ancient literature of India?—Yes. The present system is capable of a great deal of improvement.

4407. You think it is?—Yes.

4408. But you think in its higher grades that ought to be done under Government administration?—I think it could be done much better under Government management.

4409. You, of course, represent Madras, and Madras as we know, is the very seat of Indian Christianity; there are more Indian Christians in Madras than in the whole of the rest of India, are there not?—Yes.

4410. Are you able to speak with any authority on behalf of the Christian community in India, generally, in the other Presidencies and Provinces?—No. We only come together in an All-India Christian Conference. We meet in conference annually and come to know.

4411. Do yo uthink that the evidence which you have been giving would have the concurrence of the Indian Christian community, generally?—I think so.

4412. In all the other Provinces and Presidencies an Indian Christian seat is secured by nomination, is it not?—Not in all cases.

4413. All except the Central Provinces, I think?—Madras has sometimes not had an Indian Christian member, even by nomination.

4414. I am talking of the scheme under Lord Southborough's Report?—Yes.

4415. I am not speaking of what exists at the moment, but of the scheme as suggested in Lord Southborough's Report: There is the sole exception of the Central Provinces, in which no specifl provision is made; but in all the others one seat is reserved by nomination for Indian Christians?—Yes.

4416. You, I take it, at any rate, prefer a special electorate to a system of nomination?—Not in places where the number of Christians is very small.

4417. As far as regards Madras, would you be content to have the Indian Christian members nominated, or would you prefer to see them in the Assembly through a special electorate?—I think a special electorate has already been provided for them, under Lord Southborough's scheme.

4418. It has; and I wanted to know whether you preferred that to a system of nomination?—I prefer election to nomination.

4419. You want to see a similar system of special electorates largely extended to other bodies?—The ideal condition would be not to have any communal electorate In the highest interests of the country, we would prefer to take our share along with other people; but when the conditions are taken into account, as they are at present, we think it would be better to have a communal electorate.

4420. You are afraid that, if now there were to be a general electorate, the result would be that your people

Marquess of *Crewe*—continued.

people would not get in, and a good many others would not get in whom you would like to see in?—There would be no chance of Christians getting in.

4421. You would have no chance of getting a single seat anywhere?—That is so.

4422. With regard to the sharp distinction which you have drawn between the Brahmins and all other high-caste Hindoos, on which Lord Sinha asked you questions, do you really think that a native Christian who had been an outcast would be regarded with any sort of favour by the members of a high Indian non-Brahmin caste?—So far as Indian Christians are concerned, there is no difficulty in their way.

4423. You find that when a low-caste man or an outcast from Hindooism becomes a Christian he is better treated by high-caste Hindoos than if he had remained an outcast?—Certainly.

Marquess of *Crewe*—continued.

4424. And therfore, so far as your community is concerned, you would be quite content to be left, so to speak, to the tender mercies of even the high-caste Hindoos so long as they were not Brahmins?—Not because of their caste, but because of their influence in the Councils. So far as the Councils are concerned, if there is a safeguard in the matter of the number of seats for Brahmins, we would have no fear at all; we would be willing to take our share along with the non-Brahmins.

4425. I think you have told us pretty clearly what you consider would be a fair Brahmin representation. Thank you.

(The Witness is directed to withdraw.)

(After a short Adjournment.)

SIR ARCHDALE EARLE, K.C.S.I., K.C.I.E., is called in; and Examined, as follows:—

Chairman.

4426. We are much obliged to you, Sir Archdale, for coming here to-day; I know you come at a little inconvenience?—Not at all, my Lord.

4427. You were a member of the Government of India?—I was in the Government of India.

4428. In what years?—From 1910 to 1912.

4429. You were Home Secretary, I think?—Yes.

4430. And then you became Chief Commissioner of Assam?—Yes.

4431. And you retired?—Last year.

4432. You have been good enough to send us in answers to the questions which we put to you?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I agree that it is desirable to bring about the progressive realisation of responsible government in India. By "responsible government," I mean government as it is understood in the United Kingdom, that is to say, government controlled by the people through their elected representatives. I generally accept the proposition contained in the Preamble of the Bill.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—I certainly think that the realisation of responsible government in the provinces involves the establishment in Provincial Legislatures of a substantial elected majority. (In the copy of the Bill sent to me there is a printer's error in the fourth column of the First Schedule as against Assam, where the figure 2 should be replaced by the figure 12.)

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—I think that the non-official members of the Provincial Legislatures should be given power to control the actions and policy of the Executive in the manner contemplated in the Bill. They do not at present possess any such power, though they have power to criticise, and so to influence, the Executive.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—In my view, the measure of responsibility to be devolved is practically that of the burden which the popular part of the Government may be considered capable of bearing. It would, in my opinion, undoubtedly wreck the scheme if an attempt were made to devolve straightway the whole burden of government on the representatives of the people, as they have not had an adequate training for the purpose. Generally speaking, the proposed devolutions will constitute a sufficient burden, and at the same time a new scope for training with a view to further devolution. In choosing the subjects for reservation, naturally those would be selected the devolution of which would involve the greatest risk.

Chairman—continued.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view? 6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages, and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? and (ii), does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the executive?—I never, from the beginning of the discussions on the point in 1917 had any doubt but that the dual form of government, as embodied in the Bill, was the best, if not the only, means of securing the ends in view. I have seen no other proposal which satisfies the propositions set forth in questions 1 to 4.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modification would you suggest? 8. In particular, do you think (i) that Ministers should hold office "during pleasure"—*i.e.*, should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1)). (ii) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3)) (iii) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—I agree that Ministers should hold office "during pleasure" in the manner proposed; that the Governor should have power to disregard the opinion of the Ministers, if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities; and that the Executive Council should in all provinces normally consist of one official European and one non-official Indian. I agree to inclusion in the Bill of power to dissolve the Legislature, though, in my opinion, the value of this safeguard will at first be practically of no account, as the electorate for some time to come will not able to apprehend its significance, nor will its significance be apparent till responsibility in respect of administration has increased.

9. Referring back to questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should

Chairman—continued.

should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9). 10. In particular (i) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—I consider the limitations imposed by Clauses 8 and 9 of the Bill upon the financial and legislative powers of the Legislations are generally suitable. I regard the power to be conferred upon the legislators to vote supplies as one of the cardinal features of the reforms scheme. I accept the plan of Grand Committees as the means of giving to Government the power to secure essential legislation in the event of their failure to secure their propositions in the Council. Perhaps the rules will provide for reference back to the Legislature of Bills debated and modified, as may be, in the Grand Committee, as proposed in paragraph 253 of the Joint Report. I think that this is desirable. I assume that the Grand Committee procedure will apply to Assam, as well as to other provinces, notwithstanding the doubt thrown on the point in paragraph 16 of the Government of India's Despatch No. 7, Home Department, dated the 5th June, 1919. I see no reason to differentiate Assam in this respect. The policy initiated by Lord Hardinge in 1911-12 at the time of the territorial redistributions was that Assam, which had had the advantage of a Legislative Council, when united with Eastern Bengal, should not suffer as a result of the changes then made. It was accordingly given a Legislative Council, when it became a separate province in 1912. The same policy should, in my opinion, be continued, and differential treatment be avoided.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments. 12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—I accept the position adopted in the Bill that the time has not yet come to give to the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments, but that, nevertheless, it is advisable to provide for a substantial election majority in the Indian Legislature.

13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16? 14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I accept the plan of bicameral Legislature as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential, and I accept the provisions of the Bill as to the course of legislation in the Indian Legislature as satisfactorily meeting present purposes.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?

Chairman—continued.

—I accept the changes made by the Bill in the constitution of the Governor-General's Executive Council.

16. Do you think that the development of Provincial autonomy on the one hand and of self-government in the Provinces on the other involves any modification of the provisions of sections 2, 33, and 45 of the Government of India Act (Clause 23)?—I agree that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other involves modification of sections 2, 33, and 45 of the Government of India Act, as proposed by Clause 23 of the Bill.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination. At the same time, notwithstanding the criticism to which the proposal has been subjected, I think that opportunity should be afforded for rectifying omissions or anomalies, as proposed in paragraph 260 of the Joint Report. This could apparently be done by an amendment of the rules in the manner contemplated by the Bill.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—There are no matters which it is proposed to deal with by rule which I would suggest should be provided for in the Bill, except perhaps that referred to in my reply to question 10 (ii) namely, the question of the reference back of Bills from the Grand Committees to the Legislative Councils.

19. Have you any observations to offer on the reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—(a) *Reports of Lord Southborough's Committees.* I think that the present occasion should be utilised for the purpose of helping on the cause of women in India, and that the vote should be allowed to them, at any rate to the extent noted below. That the number of women who will vote will be small does not affect my opinion. The mere fact of the recognition of women may, and I think will, have far-reaching consequences. I do not think that there would be grave difficulties in recording women's votes, because the number who will avail themselves of the privilege will not for a long time to come be large. To take a particular case, it seems absurd to refuse the vote to the very intelligent Indian women who are landed proprietors, and who, but for the fact that they are women, would be able to take part in the landholders' electorates. I have a very high respect—acquired from long business experience—for the capability and shrewdness of the Indian lady landed proprietor. There is no monopoly of women-sense outside the *pardah.* It goes without saying that British women, resident in India, who would otherwise be qualified, should be entitled to vote. I fully realise that the staff to deal with the new electorates is by no means unlimited, and that it is very important that they should not be overburdened. If necessary, therefore, comparatively high qualifications for electors might be laid down in the case of the general constituencies. A step forward such as I have proposed at least would constitute an act of recognition and an earnest of more liberal treatment in the future. No special or separate arrangements for the recording of women's votes need, I think, be made. (b) *Committee on the Home Administration of Indian affairs.* In regard to this subject, I need only say that I agree with the Majority Report, for the reasons given in paragraphs 20 and 21 of the report.

I hope that the representation proposed for landholders in Assam by the Committee will not be cut out, as suggested by the Government of India at the close of paragraph 15 of their Despatch No. 4 of 23rd April, 1919. Here, again, the policy, previously referred

Chairman—continued.

referred to, of not differentiating Assam should, I am strongly of opinion, be maintained.

The Functions Committee proposed that "Public Works" and "Excise" should not be transferred in Assam, largely on the ground that most of the hill districts would be entirely excluded. If, as I, moreover, gather, they are not to be so excluded, but be treated as "backward tracts" anly, the recommendations lose much of their force. Further, I cannot at all accept the other reasons, given by the Committee for reserving Excise in Assam, as at all convincing.

I entirely agree with the conclusion of the Functions Committee that education as a whole should be transferred, notwithstanding what the Government of India say on the subject in their Despatch No. 3 (Home Department), dated the 16th April, 1919.

4433. May I ask if you have anything you would like to say in supplement?—Yes. There are one or two addenda that I sent in which are being printed, I understand. One referred to the Franchise Report of Lord Southborough's Committee, a small matter as regards the landholders in Assam. The Government of India suggested that perhaps they should not be represented at all, and what I wanted to say in that respect is what I said in respect of another question. The policy in Assam should be continued as it was initiated by Lord Hardinge, namely, that Assam, having been separated from Eastern Bengal, should not be a loser, but should continue to have the privileges assigned to the province from which it is separated. These landholders in Assam certainly would have a grievance if they were unrepresented, merely on the ground that they were few in number. They have been cut off from their fellow landholders in Bengal, and I think they should have this right to representation. The Government of India have not said that they will refuse it, but they have thrown a doubt on the necessity. I am strongly of opinion that they should have it if they wish it. I do not think there should be any differentiation of Assam because it has been cut off from Bengal. Then there were two points in connection with the Functions Committee's Report, as to which I wish to say that I entirely agree as regards education that it would be better to transfer it as a whole. I did not go into reasons, but I sent in the recommendation that education should be treated as a whole and transferred, and should not be split up into parts.

4434. Would you like to say something about that now?—Yes. I had a good deal to do with education, because I was appointed soon after Lord Curzon's time as Director of Public Instruction in Bengal to carry out his educational reforms in that Province. I do not think that the Government will do as well as the popular Government with regard to education. We have always found very great difficulty in providing funds. I worked out endless schemes as the result of Lord Curzon's activities, but I never could get funds to carry them out—something always came in the way—and at the end of the time I was acting as Director we had not made very great progress for want of funds. The popular side of the Government may be more successful in finding funds. I know that coming to later times, when Sir Harcourt Butler was Minister of Education in India, funds were more generously given for education, but even that was not enough. There is no end to the funds which will be required for education now. I doubt very much whether the official Government will find those funds; there will always be other matters that they consider still more important coming in the way. That is one ground. Another ground is that I think education is a matter in which the people should express themselves as they wish, and as they can, and I do not think that we, as a bureaucratic Government, can lay down an educational policy which will be satisfactory; we have tried in the past, and I do not think we have been altogether successful. We have been successful in many things, but I do not think we have made a great success of education. I think it is quite feasible that the other Government—the popular side—may make a greater success of it. They should be allowed to work out their own salvation in

Chairman—continued.

respect of education. I think it is a particularly difficult subject for a bureaucratic Government to find a satisfactory solution for. There are also two points with regard to functions. I see that as regards Assam they put down the Public Works Department and Excise for the reserved side, and that is chiefly on the ground that most of the hill districts will be excluded areas. I gather from later reports that they will not be excluded areas, but will be treated as backward tracts, which makes a lot of difference. They will not be removed entirely from the scope of the Council or the influence of the Council, so that one of the chief reasons for which they decided that the Public Works Department and Excise should be reserved subjects in Assam falls to the ground. Moreover, I do not think some of the reasons they give in respect of Excise are very sound. They talk about the weakening of control in respect of Excise if made a transferred subject, but my view would rather be that the popular side would tighten up control. All the time I was in Assam they were pressing me to stop the issue of opium altogether. Opium does a good deal of harm in Assam, and I appointed a Committee of Inquiry to see what could be done, and as the result of that Committee's deliberations we raised the price of opium and made other restrictions which made it very difficult for the people to buy it, but we did not go beyond restricting the amount produced. I am inclined to think that the popular element would rather go the other way, and that instead of weakening they would rather tighten control. They would try to do away with opium altogether in Assam. That is a position which it is very difficult for an ordinary Government to take up, but I think perhaps the popular Government would assume that attitude with regard to opium. I do not think that the Committee's reasons are sound as regards the taking away of Excise. As regards Public Works, in the same way the chief reason they gave us was that the hill districts were to be excluded. I understand that they are not to be excluded. These are the additional points that I wish to make.

4435-36. Is there anything on the general subject you would like to add?—No. I think I have said all I wish to in writing.

Lord *Sinha.*

4437. You have seen the despatch of the Government of India on the constitutional changes to be made in Assam?—Yes.

4438. Is there any point with regard to that that you would like to say anything upon? The treatment, for example, of the hill tracts?—I understand they are to be under the influence of the Council, and are not to be excluded, but to be treated as backward tracts. I think that would be quite satisfactory as regards the hill districts. I think that the present Chief Commissioner is quite right in saying that they should not be altogether excluded. There are some districts which should be entirely excluded, but they are very few indeed. Those particular districts are the wild districts which have been recently brought under administration after the Abor Expedition. There are only three of them, and I can specify them if necessary.

Chairman.

4439. We had better get the names?—They are generally known as the Frontier Districts, Eastern, Central and Western districts, and they were formally brought under administration after the Abor Expedition of 1911-12. Nobody would suggest that they should be brought within the scope of the scheme. They are entirely financed by the Government of India, and not by the Provincial Council, which differentiates them from the other hill districts. They are three comparatively small areas. The rest of the hill districts, which have been under administration for years, will, I understand, be treated as backward tracts, and put under the Council, but subject to reservations. I think that is a satisfactory way to deal with them, and I think that is what the present Chief Commissioner proposed himself.

Lord *Sinha.*

4440. Do you think there are any special difficulties with regard to Assam, in connection with the introduction of Standing Committees and Council Under-Secretaries?—Well, there would be rather more difficulty than in some Provinces, because very few people live at Shillong. That is the main difficulty. Personally, I never thought much of these Standing Committees they might be useful, but I have not a very high opinion of what they would be able to do.

4441. The Government of India propose to leave both of those matters in the hands of the Local Administration. Do you think that would be a wise thing to do? They may or may not appoint Standing Committees and Council Under-Secretaries, as they think proper?—I do not think, really, that the people will value Standing Committees, which will have no responsibilities, very much, so I do not think it matters very much. I do not think that these matters are at all essential.

4442. I just want to ask, with regard to the Head of the Administration: Have you considered yourself that there is any particular reason why the Head of the Assam Administration—the Governor, as he is called in the new Bill—should invariably be a member of the Indian Civil Service?—I have not thought of the matter at all, as a matter of fact.

4443. Is there any reason—that is what I want to find out from you, if I can—why Assam should be in a different position from other Provinces in that respect? Is there anything in the position of Assam which requires differentiation?—No; if you base the matter on general grounds, I say that Assam should not be differentiated in any respect as regards administration.

Chairman.

4444. I would rather like to pursue that. There has been a great deal of evidence given here expressive of that wish that it should be a very exceptional thing for a Governor to be a member of the Indian Civil Service—that he should ordinarily be a man who has had experience of public affairs in England, and I think that Lord Sinha's question is rather addressed to that point. Is there anything so particular—so special—in the circumstances of Assam that you would consider that usually a Governor from England would not be a suitable person to administer it?—No; I do not think that a Governor from England would not be suitable; but I have not thought of the question. I always assumed that he would be a civilian, for some time to come; but I see no reason to differentiate in that respect. I always thought it would be difficult to get a public man from England to go to a comparatively minor post like that. It did not strike me as a matter of practical politics; but I should not like the provinces to be differentiated at all. If the policy is to recruit Governors from England, I should not like Assam to be differentiated. That is my attitude.

Lord *Sinha.*

4445. You have considered, have you not, what is known as the scheme of the five Local Governments—or, rather, the Heads of the five Local Governments?—Yes.

4446. As between that and the scheme of the Joint Report, which do you prefer?—I think there is no comparison at all; one conforms with the announcement of the 20th August, 1917, and the other does not. It seems to me there is no question at all about it.

Lord *Islington.*

4447. You occupied a position in the Central Government, did you not, for some years?—Yes, I was Home Secretary for two years in Lord Hardinge's time and the end of Lord Minto's time.

4448. You have also been connected with the Government of Bengal?—Yes.

4449. In what capacity?—I began as the Board of Revenue Secretary. I then was Secretary to the Government, and, later, I was Director of Public Instruction.

Lord *Sinha.*

4450. Chief Secretary?—No, I was not Chief Secretary—I went then to the Government of India.

Lord *Islington.*

4451. As regards the franchise, I assume that you would agree with the proposals made with regard to the basis of franchise for Assam?—I originally proposed myself 25 rupees of revenue. I see that they have brought it down to 15, which makes a larger electorate, but 25, I believe, used to be the Assam standard. I have no objection to 15, and if they can manage that electorate so much the better.

4452. How many more would that mean?—I could not say exactly, but I should say that it would bring the figure down the best part of a hundred thousand; there is a lot of difference between 15 and 25 rupees of revenue.

4453. Would it strike you as being something of an anomaly that Assam should have a more favourable electorate than any other Province in India—a larger proportion of the population?—It does seem rather curious; I do not say that the proposal with regard to Assam is wrong, but it rather suggests that other Provinces have not got large enough electorates. That is the way I look at it.

4454. You say that you would have no objection if it could be worked. From your special knowledge of Assam do you think machinery is available which will efficiently be able to work an electorate of 300,000?—I think so.

4455. You would say that the machinery could be made available for that purpose?—I could not say that for certain, but I take the word of my successor for that. He has already said that he could deal with 300,000, and I assume that it is correct that he could.

4456. How many of those 300,0000 would you say would be illiterate? Could you give an approximate estimate?—I should say that the considerable majority of the people who draw revenue of that amount would be literate. It is impossible to say without going into it, but I think it would be about 75 per cent., if not more.

4457. Would you say that the coolie community in the planting districts would get representation under that?—Oh, no; some of *them* would, the ex-settlers—people who have been on tea gardens and become settlers, a great many of them would, but the bulk of the labour population would get no part in it at all.

4458. Do you think it important that the labour population should be represented in the new Councils as directly as possible?—I think they should; when I was thinking over the question in Assam I hardly thought that it was practicable. If it were, so much the better. I see that they have put down one labour member to represent the labour force. It is a very large force—the best part of a million people—anyhow, it runs into hundreds of thousands, five hundred thousand, six hundred thousand, or seven hundred thousand. The sooner they are represented the better.

Lord *Sinha.*

4459. By direct election or by nomination?—They certainly should be represented directly as soon as practicable.

Lord *Islington.*

4460. You would not say there would be any very appreciable representation under the present scheme?—I do not think that you can say that any indirect representation is very satisfactory but I do not know whom you would get to represent them. You might get somebody who would be useful.

4461. Did you find in your time, when you were Chief Commissioner of Assam, that your work was to any serious extent delayed by the control you were under by the Central Government?—I cannot say particularly in Assam—yes, there were certain cases, educational matters particularly, which were hung up seriously—that is a very bad Department for being hung up, and the Public Works Department also. Those are the two chief Departments in which there were very bad delays.

4462. Was it delay which ultimately resulted in assent or often refusal to accept your proposals?—It was neither the one thing nor the other, but simply delays at headquarters.

Lord *Islington*—continued.

4463. Do you think there is room for improvement in that connection?—Enormous.

4464. I am not talking now of those subjects which became transferred, and therefore would be removed from the superior control?—No.

4465. I am talking rather of those subjects which will remain reserved, and will therefore have to come under what I shall call the control of Parliament, which means at present the control of the Government of India?—Yes.

4466. Would you be very brief in telling us the kind of things which might be done to obviate those delays you referred to—the kind of procedure which might be devised? You want a procedure, of course, which will secure what is known as the control of Parliament. There must be some superior control, and what is wanted is procedure which will not perpetually harass and delay urgent local matters. Have you got anything you can tell us on that point?—I have not got a set scheme at all, but the tendency always is in the direction of centralisation. Centralisation always tends to come back. Whatever orders are issued, it does not seem to make any difference, centralisation always seems to come back again.

4467. You do not feel yourself in a position to give us any definite suggestions in that connection?—No.

4468. But you do feel that there is room for very material improvement?—Enormous, and it could be done. It is only a question of working out details. I do not think I could do that sitting here.

4469. Would you say, from your experience in Assam and also in Bengal, that those delays have been the cause of direct and indirect dissatisfaction which has found its reflection through the Province?—Certainly. Things get hung up, and people cannot understand what is happening at all. We do not hear for months and months; we cannot get orders.

4470. Would you regard this as a very important matter, which should be dealt with?—Absolutely very important indeed.

4471. I came in while you were giving your evidence on education; but I understand from your Note that you are in favour of the whole of education being handed over?—I am.

4472. Would you suggest any reservations with regard to that in the shape, for instance, of a Central Board for matters in the direction of Higher Education?—I do not think I would have any reservations, except a reservation in connection with legislation as regards universities. The Provincial Governments would have to get sanction for legislation of that kind, otherwise I would have any control at all.

4473. You would reserve the sanction by the Government of India for legislation?—Yes, and that only.

4474. For new universities, or existing ones?—Generally.

Mr. *Montagu.*

4475. Do you mean sanction or veto?—Sanction.

4476. Previous sanction?—Yes.

Lord *Islington.*

4477. You said just now that you regarded the proposal put forward by the Provinces the alternative to the proposal put forward by the Bill of the Government of India, the Joint Report, as not complying with the announcement of the 20th August?—Yes, as I understand it.

4478. Why do you say that?—Because you cannot fix any responsibility upon anybody, as far as I can see, under that scheme. I read it very carefully, and it did not seem to me to fix responsibility. I do not see how you can get hold of anybody and say, "You are responsible for that particular subject." It would be one unified Government. I do not see how you can lay your finger on any particular person or any particular part of the Government.

4479. You would like to see, in other words, the Minister who controls certain portfolios definitely and individually responsible for those portfolios?—Yes

4480. Would you go so far as, as has been suggested by the witnesses before us, to clothe that Minister with power of taxation for his service?—I understood the Joint Report to say that the Minister alone would be able to tax; that that side of the Government only would have power to tax. I may have misunderstood the Report, but I understood so, and I think it would be a great mistake to go back upon that.

4481. When you say the Minister alone would have the power to tax, do you mean the Minister would have the power to tax for his own particular subjects which he was in control of, or that the Finance Minister should be the transferred Minister, and should undertake that work for the Government?—I mean, supposing there is only one Minister, he would bring in the taxation Bills; if there were two it would be either one or the other, according to the subjects of which they were in charge.

4482. That is what you mean. The Indian Minister who was Minister for Education or for Public Works would on those occasions assume the position of a Finance Minister?—Yes.

4483. Having no Finance Department of his own, but borrowing the necessary information from another Department?—Yes.

4484. Do you think that would be a good arrangement? Do you know any Government in the world which carries out such a practice?—No, I do not; but this is rather a peculiar case— it is a very complicated case. I do not see any other way of doing it.

4485. Do you not see very serious objections to that?—I am afraid I cannot see any alternative; it may be unsatisfactory, but I do not see any alternative.

4486. Would you say or not that it would be to the advantage of good government if you had a Finance Minister in control of his Department dealing with the whole of the finance of the Province, as is the case in all other Governments?—Yes, but it knocks a hole in the scheme at once. I do not see how you can have it. Under the scheme as proposed I do not see how that is possible.

4487. That is what I cannot quite gather—why it knocks a hole in the scheme. I wish you would explain why a practice of that character which is universal in the world should knock a hole in the scheme of the gradual development of constitutional government?—There is to be only one Minister on the reserved side and one on the popular side, and one of those two must bring in Finance Bills. The idea of the Report was that the Minister on the popular side should, and I do not think there is any room for a Finance Minister as well.

4488. You must have a Finance Minister in your Government, must you not? You could not have a Government conducted without a Finance Department and a Minister over it, could you? However, I will not press you further on that point.

Major *Ormsby-Gore.*

4489. You have read the enclosure with the Despatch of the Government of India by the Chief Commissioner of Assam?—Yes.

4490. In paragraph 24 it says: "To speak freely, I consider that the main defect of the Report is its inadequate recognition of the position of the non-official British community." Do you think that the non-official British community, which, I gather, in Assam is particularly important, is inadequately represented?—Not in the proposal which the Franchise Committee has submitted. They are practically the same as I made myself. I think, then, there are five for the planting community and one for Europeans and Anglo-Indians. I do not think that more would be expected.

4491. This was a modification of the original Montagu-Chelmsford Report?—I do not think it is a modification of the Report.

4492. I see that he rejects the idea of communal representation for many of the smaller communities in Assam like the Ahoms?—Yes, and I think he is quite right there as regards the smaller communities. But I think the landholders (I said that separately) should be represented. There are very strong grounds why they should be, which I can explain if necessary. I have great sympathy with the Ahoms, as they are the conquering race in Assam, but I do not think it is possible now to differentiate them from the Hindoo population.

Major *Ormsby-Gore*—continued.

4493. And the same with the Assamese: Cannot you differentiate them?—The Assamese do not require differentiation, and they are in a majority in the Assam Valley.

4494. In the Legislative Council of Assam what do you think will be the language of discussion? Generally, English, but I would be very glad if it could also be Assamese and Bengali.

4495. Are any proportion of the population bi-lingual—that is to say, bi-lingual in the vernacular—speaking both Bengali and Assamese?—A few, not many.

4496. What, roughly, is the proportion of Bengali speaking and Assamese speaking in the Provinces?—As regards the portions we are speaking of, that is to say in the Plains district, I think about half and half, very roughly.

4497. In this rather formidable-looking map which we had submitted to us I gather that the whole of the red areas are to be treated as backward areas?—That is what I understand.

4498. Does that mean that they would still be more or less under the Executive Council?—No, under the Legislative Council; they come under the Legislative Council, as I understand the scheme; and the Chief Commissioner, the head of the Government, will have power to differentiate and say that certain Acts shall not apply in certain districts. They are backward, of course.

4499. Otherwise, whatever applies to the valleys will apply to them?—Yes. I think that a very sensible proposal. My own idea was that those hill districts would not be able to come under the scheme at all, any of them, and I was very glad to see that the Commissioner has been able to bring them under the scheme. There are only three areas, as I mentioned before, which should be excluded.

4500. And the three you mentioned——?—Those should be excluded, because they were only taken under administration quite recently.

4501. Taking the population in the valley, the proportion of educated persons is high compared with India as a whole?—It is.

4502. Assam in one sense is a very progressive part?—That is what I have always held, but other people have said the contrary.

4503. It has been regarded as a backward Province because of the inclusion of these——?—Partly because of that, and partly because it is cut off. I met officers who came from there long before I went to Assam, who told me that it was ahead of Bengal in many respects, only the people in Bengal did not know it. They had been up there and seen the progress that had been made in Assam.

4504. That is to say there is a considerable proportion of the population of Assam which takes a keen and intelligent interest in public life?—Certainly.

Mr. *Bennett.*

4505. Has that development in Assam taken place subsequently to, or in consequence of, the application of British capital for the development of the Province?—I do not think so; there has always been a rather progressive movement in Assam as regards education. They have also been rather advanced.

Sir *J. D. Rees.*

4506. I should like to ask you, Sir Archdale, one question with regard to that quite exploded idea that Assam is a backward Province. May I ask you if its prosperity and its advance has or has not been to a great extent due to the tea industry and the British capital expended in it?—No doubt it has. That refers to the Assam Valley particularly.

4507. That is the most particularly forward portion?—Yes, in some respects.

4508. The immigrants into Assam for the tea industry work in the tea gardens, and settle there?—Yes, a great many of them become settlers.

4509. Are they an intelligent and valuable element of the community?—Very.

4510. In that case the tea industry deserves well of the Province?—Yes.

4511. Arising out of that, I should like to ask you this: You know the proposal is to include amongst the

Sir *J. D. Rees*—continued.

Central subjects dealt with by the Government of India railways and tramways, and to include amongst the Provincial subjects light and feeder railways. I should like to know whether this proposal, which not only arises out of the Bill, but also has to be laid before Parliament, I understand, when it passes the Bill for adoption as a practical part of it, is satisfactory to you, that is, the proposal that the Provincial Government should have the light and feeder railways and tramways other than tramways within municipal areas, in so far as provision is made for their construction and management by Provincial Legislation?—Yes, I should like to see the light railways and feeder railways made Provincial subjects.

4512. They will be so, I gather?—I could not make that out.

4513. I asked you, rather, for light or guidance?—I was rather afraid that they were to be made All-India. I would prefer them to be Provincial.

4514. Would you class the Bengal-Dooars Railway as a light railway?—Yes.

4515. In this allocation of subjects, as you understand it, would it be as feasible as before for a firm of British merchants in Calcutta to arrange for the construction of a railway like the Bengal-Dooars Railway?—Under the scheme?

4516. Yes?—I do not see why it should not be.

4517. Nor I; but I asked you for your authoritative opinion?—I think it would be.

4518. It would be highly important, when private enterprise is equal to that, that it should not be checked in any way?—Quite so.

4519. This railway has been most useful, has it not?—The Bengal-Dooars?

4520. Yes?—But it is not in my old Province.

4521. It affects the tea?—Not Assam tea; Bengal tea.

4522. None of it affects Assam tea?—No.

4523. Similar projects might be made in Assam?—We have got the Assam-Bengal Railway.

4524. Are extensions required for that?—Certainly; and there are several I proposed myself.

4525. They might be made in the same way?—Yes, if they were Provincial; unless they are made Provincial I do not see much hope of development; it takes such ages to get such a scheme through.

4526. There are many tea estates which serve the Bengal-Dooars Railway—or which that railway serves—in the Province of Assam?—The estates which are served by the Dooars Railway are not in Assam; they are in Bengal.

4527. Are none of them in Assam?—No, they are in Bengal.

4528. I do not understand this, and I am sure it is my fault, but in your Paper, in answer to Questions 6 and 7, you say: "I agree with the inclusion in the Bill of power to dissolve the Legislatures, although, in my opinion, the value of this safeguard will at first be practically of no account, as the electorate for some time to come will not be able to apprehend its significance." That refers to the inclusion of the power to the Governor to dissolve the Legislature?—Yes.

4529. Then we should add the words "to the Governor." The value of the safeguard to whom?—To the Governor, if he disapproves of a policy.

4530. It says: "The value of this safeguard will at first be practically of no account, as the electorate for some time to come will not be able to apprehend its significance, nor will its significance be apparent until the responsibility in respect of administration is increased." I should be grateful for a little explanation of that passage?—There must be a cause for dissolving the Legislature, and what I mean is that the people will not understand at first the reason for which it is being dissolved. It will be difficult for them to understand in the early years of the scheme; but as they acquire political experience, they will understand the reasons why Legislatures are dissolved. I think at first that the proposal will not have any very great effect. A new body of elected representatives might come up again with exactly the same proposals which were disapproved of before. The electors would not know exactly why the Legislature had been dissolved.

4531. You would not make any alteration in this?—No.

Sir *J. D. Rees*—continued.

4532. Do you prefer the Grand Committee Scheme of the Montagu-Chelmsford Report, or of the Government of India as last submitted. Are you satisfied with the proposals of the Report, or do you think that the Grand Commnittee scheme requires the alterations suggested by the Government of India?—It is very difficult to controvert what the Government of India say as regards their proposals in paragraph 9 of their letter. They seem to have looked at every side of the question, and it is rather difficult to go against them and to say that it is possible to do anything else. I should have preferred the Grand Committee proposals of the Report.

4533. You yourself would?—Yes. Of course it is rather difficult sitting here to say whether it is possible to carry that out or not, when they say that it is not possible.

4534. For yourself you prefer them as they are?—I should prefer them as they are in the Report, if it is possible to carry them out.

4535. I wanted to know that. You were Home Secretary to the Government of India?—Yes.

4536. Have you had under your notice the procedure by which the Provincial Governments have the right of direct communication with the Secretary of State?—No, it has not come under my notice.

4537. You state in your Memorandum, "This occasion should be utilised for helping on the cause of women in India." Are the women in Assam—say in the Assam Valley— advanced?—I think they are more advanced than in other Provinces. I think you will find from statistics that there is a larger proportion of literate women in Assam than in any Province of India.

4538. Would those be women from various Provinces —mixed company, so to speak?—Amongst the Assamese themselves pure and simple there are, I believe, many more literate women than in Bengal.

4539. Amongst the Assamese proper?—Yes. And also probably in Sylhet, amongst the Bengali population. I think that is a point which has been commented upon in various Educational Reports.

4540. You referred to the capacity and shrewdness of Indian women in the management of land and so on. Have you observed that generally in your service in India or only in Assam?—Generally.

4541. You go on to say, "In fact it is quite common to find among the Zemindarins one who manages an estate with great success right through her minority as a ward of court." They must be very capable women?—That has been my experience, that they are very capable indeed. The last case I had experience of in Assam was a big estate there belonging to the Maharanee of Bijni. She was not under the Court of Wards at all, and when I got to Assam there was some talk about bringing her under the Court of Wards, but I would have nothing to do with that, and said, "Let her manage her estate, and see how she gets on," and she did very well. She died last year, but she was there the whole of the six years I was there, and I do not think any man could have managed the estate better. She was an exceedingly shrewd woman.

4542. You go on to say, "It goes without saying that British women resident in India who would otherwise be qualified should be entitled to vote"?—Yes.

4543. Do you mean by that that you think the wives of Governors, Chief Commissioners, judges, collectors, colonels and captains should vote? Do you think that they could conveniently exercise that vote.—I was thinking of people who own property. I do not see why the women mentioned should not vote if they like, if they have the qualification; but I was thinking of people in Assam who own tea estates. Why should not they vote?

4544. I see no reason. But, as I read this, it would apply to the wives of the officials?—Yes, and there is no reason why they also should not vote if they wanted to, provided that they are qualified.

Chairman.

4545. If they were qualified?—If they were qualified, certainly. I was particularly thinking of people who owned property in India—the permanent population.

Sir *J. D. Rees.*

4546. As to the backward tracts in Assam, what are they chiefly occupied by—what class of people? Wild people?—In the Khassia and Jaintia Hills, the people are particularly intelligent, and they are, I believe, the most advanced in the whole of the Province as regards education.

4547. Is that under missionary influence?—Yes, the Welsh mission. That is rather an exceptional district, and there are other districts, like the Naga Hills, which are backward. The Nagas are fine physically built people, but they are backward.

4548. You have expressed a general approval in this paper of the proposals which are embodied in the Bill. Do you think that if they were accepted in very much the form in which the Bill is proposed, with the rules and so on proposed in it, the tea industry as a European industry would be properly looked after, or that it has any cause to fear the adoption of this scheme?—I do not think it has cause to fear it.

4549. I should like to ask about one more matter. You were the head of the Civil Service in Assam, as well as the Chief Commissioner. All the Civil Service were under you there?—Yes.

4550. It has been stated here in evidence that the Civil Service have determined to wreck the scheme, or not to work it. Did you see any proof of that, or any corporate or individual action to that effect amongst the Civil Service under you while you were Chief Commissioner in Assam?—No.

4551. They did not know of this exact and developed scheme, of course, then?—They knew of the scheme.

4552. Before you left?—Yes.

4553. What was their view?—I think, taking them as a whole, they thought we were going rather fast, perhaps. They were rather conservative, but they were not hostile. I think they thought we were perhaps going rather too fast.

4554. Did you see any signs of any intention to combine to make it impossible?—None whatever.

4555. Would you say, after your long and distinguished service in India, that if the adoption of this scheme led in any degree to impairing the efficiency of the Government as compared with its present efficiency, that would be sufficient reason for not adopting it?—No, I think even if it were less efficient I should go in for the scheme.

4556. Is it the case (again I ask you on account of your long experience) that the people of India as a rule make such a fetish of efficiency as the Indian civil servant does?

Chairman.] I would put it, "as an Englishman does."

Sir *J. D. Rees.*

4557. "As an Englishman does." Do they take the same attitude in that connection?—The Indian population at large?

4558. The Indian population generally; I do not attempt to distinguish?—I do not think they do attach the same importance to it.

4559. Would they be prepared, do you think, if it should happen, willingly to suffer a slight impairment of efficiency for the sake of having a greater share in the actual management of the government of the country?—It depends on what is meant by efficiency. Take education, I am very keen on that being made over. We think we have been very efficient in respect of education, I presume; but my own opinion is that we have not made a great success of education, and I do not think we have been very efficient. It is rather difficult to judge of what is efficiency. I am very much inclined to believe that a popular Government will make a better job of education than we have done.

4560. You are in favour of complete transfer?—Yes. The general results will be to the benefit of India. I should call it really greater efficiency instead of less; it depends upon how you define efficiency.

Mr. *Montagu.*

4561. Were you present at Delhi in January, 1918?—Yes.

4562. You heard the deliberations of the heads of Governments amongst themselves?—Yes.

Mr. *Montagu*—continued.

4563. I think I am right in saying that they all, with the exception of Lord Pentland, at that time were willing to consider a scheme of duality with the Provinces?—Lord Pentland, and possibly Lord Willingdon.

4564. You had left India by the time their definite plan was submitted?—Yes.

4565. Did those powers, in the light of the Conference at Delhi, surprise you?—They did. I could not understand Sir Harcourt Butler's point of view at all. I thought he had accepted the scheme.

4566. Can you tell the Committee anything about what you think would have been your view of your position under this scheme if you had been at this time a young civilian of, say, fifteen years' standing? Do you think it would be difficult for the Civil Service to accommodate themselves to the position in the Provinces?—Personally, I do not. I think it would be more interesting. I always thought an Indian career was one of the most interesting in the world, and I still think so, and I think under this scheme it will be more interesting and attractive.

4567. Have you ever known a time in your service, Sir Archdale, when there were not some members of it who thought the conditions of the service were getting worse and worse?—I think that is always the case.

4568. In all services?—Yes.

4569. I want to take you on one or two questions which Lord Islington was asking you about. Has this ever occurred to you, by way of getting freedom for the Provinces from the control of the Central Government. Supposing you had the option of applying for the sanction of the Central Government for something you wanted to do or getting the sanction of your Legislative Council, do you think something of that kind might obviate delays?—It would in a large number of cases, undoubtedly. I can think of some straight off which I could have settled immediately. I knew exactly what the people wanted, only we were hung up at Simla.

4570. On such an occasion I presume you would go down to your Council and get a resolution passed endorsing your policy, and then say to the Government of India, "It does not concern you, because we have agreed it——"?—Yes, that would have saved five years in respect of a college scheme I had in view, but we could not get sanction, although it would have been given at once by the Legislative Council.

4571. What is the Land Revenue System of Assam?—There is a certain amount of permanently settled are, and the rest of the Province is temporarily settled for 30 or 20 years

4572. Have you been following by any chance the evidence given to this Committee?—I have read what has been given in the *Times*, but I have not had an opportunity of reading the evidence in full.

4573. Do you realise that very many witnesses have come forward to ask for the transference of Land Revenue?—I have not noticed that particular point.

4574. What would be your view upon that?—It is a subject so closely in contact with the people, that I think it should be transferred as soon as practicable. The same with forests. Forests bring you in touch with the people; there are always points of dispute between us and the people with regard to the use of forests, and so on. Both forests and land revenue should be transferred as soon as practicable. The Assam list has been cut down, and I have objected to that.

4575. Where land settlement is not permanent, and where the land revenue is not on a permanent settlement, enhancements are not the subject of legislation?—No.

4576. Do you think, in its present form, it would be easier to work under the control of the Legislative Councils?—The Land Revenue Administration?

Mr. *Montagu*—continued.

4577. Yes?—I do not think it would be easier. I think that the Councils would want a great many changes.

4578. Do you think they would immediately make all the land revenue permanent in Assam?—I doubt if they would take that line. I do not think that they would.

4579. Do you anticipate any changes in the Provincial boundaries of Assam at any time? Do you think, if the population had its way, the Assam Province would remain as it is to-day?—If there was a sort of plebiscite, you mean?

4580. Yes. if there was a plebiscite?—I think that the people would be so much divided that the Province would probably stand as it is.

4581. Now I come to the question of finance. Am I right in putting your view in this way: That before there was any taxation at all there would be joint deliberation between all the members of the Government?—Certainly.

4582. And then the Minister would come forward on behalf of the Government and make the taxation proposals?—Yes, that is the idea.

4583. If he refused to do so because it was for a reserved subject the money would come out of the transferred funds?—It might have to come out; it would be a matter for discussion again, of course.

4584. You would have no objection to collective reponsibility for the Minister if there were more than one Minister, would you?—No, I would not object to that.

4585. What it really means, then, is this, that the Ministry of Finance and the Ministry of the Treasury would be separate; it would not be that there would be one Finance Minister and another man taxing. There would simply be the Treasury control on the one hand and the Revenue production on the other?—Yes.

4586. Much as exists to-day in Italy. I have only two more questions to ask you, and the first is this: Sir John Rees asked you to explain what you meant by the electorate not understanding the significance of the dissolution. Supposing there was a dissolution on a particular subject, the election would probably turn upon that?—It ought to, but I do not know that it would at first.

4587. Would not that lie with the candidates? The man who wanted to get in would make it turn upon that, would he not?—Yes, but in the present state of the electorate. I doubt if they would understand. I certainly would not interfere with the provision.

4588. The last question is this: In your answers to the questions circulated to you by the Committee did you not say that you thought there should be no change in the control by the Legislative Assembly over the Central Executive? Does not that occur? I thought I remembered seeing it, although I cannot find it at the moment?—Possibly.

4589. I have found it now; it is in answer to questions 11 and 12: "I accept the principle adopted in the Bill that the time has not yet come to give to the Legislative Assembly a similar measure of control over the Central Government"?—Yes.

4590. The evidence before us from Indian witnesses ever since this Committee first sat has been unanimous, I think, perhaps with the exception of the witness this morning, that something should be done more than the Bill proposes in the Government of India. Do you think there is anything which could be done in the Government of India which you would recommend?—I do not see anything beyond what is proposed by the Bill; I think that is as much as we can do at present.

(*The Witness is directed to withdraw.*)

Die Lunae, 18° *Augusti* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.
Marquess of CREWE.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HON. THE EARL OF SELBORNE IN THE CHAIR.

MR. THOMAS EARLE WELBY, is called in; and Examined as follows:—

Chairman.

4591. You come here as representing the European Association of India?—Yes, my Lord.

4592. And you have been good enough to give your answers to the questions we have sent you?—Yes.

The questions and answers are as follows:—

Prefatory Note by Witness.—The European Association is the only British political organisation in India, and the largest British organisation of any kind in that country. Its membership includes practically every leading British merchant, trader, planter, and professional man in India, besides British railway employees, factory foremen, and the like. Women are eligible as members. The headquarters of the Association are in Calcutta, and there are organised branches, each with its own elected Committee, in Assam, Bombay, Behar, Burma, Calcutta, Delhi, Darjeeling, Madras, Dooars, Rajputana, Sind, Surma Valley, and the United Provinces, besides a sub-branch at Monghyr, and a partly organised branch in the Punjab.

The evidence now submitted by me is in the main based on the Statement issued by the Council of the Association in November, 1918, after consultation of all branches. Some of the questions now put me, however, were not then before the Association in the definite form now given them. In regard to these latter I am obliged to give only my impression of what the majority of the members of the Association feel and believe, and I have endeavoured to indicate where I am replying in accordance with specific instructions and where I am replying merely in accordance with the general attitude of members as known to me.

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—The European Association believes it to be both inevitable and morally right that India should achieve self-government within the Empire; but it is emphatically of opinion that the method and pace of advance towards self-government should be such that order would not be endangered and that the legitimate interests of all classes of British subjects in the country, and especially of the politically helpless masses, would not suffer. By responsible government the Association understands a system of government under which electors competent to judge between rival policies and free to give effect to judgment choose legislators who can call the Executive to order and can themselves be called to order by the electorate; and the Association regards the Executive's dependence, for tenure of office, on the vote of the legislative body as an essential of responsible government. As things now are, and must long remain, in India, the great bulk of the people are utterly incapable of forming a sound opinion on other than purely local questions, and to ignorance is added, in a degree varying in different parts of the country, the hampering influence of caste.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in provincial Legislatures of a substantial elected majority. (Clause 6.)?—The creation of an elected majority in the provincial Legislatures is doubtless a preliminary of provincial responsible government, but a still more essential preliminary is the creation of an electorate both capable and desirous of holding the men it chooses to their responsibilities.

3. Do you think that the non-official members of the provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—The provincial Legislatures must be given more power of influencing the Executive, but whether that influence should be made decisive must depend on the development of the electorates' capacity to control elected legislators.

4. Do you think that there are certain matters or functions of government in the provinces in which at present the provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Undoubtedly, in all vital matters the provincial Governments must remain for the present responsible to Parliament through the Secretary of State, and must accordingly be enabled to enforce their wishes.

5. If you accept the propositions stated under questions 1 to 4 do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—The European Association is not wholly and on principle opposed to the dual form of government. It is, however, deeply impressed by the practical difficulty of working such a system, and especially of working it for any length of time. Its objections have been set out at length in the Statement it issued in November, 1918, but may be briefly summarised here under certain heads: (a) The proposed system is not genuinely educative in responsible government, since the new Indian Ministers are to hold office independently of the vote of the Legislature. It follows that while these Ministers will miss all experience in that art of persuading and managing elected legislators which is indispensable under any truly representative system, the elected legislators will also miss all training in the self-control and power of discriminating between minor and major issues without which Parliamentary Governments would have far too precarious an existence to achieve any large scheme. The proposed system is one under which a Minister's acts when independent of the will of the Legislature for continuance of office are most illogically to be taken as indications and omens of what he would do when made dependent on the Legislature. The system is also one under which every elected member may carry on a vendetta against a Minister without fear of bringing about the downfall either of the individual or of the Government, and it is apparently expected that a fairly long course of this will qualify elected members

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members to work a system demanding scrupulous abstention from narrow and personal feuds. (b) The proposed system does not admit of the very carefully graduated progress necessary under Indian conditions. It does not, in reality, leave Parliament free to regulate that pace by regard to its estimate of the growth of political capacity in the peoples of India. For, as the European Association contends, when a large number of Departments have been transferred to quasi-popular control, the effective exercise of power in the still reserved Departments will become very difficult and in time impossible. This will result from two simultaneously operating causes: (1) As more Departments are transferred, the authority of the distinctively British-bureaucratic half of the administration will become less and less familiar to the people; (2) the transferred Departments being mainly of a benevolent and popular character, whilst those reserved are fiscal and punitive, the British-bureaucratic half of the administration will become increasingly odious in the eyes of the people. The European Association is convinced that for these reasons, and on account of friction between the two halves of the dual system, instead of a gradual evolution towards self-government, every step of which is taken only as Parliament becomes convinced of India's fitness, there will have to be an abrupt surrender of the reserved powers quite regardless of whether the peoples of India have become competent to undertake heavier responsibilities.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way? (Clause, 2, 3, etc.); and (ii) does it afford means of judgment (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—The European Association has not authorised me to place before the Joint Selected Committee any complete alternative scheme. The Association does not consider that the time has come for any comprehensive and radical transformation of the existing system. It is aware that in the present state of India it would be impossible to make Indian Ministers dependent for tenure of office on the will of the Legislature, and for that and other reasons would wish all experiments in dual administration to be postponed. But it is prepared to acquiesce in what seems to it a largely unreal experiment if that unreality is clearly admitted, and the various safeguards it proposed in its Statement of November, 1918, are introduced. Alternatively, it is prepared to acquiesce in any prudent extension of the system whereby Indians are associated with the existing bureaucracy as members of Executive Councils, though it realises that this cannot of itself tend towards government of the Parliamentary type. A great part of the European Association's objection to the scheme is due to its dislike of the idea of a Statutory Commission inquiring into the results of a system whereby the Minister is independent of the Legislature, and inferring from any success achieved under such a system that Indian Ministers would be as successful under a system which made them dependent on the Legislature.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—If there is to be any dual government at all, care should be taken to give the Governor the widest possible field for choice of Ministers, and the fullest power to dismiss a Minister who is incompetent, unable to work with the Government, or incapable of securing a very considerable amount of support from the elected legislators. The departments in respect of which Ministers are appointed should not be those misdirection of which would most gravely injure the public; nor should they be those in regard to which British and Indian ideas differ most widely. They should not be so

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numerous as to leave the British bureaucratic half of the administration in the position of having, ere long, practically none but fiscal and punitive functions.

8. In particular, do you think (1) that Ministers should hold office "during pleasure"—*i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the legislature (Clause 3 (1)); (2) that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause (3) ; (3) that the Executive Council should in all provinces normally consist of one official European and one non-official Indian (Clause 4); (4) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—(1) Ministers should hold office "during pleasure" if the scheme is persisted in, though the logical course would be to defer the experiment until it can be given reality by making Ministers dependent on the will of elected legislators responsible to an intelligent electorate of considerable size, and including members of all ranks and classes of Indian society. (2) Emphatically, yes. (3) It is, in the European Association's opinion, absolutely necessary that when the Governor is without previous official experience of India, he should have a second colleague with such experience. As regards the racial composition of Executive Councils, the European Association has no objection to Indian Executive Councillors. On the contrary, it would welcome the appointment of Indians as well qualified as the best of those appointed in recent years. But, though I have no definite instructions on this point, I think I shall be expressing an opinion fairly generally held by members of the Association if I say that the appointment of Indians as such will have little or no justification if the present scheme of reform is adopted. It was, I believe, felt by many when Lords Morley and Minto made the innovation that the attempt to introduce racial representation into an executive body was objectionable in principle; but no reasonable European in India could bring himself to oppose the attempt when there was no other way of giving Indians proof of their eligibility for high office. It was also felt, I believe, that to waive, in the case of an Indian, the qualification of previous official experience in India was unwise; though, again, no reasonable critic could press an objection when the number of Indians in the higher grades of the public services was so small. There are now, if the scheme is adopted, to be Indian Ministers, and there are also to be many more Indians admitted to the Civil Service. It seems, therefore, worth considering, though the matter is perhaps not of great immediate concern, whether it will be necessary to reserve an Executive Councillorship expressly for an Indian. I have, however, no instructions regarding this, and merely suggest the question for consideration. (4) The Governor should have power to dissolve the Legislative Council.

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (1) suitable, or as (2) unnecessarily severe, or as (3) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I have had no opportunity of consulting the Council and the Branch Committees of the Association regarding Clause 9 of the Bill, but my belief is that the Association would generally approve of the proposed restrictions on the financial and legislative powers of the legislatures. This, however, is not to be construed as implying that the Association would consider the resulting position satisfactory. It apprehends that there will be friction whenever any restrictive authority is applied.

10. In particular (1) do you think that the legislature should have power with whatever limitations

to

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to vote supplies (Clause 9 (2))? (2) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(1) Some power of voting supplies is necessitated by the nature of the experiment, but the proposed restrictions are needed. (2) Procedure by Grand Committee may be cumbersome, and it is not easy to see what benefit results from it. It would appear that, in general, it is better not to disguise the exercise of executive power under the forms of action by a legislative body or section thereof.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to provincial Legislative Councils over provincial governments?—The European Association is very strongly of opinion that there should be no change whatever in the constitution of the Government of India until the provincial experiment has yielded clear results, and is wholly opposed to any idea of giving the Legislative Assembly power of control over the Central Executive. All parts of the administrative machine cannot be simultaneously cast into the melting-pot without danger.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—The European Association does not approve of a substantial, or of any, elected majority in the Assembly. Where the substance of power cannot yet be conceded, it is merely laying up trouble and ensuring bitterness to concede the shadows.

13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—The plan of a bicameral legislature is an elaborate and inconvenient plan for masking the retention of authority which in existing circumstances no one would contemplate transferring or sharing.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4)), or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—It will be inferred from my replies to Questions 12 and 13 that the European Association cannot approve of the needlessly complicated and irritating procedure suggested.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—The European Association objects to the alteration whereby only two members of the Governor-General's Executive Council are required to have had 10 years' service under the Crown in India. The fact that an exceedingly difficult, delicate and novel experiment is in progress is a decisive argument against reducing the number of experts in supreme charge.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—It has not been possible to refer Clause 23 of the Bill to the Council and the Branch Committees of the European Association for instructions. My belief, however, is that the Association would question the wisdom of giving the Secretary of State in Council such wide and undefined powers, subject only to the somewhat unreal control exercised by Parliament.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Periodical examination of progress is undoubtedly necessary, subject to the reply to Question 6, and there appears to be nothing practically objectionable in the provision made for it by the Bill.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I have no definite instructions regarding the matters to be dealt with by rule which the European Association would prefer to see dealt with in the Bill itself; but the general feeling among the Association's members, so far as I am aware, is that matters to be dealt with by rule should be reduced to a minimum.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—As regards the franchise proposals of Lord Southborough's Committees, I am instructed to press most strongly for the largest possible amount of communal representation for the peoples of India, and for European communal representation in the Imperial Assembly. I do not think I shall be going beyond my instructions if I say that the European Association would like to see every considerable community which asks for communal representation given it. It is commonly objected to such demands that their satisfaction would perpetuate class or caste distinctions in India. But the right which communities are most aggressive in urging are those which are menaced by other communities, and the provision of safeguards against such menace would do more than anything else to mitigate class and caste feeling. It is difficult to believe that race feeling and class and caste feeling will decline if to the social disabilities of the less fortunate are added political disabilities, and to the social supremacy of the more fortunate is added a political monopoly. With reference to European communal representation in the Imperial Assembly, I am to point out that it is precisely in the Government of India and the Imperial Assembly that questions affecting the communal interests of Europeans will be most dealt with, and that it is absolutely essential for the community to have in the Imperial Assembly spokesmen responsible to a wider electorate and in possession of a more distinctly political mandate than the representatives of European commerce or trade can possess. The community requires men with more leisure and more definitely political aptitude than the nominees of commercial or other specialised bodies will have. It needs freedom to choose men from any and every walk of life, instead of being restricted to members of Chambers of Commerce or other special institutions. The European Association does not aim at numerically large communal representation for Europeans in the Imperial Assembly. It seeks only to have a voice there which shall be the voice of the community and not that of even the most important specialised body.

4593 That is in relation to Provincial Government?—Yes.

4594. Then you say later: "The proposed system is not genuinely educative in responsible government, since the new Indian Ministers are to hold office independently of the vote of the Legislature," and later on you say, "In the present state of India it would be impossible to make Indian Ministers dependent for tenure of office on the will of the Legislature." Why do you say it is impossible? Of course, I am talking of the Provinces?—The feeling of the Association is that the time has not yet come in India where electorates sufficiently large and sufficiently representative of all classes, and sufficiently zealous and desirous of controlling their nominated representatives, can be created. There are individual Indians in considerable numbers capable of taking the fullest part in political life; there are small sections of people equally competent; but when you come to deal with the people in bulk we do not think there is either the interest in responsible government or the capacity for it in the electorates.

4595. You have seen the proposals of Lord Southborough's Franchise Committee?—Yes.

4596. Therefore

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4596. Therefore we must consider the electorate from the point of view of that Report for the present purpose?—Yes.

4597. You admit that if it were possible to make Indian Ministers for the transferred subjects in the Provinces responsible to the Legislative Council, that would be a very distinct step in the educational process which you favour?—Yes, our feeling is that it would give a great deal more reality. We feel it would involve very considerable dangers at the present time, but at the same time we feel that it would be a real experiment in responsible government.

4598. You lay great stress at the end of the answers on the justice of the claim for direct representation of the European community in the Legislative Assembly?—Yes.

4599. Is there anything you would like to say supplementary to those answers or to emphasise any particular point?—The only thing which occurs to me as desirable is this. The answers to these questions are necessarily somewhat coldblooded, and I am afraid that the community that I represent in India is often accused of taking a very materialistic view of Indian affairs and of being concerned far more with its material interests than with anything that relates to the welfare and advancement of India. In case that idea should have been put forward before this Committee by any previous witness, or should be put forward by any subsequent witness, I should like, with your Lordship's permission, to say that the community that I represent is in its own way very greatly concerned for the welfare of India and for the advancement of India. Our ideas may or may not be right, but there is truly a great deal of sentiment which, as British people, we are perhaps not very much given to demonstrating, but which does exist in a very real form. Many of the communnity come of families who have served for two or three generations in India; though possibly they may now be engaged in commerce or something, their forefathers have been in the public services in India, and there is sentiment arising out of that. There is also the natural sentiment that grows up among people who have been for years in a country and have been brought into intimate contact with many classes of Indians whom they learn to like and respect and trust in business and in various professions. I should just like to emphasise that one point that it is not the fact that our views, whether right or wrong, are determined simply by regard to our material interests in India.

4600. In your answers you say on page 1, "The Association regards the Executive's dependence for tenure of office on the vote of the Legislative body as an essential of responsible government?—Yes.

4601. As opposed to nominated representation?—Yes.

4602. And you also state the claim for the whole community as distinct from the commercial section of it?—Yes.

4603. I should like you to elaborate that a little?—The feeling of the European Association is that those Europeans who represent commercial or specialised bodies of any kind in the first place have not a definitely political mandate; they come there to safeguard certain economic interests in the main—at any rate, that is the way that they and the bodies they represent have understood matters in the past. It may be within your Lordship's recollection that there have been one or two awkward incidents arising out of that. There was an incident in the Imperial Legislative Council not long ago where the European representative of a certain chamber of commerce took a view which his constitutents disapproved of altogether. We wish to get men with a more definite political mandate, and we wish to have the opportunity of choosing these men from any class, and not merely from the somewhat restricted membership of the specialised bodies. We also wish to be able to get younger men. The kind of man who comes to represent the Bombay Chamber of Commerce, or the Bengal Chamber of Commerce, is usually a man who is the head of a great firm and has become President of the Chamber of Commerce, and is probably within two, three, or four years of retirement. There have been exceptions. At the present moment the Bombay Chamber is represented by a gentleman who, I think,

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is not more than about 36; but that is a very exceptional case. India being a country where a European does not settle down, we lose the services of these men; they come for two, three, or four years into public life, and then they retire. Hitherto, perhaps, it has not mattered very much, but now I imagine men who will come on the new conditions will accumulate political experience, and we wish to be able to get those men from any other class of the community, wherever we find political aptitude, and we wish them to go there with a definite political mandate.

4604. What is your proposal for giving effect to that desire?—That the European community—and I would include officials as well as non-officials—should be given the right of electing a very limited number of representatives to the Legislative Assembly.

Mr. *Spoor.*

4605. I have not had an opporunity of reading very carefully through the Memorandum, but there are one or two points I would like to ask you about. On the first page you say you believe, of course, in progress to responsible self-government; but you speak of the risk that the legitimate interest of all classes of British subjects might be endangered, and particularly the politically helpless masses might suffer?—Yes.

4606. Are you of opinion that a wider franchise would go to meet that difficulty?—At the present stage we rather doubt whether it would do much. We feel that numbers do not count for very much unless they are accompanied by capacity and desire for exercising the vote.

4607. But do you not agree also that the exercise of politcal power by the people will really be the best educative instrument?—Certainly.

4608. I mean, they have to get the vote?—I think the Association I represent would consider that rather an extreme doctrine.

4609. You state further on here that the great bulk of the people are utterly incapable of forming a sound opinion on other than purely local questions. I do not know whether you have been here during the course of the Committee's proceedings and have heard the evidence which has been given by Indian witnesses?—I have heard some of it, and I have read a good deal of the evidence.

4610. I do not know whether you saw the statement which was made by Sir James Meston, who was one of the first witnesses we had, with regard to the extraordinary political development in India, or rather a development of political consciousness in India during the recent years?—I am afraid Sir James Meston must have enjoyed opportunities which have been denied to a humble person like myself.

4611. Of course, Sir James's evidence was supplemented by subsequent witnesses, who all expressed the same opinion, and spoke of the extraordinary change which had come over the whole of the Indian people in this matter—that there had been an extraordinary awakening. That has not been your experience?—I think the opinion of the European Association and my own, so far as I have been able to observe personally, is that there has been a considerable increase in the number of educated Indians who are active in politics, and more especially an increase in the number who are active in what may be called a somewhat hostile spirit; but I cannot say that either personally or as Secretary of the Association I have noticed any appreciable increase of interest as far as the masses of the people go.

4612. Has there not been a very extraordinary development of the spirit of nationalism in India during recent years?—That is a difficult question to answer. A good deal depends upon what is understood by nationalism. I think amongst Indians—educated Indians—there has been a considerable increase of feeling that there is something in common between all dwellers in India, but at the same time there is still great force in the old differences and feuds. As regards the masses of the people, I should say the situation has changed very little in the last ten years.

4613. Am I to understand that you suggest that so far as the bulk of the Indian people are concerned there is no real demand for reform?—As far as the bulk of them is concerned there is no demand for

Mr. *Spoor*—continued.

self-government or anything approaching it. There is no doubt some vague feeling that progress in certain directions would be desirable; here and there there is that feeling even among the masses.

4614. Practically the whole of the evidence we have had here, both official and non-official, has seemed to indicate that there was a very real desire for responsible self-government throughout the whole of India. You have not found that?—We have not found that, and that is not what our branches and our various officials anywhere report.

4615. On page 2 of your Memorandum you are rather critical of the Bill which we are considering. You refer to the dual form of government, and say that your Association is deeply impressed by the practical difficulty of working such a system. Would your Association be prepared to support complete autonomy in Provincial matters as an alternative to diarchy?—I am afraid I have not the instructions which would justify me in answering that question.

4616. I mean the fact that you criticise the proposal for diarchy seems to suggest that you had some possible alternative. Further on, on page 3, you say that your Association "is prepared to acquiesce in what seems to it a largely unreal experiment, if that unreality is clearly admitted." You think the proposal embodied in this Bill is an unreal experiment?—Our feeling in the Association is that the work of Indian Ministers is to be judged as if they had been working this system while dependent on the vote of the Legislature, whereas they will, in fact, have been working independently of that vote for tenure of office. If it is to be inferred from the results of such a periodical inquiry that success in one system is an omen of success in the other, then we object.

4617. Even as a temporary arrangement, which we hope will soon be superseded, you think the experiment is an unreal one?—In that respect.

Sir *J. D. Rees.*

4618. My honourable friend asked you whether there was a general wish all over the country for some advance in the direction of responsible Government. I take it that it is not the business at all of your Association to know that or to represent it, is it?—I fear I do not quite understand the question.

4619. He asked you whether there was a general feeling all over the country in favour of a democratic advance, but I take it your position is, in your own words, "This Association does not consider the time has come for any comprehensive and radical transformation of the existing system." Is not that the keynote?—That is it.

4620. You have made no investigations into the opinions of the multitudinous inhabitants of India?—In my capacity as secretary, of course, that is not my work, but in other capacities I have had occasion to inquire into this matter.

4621. As editor of the "Madras Mail"?—Yes, in that capacity, amongst others.

4622. May I ask how long you were editor of that paper?—Just over two years.

4623. Am I right in supposing that the "Madras Mail" is the great organ of Europeans in Southern India?—I suppose it may be regarded as such.

4624. Did you hear the evidence of Mr. Wadia or did you read it?—No.

4625. Did you hear one of the witnesses here say, or do you know a witness here said, that if the Brahmins had a free hand the other classes in Madras would be oppressed? Do you wish to say anything about that? I do not wish to ask you if you do not desire to do so?—There is a very strong feeling in Madras among the non-Brahmins that that would be so, and it is the general opinion of Europeans, I may say. It is strongly the opinion of the Madras Branch of the European Association that that would be so.

4626. As a European who has lived in Madras for two years?—I was there eleven years.

4627. And editor of the "Madras Mail" for two years. Do you think it is possible to lump the other classes together as non-Brahmins, with one view and one interest, as distinguished from the Brahmin interest?—There are considrable differences between

Sir *J. D. Rees*—continued.

various sections of the population; but as regards the differences between themselves and the differences between all of them put together and the Brahmins, the former differences are very small compared with the latter.

4628. Do you think the objection to the transfer of subjects and the creation of Ministers is directed to the fact that they will be Indians who will manage them?—I think not.

4629. As a newspaper editor, do you feel that there is an increasing difficulty in India in administering them in the teeth of the public opinion of the most articulate and English educated portion?—I should say there is a considerable increase in difficulty.

4630. As an exponent of public opinion in India, do you think we English can altogether expect the educated Indian classes to accept us as the champions of the lower classes of Hindoos?—I doubt whether they are prepared to accept us as anything at the present moment, if one may judge from certain witnesses.

4631. You say: "As things are now, and must long remain in India, the great bulk of the people are utterly incapable of forming a sound opinion on other than purely local questions, and to ignorance is added in a degree varying in different parts of the country the hampering influence of caste." You feel that you can commit yourself to that statement on behalf of the great bulk of the people in India? Do you think they would be required, under this scheme, to do more than form a sound opinion on local questions?—Our feeling is that more is being required of them.

4632. In speaking of the hampering influence of caste, do you think that it would be wise of the British Government to pursue the line of most resistance and to take up an anti-caste attitude?—No; the feeling in the Association is that it is not for the Government to crusade against caste, but at the same time it is for the Government to recognise that caste exists as, perhaps, the most important fact in India, and not to ignore it when providing for the representation of the people.

4633. With regard to the reference to the hampering influence of caste, you do not quite take that trivial view of it as would be indicated by those words. "Hampering influence" is not the description you would give of the greatest factor in Hindooism?—No. It is an extremely important factor.

4634. In paragraph 2 you say: "The creation of an elected majority in the Provincial Legislatures is doubtless a preliminary of provincial responsible government, but a still more essential preliminary is the creation of an electorate capable and desirous of holding the men it chooses to their responsibilities." Would not waiting for that mean an indefinite postponement?—I am afraid I cannot estimate how long it would take.

4635. Evidently you do not think it would be very quick?—I do not think it would be quick.

4636. "The Provincial Legislatures must be given more power of influencing the Executive." Is not that being done under this scheme?—Yes.

4637. "In all vital matters the Provincial Governments must remain for the present responsible to Parliament through the Secretary of State." Is not that done under this scheme?—I think so, in the main.

4638. I did not know whether this was meant to indicate something you thought was to be done. They are things which appear to me to be done. "The European Association is not wholly and on principle opposed to the dual form of government; it is, however, deeply impressed by the practical difficulty of working such a system." Is not the whole administration of India permeated with duality in a differing degree? Do not the Government of India and the Provincial Government together manage the whole affairs of the Madras Presidency?—That duality is between bodies drawing their political inspiration from the same source, practically; the racial element does not come into it.

4639. It is duality of a kind?—Yes.

4640. You say, "The proposed system is one under which a Minister's acts when independent of the will of the Legislature for continuance of office are most illogically to be taken as indication and omens of what he would do when made dependent on the Legislature."

I do

Sir *J. D. Rees*—continued.

I do not quite understand it. Do you care to explain it? Perhaps my colleagues understand it?—Our view is that the Minister is to be independent of the Legislature for tenure of office. Under that system we will assume that he achieves a certain amount of success. At the end of a certain number of years there is an inquiry into his work, and that success is made an argument for putting him into a position where he will be dependent on the vote of the Legislature for continuance in office. It is then expected that he will do equally well under a system in which he has not been tested at all.

4641. Upon the same page, lower down, you say, "The transferred departments, being mainly of a benevolent and popular character, while those reserved are fiscal and punitive, the British bureaucratic half of the administration will become increasingly odious in the eyes of the people." You realise that *ex hypothesi* the British bureaucratic half will be a disappearing quantity?—Yes.

4642. Which very much qualifies that. Where is the statement of November, 1918. Has that been laid before the Committee?—No, I have not submitted it to the Committee.

4643. Will you send one copy to me?—I will.

4644. You say: "If there is to be any dual government at all, care should be taken to give the Governor the widest possible field for choice of Ministers, and the fullest power to dismiss a Minister." But are not those provided for in the scheme?—There is a feeling in the Association, though no formal instruction has been given to me on the point, that it ought not to be necessary for the Governor to choose an elected member. He might choose a man who could then stand for election. But I have no instructions on the point. It is simply a sort of feeling that the widest possible choice could be given.

4645. You say: "Ministers should hold office during pleasure if the scheme is persisted in." Is not that so arranged? Is it not part of the scheme before the Committee?—Yes, it is.

4646. You say it is objected to demands for communal representation that their satisfaction will perpetuate caste or class distinctions in India; is it any part of the programme of your Association to break down caste and class distinctions in India?—No, it is no part of our programme; it is a matter of more concern to Indians; but to revert to a point I made before, we feel that there must be due recognition of caste in any scheme which is put forward for representative government.

4647. Do you think that insufficient representation is made of Madras commerce—two members for European, two for Indian commerce, one for trade, one for planting. Is that an unfair representation?—I think it might be advantageous to increase it. Of course, I have no instructions from the Association on the point.

4648. The Association has been a strong supporter of planting and other interests right through its existence?—Yes, and that is my information; I have no instructions.

4649. It was stated here by Mr. Yakub Hasan, a gentleman from Madras, that: "There has been a great deal of racial controversy which has created much bad blood amongst official and non-officials, Europeans on one side and Indians on the other. Unfortunately, it was in Madras where the controversy began. The Anglo-Indian Press started it, and the editor of the 'Madras Mail,' who can be said to be the originator of the movement, has carried the poison to a wider circle by becoming the Secretary of the European Association." That has been stated here?—I am not aware of having created anything. I have expressed opinions which existed. I am not aware of creating opinions which did not exist.

4650. Have you carried the Madras atmosphere to Calcutta?—I am afraid I cannot answer that question. I would not be the judge of whether it was a Madras atmosphere.

4651. The atmosphere you found in Madras would be the Madras atmosphere for my purpose, whether or not you created it?—I am only the Secretary of the Association. The Association has branches all over

Sir *J. D. Rees*—continued.

India, and the Council in Calcutta is much influenced by what it hears from Bombay and the United Provinces and other parts of the country.

4652. True, but is it not equally true that the total membership was about 800 till you took it up, and became 8,000 directly afterwards?—That is a very large exaggeration; but it did increase.

4653. There is an element of truth in it?—It is not all since I became Secretary; it began to increase before I became Secretary.

4654. It is the case that the feeling between Indian and English merchants was friendly?—Yes.

4655. And apparently it is not now?——

Chairman.

4656. Do you assent to that proposition that it is not so now?—It is not as friendly as it was.

Sir *J. D. Rees.*

4657. It has been given in evidence here with regard to the Central Government, that by merely transferring new subjects in the Provinces to the control of a Minister or Ministers, it cannot be claimed that substantial steps in the direction of the progressive realisation of responsible government in India have been taken; do you agree with this Madras witness?—We think the changes are very considerable and very important.

4658. Do you think they touch the Central Government as well? Do you not think they do introduce responsibility to some extent into the Central Government?—I think they do to some extent.

4659. From this point of view, for instance. At the present moment the Central and Provincial Governments are equally concerned in administering all subjects. Certain subjects will be transferred in which the Central Government previously had their say, and a very large say. Now they will not have it. Therefore, is not the subject which the Central Government previously partly administered now transferred to a Minister, and to responsible government?—Yes.

Lord *Sydenham.*

4660. May I take it that the European Association agrees that it is our duty to lead India towards self-government?—Yes.

4661. But it considers that the process should be one of evolution?—Yes.

4662. Now, do you consider the Bill as it stands to be evolutionary or revolutionary?—Our opinion is that in many respects it is revolutionary.

4663. I think you say in your note that the dependence of the Executive for tenure of office on the vote of the Legislative body is an essential of responsible government?—Yes.

4664. I suppose you are aware that the founders of the Constitution of the United States determined that should not be so?—Yes.

4665. Therefore the United States does not possess the form of responsible government for which it is claimed in our evidence that India is already perfectly fit?—That is so.

4666. If in an Indian municipality the president was liable at any time to be turned out by a vote in the municipality, would not very great difficulties of administration arise?—Undoubtedly.

4667. With regard to a question which Sir John Rees asked you, there is not the slightest analogy, is there, between the diarchy as proposed in the Bill and any federal system existing in the world, or the present system or the future system in India?—As far as I know, it is totally without parallel.

4668. I think you said that the European Association lays special stress on safeguarding the interest of what you call the "politically helpless masses." Do you consider those interests are adequately safeguarded in the Bill?—No.

4669. It has been said that caste has no political significance in Bengal. Is that your view?—The view of the Association, which has its headquarters in Calcutta, and which also has a Calcutta branch, and may therefore be supposed to know Bengal well. is that caste is of considerable importance in Bengal, although not so important as it is in Southern India.

Lord *Sydenham*—continued.

4670. Under the proposals of the Franchise Committee, will not a large part of the electorate be illiterate, and therefore easily susceptible to false statements?—Certainly.

4671. And you therefore advocate communal representation for all communities which earnestly desire it, in order that those communities may be represented by their own people, who know and who share their interests?—Yes.

4672. Do you see any difference in principle between communal representation for Mohammedans, Europeans and Indian Christians, which is given, and communal representation for non-Brahmin Hindoos?—None at all. We consider the two claims should be treated alike.

4673. Do you feel strongly that, in the present conditions of India, communal representation alone can secure an influence in affairs for the lower castes?—It is very difficult for the lower castes, even with communal representation, to secure any considerable influence in affairs.

4674. You have given in your notes very strong reasons against the establishment of diarchy in the Provinces. Do you know if there is any such system in any country in the world?—No.

4675. Therefore we may take it that it is an experiment with nothing to support it, and all the arguments for it are pure conjectures?—That is the view of the Association.

4676. Your view is, further, that it does not even give a popular Minister any real training in what is called responsible government?—That is a very strong point in the Association's case—or perhaps I should say it is a point to which it attaches great importance. It is felt that the experiment does not even do what is claimed for it, quite apart from whether it would be desirable to do it or not. It is felt that the Minister who is independent of the vote of the Legislature for tenure of office will be free to display on certain occasions a moral courage which he would not display if he were dependent. On the other hand, it is also felt that members of the Legislature will have no training in that discipline and in that power of discriminating between major and minor issues which is required in every proper Parliamentary body. It will be free for any member of the Legislature to indulge in wanton attacks on a Minister without fear of bringing about his downfall or of bringing about the downfall of what is called the Ministry.

4677. I suppose that you are aware that some of the most capable men in India with the greatest knowledge of affairs will never submit themselves to an electorate?—That is so.

4678. And it follows from that that one result of diarchy may be that it may be impossible to find a popular Minister who is qualified to deal with the very difficult subjects which it is proposed to transfer to him?—The view of the Association is that it is quite probable.

4679. Is it not the case in this country that with some exceptions during the war, due to expert qualifications, Ministers always have some preliminary training before they are placed in charge of a great Department?—Undoubtedly.

4680. They generally begin as private secretaries or Parliamentary under secretaries, so that they may be able to prove their capacity before they become members of the Cabinet?—I understand that is the process.

4681. Now how could that educative process be secured in India?—There is no provision made for it.

4682. You are strongly of opinion that the Government should have a wide power of selection in the choice of its popular Ministers?—Yes.

4683. Do you agree that the success which is attained in some native states in administration is due to the careful selection of trained men?—Yes.

4684. You have seen the proposals that the two halves of Provincial Governments are to have separate purses, and that the contribution to the Government of India is to be made only from the reserved purse? What do you think of that proposal?—I have no definite instructions—no definite and formal instructions—from the Association on that point, but there is a very general feeling in the Association that the

Lord *Sydenham*—continued.

financial proposals would prove extremely difficult to work whether there was a joint purse or whether there was a common purse.

4685. Do you think it is likely that a popular Minister will ever propose increased taxation?—I should think it unlikely.

4686. He would cease to be popular if he did, would he not?—That is our view.

4687. You have said in your note that the Executive Council would have charge only of the least popular services. Do you mean because its function will in time, if not at once, become mainly revenue collecting and policing?—That is the view of the Association.

4688. Do you think that for some years, at least, any action which the masses may not like will be attributed to the British Government?—We fear that that is one of the dangers, but it is extremely difficult to predict what view the masses will take of this dual system.

4689. Having been accustomed in the past to look upon everything as coming from the British Raj, do you think at first it will be able to make a nice discrimination between a popular Minister and the Executive?—It is one of the things which we fear that they will not rightly distribute responsibility between the two halves of the Administration.

4690. In the past non-official Europeans have practically found very little time to consider political questions?—That is so.

4691. I gather that they now realise that their interests are at stake, and they must secure adequate and capable representation for those interests in the Legislative Council?—Yes; there is a strong feeling on that point.

4692. Of course, you are aware of the attacks which have been made upon the European commercial community?—Yes.

4693. It has been threatened with extinction, has it not?—It has.

Chairman.] By whom?

Lord *Sydenham.*] Newspapers and speakers.

Chairman.

4694. (To the *Witness.*) By whom?—It is difficult to give specific instances, but I will try and find some for the Committee.

4695. I think you must?—I will endeavour to do so.

Lord *Sydenham.*

4696. In Bengal, is there not a very large amount of Indian capital invested in British undertakings?—I believe so. I am not very familiar with Calcutta.

4697. So that, to some extent, the European commercial community represents Indian interests?—It does.

4698. The National Congress in Bombay last year said this: "Our conviction has been that our industrial backwardness has been positively encouraged in the interests of British manufacturers." Do you know of any basis for that statement?—I am not aware of any basis at all.

4699. Is there anything to prevent Indian enterprise being started in India?—I have never heard of anything hampering them.

4700. Did not the Government encourage the Tata Iron and Steel Works?—I have always understood that they received great assistance from the Government.

4701. Do you know that the Tata Hydro-Electric Works are Indian to-day, solely because of my personal action?—I am aware that your Lordship took a great interest in the matter.

4702. Were you in India when the failure of some twenty or thirty Swadeshi institutions occurred, in some cases showing gross fraud by which people were ruined?—Yes.

4703. Would not the effect of that be to discourage Indians from putting their money into Indian undertakings?—It would.

4704. This Committee has been informed that very large concessions made to English firms ought to fall into Indian hands as having been built up by the Government on Indian money by taxation. Do you know what concessions are referred to?——

Chairman.] What evidence was that?

Lord *Sydenham.*]

Lord *Sydenham.*] I have not the reference for the moment, but I can give it.

Witness.] I am not aware of any.

Lord *Sydenham.*

4705. Were you in Madras when the original Home Rule League was formed in 1915, at a critical period of the war?—Yes.

4706. We have evidence that the object of the League was to strengthen the hands of the Empire. Did you notice a strengthening process during the war?—I could see no signs of it.

4707. Was not the agitation which then began somewhat embarrassing to the Government?—It caused the Local Government very much embarrassment and anxiety.

4708. We have been told that the members of the League took a great part in the war. Are you aware what the League did in that direction?—I never saw any results from it.

4709. There are now three Home Rule Leagues which have sent deputations to give evidence to us. Do you think they all have separate organisations covering India?—I should imagine the membership overlaps, but I am not familiar with their internal arrangements

Chairman.] If you do not know, say so.

Lord *Sydenham.*

4710. Did you read the Report of the Rowlatt Committee, on which two distinguished Indians sat?—Yes.

4711. Is it there stated that Madras was quite tranquil till Mr. Bepin Chandra Pal supervened. Can you coroborate that?—Yes, I was in Madras at the time.

4712. We have been informed that the Home Rule League prohibited students from taking part in its activities. Do you know whether students have been used for political purposes in Madras?—I have heard of their being used, but I have also heard of many speeches made by Indian leaders deprecating the use of students in such movements.

4713. Have you heard the evidence which has been given to us as to the formation of unions of factory workers in Madras?—I have read some of the evidence on that.

4714. Did labour disturbances occur in Madras last year, and were the Buckingham and Carnatic Mills singled out for trouble?—Yes.

4715. Are they the only British-managed mills in Madras?—They are the only important concerns of that nature.

4716. Are the conditions of labour there which their managers provide for their workmen greatly superior to those in Indian mills?—I have always understood that they were the best-managed mills in the whole of India as far as care for the comfort of workmen and health of the workers went.

4717. Apart from the details of the Bill, what is the feeling of the European community in India, official and non-official, towards schemes for transferring the control of Indian affairs from the agencies, European or Indian, which have hitherto been responsible, into the hands of a small number of Indian intelligentia and their supporters and advisers in India?——

Mr. *Montagu.*] Is that a fair question, Lord Selborne? I really put it to you. I quite appreciate Lord Sydenham asking Mr. Welby his opinion on the Bill, or the principle of the Bill, but he first states what his opinion of the Bill is and then asks a question on it.

Chairman.] It is too much the practice of members of the Committee to state their own opinions, and ask if that is the fact, and I hope that that will not be continued. But I think Mr. Welby understands the general nature of the question and can give a short answer to it.

Witness.] If I may answer very briefly, I think that the European community, apart from the merits or demerits of any particular clause of the Bill, feels that the work of administering India is being taken away from the classes who have been responsible for it, and have proved themselves capable, and is being gradually handed over to classes that in the past have shown very little administrative aptitude, though some of them may have shown considerable aptitude for certain forms of political activity. There is a very strong feeling amongst Europeans in India, which I would state with great deference and respect, but I feel bound to express it, that Parliamentary control of administration in India, if I may use the term, is rather a fiction. There is a feeling that the average Member of Parliament, owing to pressure of other work and absence of direct knowledge of India, is not disposed to interest himself systematically in Indian affairs. I have heard considerable comment lately on the fact that when the Right Honourable the Secretary of State was speaking in the House of Commons on this Bill there was so poor an attendance in the House. The feeling is very strong out there that the average Member of Parliament does not sufficiently interest himself in India, and that the class of Englishman who has interested himself in India, the class in the Services, is to be eliminated.

Lord *Sydenham.*

4718. May I take it from you that the British community in India has no prejudices whatever against reforms in India, and acknowledges that they are necessary?—It is prepared to see very considerable changes in regard to decentralisation, increased employment of Indians in the public services, and certain other matters.

4719. It acknowledges the necessity of considerable changes?—Yes.

4720. But it is alarmed at some of the proposals which are now made in the Bill?—Yes.

Lord *Brodrick* (Viscount *Midleton*).

4721. Sir John Rees asked you one or two questions suggesting that your Association in some of their proposals were in some way attempting to undermine caste. Was that the intention in any way of your proposal?—No. The European Association feels that it is not for it to attempt to meddle with a matter like caste; all it desires is that when Parliament or the Secretary of State frame proposals for great constitutional changes, full account shall be taken of caste as a factor.

4722. You press strongly for communal representation?—Yes.

4723. I presume the more you perpetuate communal representation the more you perpetuate distinctions of creed and caste?—That has often been put to us, but the feeling of the Association is that when you safeguard people in their communal rights they are less zealous in asserting them, and that there is less likely to be bitterness and more likely to be understanding between the various castes and sections of the community if all have adequate representation.

4724. In other words, the more you perpetuate communal representation the less you are attacking castes. Is that so? What Sir John Rees suggested to you is no part of your programme at all?—It is no part of our programme to assail caste or to defend it.

4725. You regard the transfer of these powers as dangerous, because it is impossible for Ministers at present to be dependent on the vote of the Legislature?—Yes.

4726. Therefore, would you think it equally dangerous to delegate more fully less powers?—I think that would meet with the approval of the Association, but the question in that form has not been before my Council, and I have no very specific instructions on the point. But my feeling is that the Association would prefer a fuller transfer of smaller powers.

4727. Could you give any indication what sort of powers you would include in the fuller transfer of smaller powers?—Beyond local self-government I am afraid I could not venture. I have no instructions on the point, and I cannot give my personal opinion.

4728. In point of fact your evidence goes to show that your Association consider that it is necessary for the Governor to hold on to larger powers rather than less than those proposed in the Montagu-Chelmsford Report?—I am afraid I do not quite appreciate the question.

4729. We have had evidence from leaders of opinion in India that this Bill will not be satisfactory unless the

Lord *Brodrick* (Viscount *Midleton*).

the Governor exercises control of less powers rather than the more powers which are given. Your Association holds the opposite view?—Yes.

4730. You have said certain of the best men in India will not submit themselves to the electorate. Did you mean Indians?—Yes.

4731. And that is, I suppose, one reason why you ask for communal representation for the British?—Yes.

4732. You think that some of the best British men as well as Indians would not submit themselves to a popular electorate?—To a general or mixed electorate?

4733. Yes?—I do not think I would say that about the British community.

4734. I want to make sure whether you meant both. For instance, leading British merchants standing in Bombay?—There would be some objection to their standing; they would feel some objection, because they would know it was pretty well hopeless; but there would not be any racial feeling in the matter.

4735. Do you expect, short of full self-government, that any powers which are included in this Bill will cause agitation to cease for a period before they are reconsidered?—I am sure that agitation will not cease.

4736. Therefore in any case agitation must be counted with?—The volume of it may increase or decrease, but some agitation there is bound to be in India.

4737. For that reason you think it desirable to part only with the powers which can wisely be handed over?—Yes; that is the feeling of the Association.

Mr. *Montagu*.

4738. Do you know anything of political life in this country?—A very superficial knowledge.

4739. Have you ever heard of agitation ceasing in this country?—No.

4740. There was one observation which you made to Lord Midleton that you thought, although you had no authority to say so, your Association would welcome a transfer of fewer powers but more fully than in the Bill. Would you be kind enough to say exactly what you mean by a fuller transfer?—May I refer you to that criticism of ours as regards what we call the unreality and lack of educational value in the experiment? If there are ten subjects which are available for transfer I think the European Association would prefer to take those two which can be transferred with an absolute minimum of outside interference and control, and let the experiment be more real, although more limited—over a smaller area, but more real.

4741. You would keep the same powers of interference with the Minister, but you would choose subjects which would make it unlikely that they would have to be used?—That is so.

4742. Were you Secretary of the Association when this final opinion was written, in November last?—Yes.

4743. That is published in the Blue Book?—Yes.

4744. A very large portion of that Memorandum is taken up with a demand for communal representation for Europeans?—Yes.

4745. Since then Lord Southborough's Committee has reported?—Yes.

4746. And has recommended communal representation?—In the Provinces.

4747. Therefore that modifies to some extent that Memorandum?—It does.

4748. A very large part of your Memorandum, and this one too, I think, if my recollection serves me right, is objecting to the Ministers being independent of the vote of the Legislature?—From the point of view that it is not sufficiently educative.

4749. How do you mean independent of the vote of the Legislature? Do you mean the fixed term of office that was suggested in the Report?—That is what was originally taken objection to in November.

4750. That disappeared in the Bill?—It has disappeared in the Bill.

4751. And therefore to that extent your Memorandum is modified?—To that extent it is modified.

4752. You also said that a Governor should have the widest choice in selecting Ministers?—Yes.

Mr. *Montagu*—continued.

4753. And you suggested, as your own personal view, I think, that he might take people from outside if they could find election afterwards?—Yes.

4754. Will you take it from me that that suggestion and modification is in the Bill?—Yes.

4755. That to some extent modifies your Memorandum?—Yes.

4756. May I have a little information about the European Association? Is it fair to say that its members are mainly engaged in commerce?—Yes, commerce and trade, taken together.

4757. How far are they the owners of Indian businesses, or how far do you think they are representative of trades or businesses in this country?—It would be very difficult to answer that accurately. A very large proportion of them are either partners in or assistants in commercial houses, with probably several branches in India, and with a head-office in London. That is as regards the commercial element. As regards the trade community, they vary, from the larger concerns which may be incorporated in England to small local concerns, and many of our members, of course, are railway employees, or employed as directors of labour in factories in industrial concerns. I am afraid I could not give you any more accurate answer.

4758. It may be said with truth that they never, or hardly ever, settle in the country?—A very small proportion of them settle in the country.

4759. May it be said with truth that they never remain there except for the purposes of business? They never stop in retirement?—A very small proportion. Amongst our poorer members, of course, there are those who settle down in India.

4760. Supposing efforts were made to get from among numbers of the European Association Executive Councillors or Ministers, do you think it would be easy to find them?—I do not think it would be easy, but I think they could be found. I am afraid it would not be easy.

4761. Generally speaking, is it fair to deduce from your answer that the commercial work of India has been in the main built up by men only in India for the conduct of their business concerns, and leaving it afterwards?—Yes, but leaving their works behind them.

4762. I quite appreciate that. They have built up the trade?—Yes.

4763. They have founded that enormous part of the wealth of India?—Yes.

4764. That is a condition which obtains in no other country?—I cannot think of any real parallel.

4765. It is a problem peculiar to India?—I should think so.

4766. Therefore it is not much use arguing from other countries about India, because it is so different?—That is so.

4767. That relieves me of the necessity of taking you through the analogy that was suggested to you between the United States and India, unless you feel that there is still some analogy between them?—I do not think there is anything I wish to say.

4768. Now, has the European Association, or any members of it that you are aware of, ever been associated with Indians in trying to find expression for their political aspirations?—A certain number of members were at one time, I think, either under the advice of or with some assistance from Mr. Curtis, associated with certain Indian gentlemen.

4769. That was quite recent?—Yes.

4770. Is that the first attempt that has ever been made?—Of course, there have been Europeans—I do not think any of them were members of the European Association—who were associated with the Congress movement from the very beginning, but I am not aware of any other.

4771. They might be counted on the fingers of one hand?—I should think so.

4772. Is it fair to say that until recent years they have had no political life at all?—The Europeans?

4773. Yes?—None till of recent years, except for the great agitation at the time of the Ilbert Bill.

4774. I should think it is fair to say that they did not want any political life?—Of course, most of them have not been accustomed to it in the past, and it is circumstances which have stirred them into political life now.

4775. Supposing

Mr. *Montagu*—continued.

4775. Supposing India ever became self-governing, it would be on the government of a self-governing India that their prosperity would depend?—I presume so.

4776. And, therefore, they would have to take a part in political life?—Yes.

4777. Is it the fact that the Brahmin and non-Brahmin feeling in Madras has been getting more strained of recent years?—I think so.

4778. What happened when it became so inflamed; were there any efforts made by Europeans, who were neither Brahmins nor non-Brahmins to try and bring the parties together?—I am not aware of any Europeans who took up that difficult work of trying to make peace between them. I am aware of Europeans, who for a long time carefully avoided seeming to take any sort of side in the matter. If it is not unseemly I may mention that I myself, as editor of the "Madras Mail," for a long time refused to publish letters touching this controversy.

4779. Do not answer this if you do not want to, because you can only know it from hearsay—do you know that the Government of Madras made any public effort?—I am not aware of public efforts. I am aware that various members of the Government of Madras very much regretted the situation.

4780. You said that so far as your European Association was concerned—I think the words you used were the branches of your Association—they do not report that there has been any change in the masses in the last ten years?—Nothing appreciable.

4781. That interested me for this reason. Does your Association make it its business to report on the political changes in India?—The various branches are in constant communication, and have been more particularly in the last two years—I do not think there was very much reporting done before—with the Council, through the Secretary, on all local developments which seem to them of interest, and are also constantly being questioned by us, from headquarters, in regard to their opinions on various matters which are coming up.

4782. How do you get their information? are they in touch with the masses? I always understood that they were very busy business men?—Of course, the headquarters of a branch would usually be at some industrial centre, but its membership is scattered all over the Province or Presidency, and it is open to any member to volunteer information to his Committee, and it is also open to the Committee to try and get information from its various members.

4783. Is it true to say that the political agitation in India was for a long time confined entirely to the towns?—I should say that it was almost entirely. There may have been a certain amount of rural activity, but I cannot think of any at the present moment.

4784. Is it not true to say that now it is spreading to the villages?—In some parts of the country it appears to be spreading a little.

4785. That would betoken a change in the masses, would it not?—I do not think it is a change in the masses; it is the emissaries of the new movement going out into the villages.

4786. That is how political thought is always spread, by leaders who go about?—As far as our information goes this was started in order to provide an answer to the criticism that the masses were not with them.

4787. Is not that the same course which you would take if such a criticism were made against you? Would you not go and convert the masses?—It is a question whether it is a conversion.

4788. Well, it is an attempt to convert?—My point is that the holding of a meeting at a place where the people do not in the least desire a meeting does not betoken much change on the part of the real local feeling.

4789. One word about communal representation. Do you believe that those who are opposed to communal representation are anxious to prevent the representation, let us say, of non-Brahmins?—No, I do not think so.

4790. Do you think it is their desire that the Legislative Chamber should be full of the representatives of Brahmins only?—Excuse me—I should like to know whom you refer to as being opposed to this? Is the reference to officials and responsible authorities, or is it to Indian politicians

Mr. *Montagu*—continued.

4791. Well, I was referring partly to the authors of the Report?—I have no doubt the authors of the Report are concerned to get the best representation they can for the people.

4792. I come now to the politically helpless: what is the best way to help them—to make them politically helped?—Our view is that without communal representation they will not feel that there is any inducement to try to get into politics—it will seem to them so hopeless a project.

4793. But it is by some form of vote that they must cease to be politically helpless?—That and education are the only two methods.

4794. And the vote is more important than education, is it not?—Our view, I think, would be that a certain amount of education must precede any use of the vote.

4795. You have heard very shrewd opinions on everyday affairs from people who could not read or write?—Oh yes, from Indian peasants about local affairs.

4796. Such things as sanitation and local self-government?—I do not remember hearing any very shrewd views about sanitation or Indian politics.

4797. I may be too theoretical, but a man would know whether his house was well drained or not, even if he could not read or write?—That is quite possible.

4798. I think Lord Sydenham suggested to you, and you agreed, that at first the public, who had been so long accustomed to attribute everything that came to them to the British Raj, would find it very difficult to believe that it was not due to the British Raj that something new happened under the new system?—Yes.

4799. That would happen whenever you make the change?—Yes.

4800. It is a fence we have to leap to-day or one day?—So long as the people are more or less illiterate they will go on for it may be weeks or years after a change ascribing acts to the old authority.

4801. Do you not think you will find candidates coming along who will explain what magnificent things they have done, which will go a long way towards educating them?—Hitherto, as far as I know, candidates in India have not gone in much for recounting their services or for declaring any particular policy.

4802. Might not that be largely caused by the fact that their powers were so limited that they could not write on their banners anything which they had achieved?—There may be something in that.

4803. You made a suggestion, I think, that the officials should have a vote in the general electorate?—In the European communal electorate.

4804. For the Legislative Assembly. Have the officials themselves suggested it?—I have heard it discussed informally.

4805. You were editor of the "Madras Mail" when the Pronouncement of the 20th August was made?—Yes.

4806. What was the view that your paper took then of that Pronouncement?—On the whole, we welcomed it.

4807. You have made some very interesting remarks, if I may say so, upon the apathy of Parliament towards Indian affairs. Have you considered the question of the Select Committee on Indian Affairs that was suggested in the Report?—There has been a good deal of discussion in the European Association. Unfortunately, I have not been able to obtain any definite instructions on the point, so I am not in a position to say definitely that the Association is for or against it at present.

4808. My last point is this: In your Memorandum you are very emphatic that you want to make no alteration whatever in the Government of India?—That is our feeling.

4809. Were you in Madras when the Government of India moved to Delhi?—Yes.

4810. Did you approve of that change?—We did—the paper did.

4811. Do you think that there is anything in the criticism that the Government of India is divorced from public opinion and is isolated?—I think there is something in it, but I am not in a position to say what the views of the European Association on that point are.

4812. Do you think that might possibly to some extent be cured by enlarging the Legislative Council at

Mr. *Montagu*—continued.

at Delhi?—I should say it is not so much a question of enlarging it as of seeing that it is fully representative of all important classes.

4813. Can you conceive any circumstances in which twenty-seven elected members would be tolerable any longer as representative of large Legislative Councils in the Provinces?—I should think some increase is necessary; but our objection to change related to the constitution of the Executive.

4814. You do not want any change in the constitution of the Executive?—No.

4815. You do not want any alteration in the number of the Executive Council?—That is so.

4816. You disapprove of that section which gives elasticity of number?—There is no desire for it. The Association wishes as little as possible to be done to the Government of India. Of course, it would not make trouble over any proposal to add a few members to the Imperial Legislative Council. That is another matter.

4817. Have you read the Report of the Industrial Commission?—Yes.

4818. You remember it suggests an extra member for development of industries?—Yes.

4819. Do you approve of that?—I do not think there would be any objection to it.

4820. You realise that if anything of that kind wants to be done now, under the present state of things it cannot be done?—We would not object to a change of that sort in the constitution; what we are thinking of is the powers and the authority

4821. You think it would endanger the British authority over Indian Imperial concerns if there were any change in the powers?—We think that, and we also think that while the experiment is going forward, if it is to go forward, in the Provinces, the guiding body, or the superior body, should not itself be changed.

4822. You do not want permanently to stop short at the Provinces?—Oh, no.

4823. But you think even the control of copyright or archæology, or any little tampering——?—No; those are minor matters.

Lord *Sinha*.

4824. Your paper was favourably disposed to the scheme of the Joint Report when it was first published in July, 1918?—I ceased to be editor of the paper at the end of June, 1918, and I went to Calcutta.

4825. The paper itself was in favour of the scheme laid down in the Report, is that so?—To some extent it was.

4826. And it was inclined to find fault with that section of Indian opinion which considered the scheme unsatisfactory, was it not?—I think that is so.

4827. And it agreed with the other section of Indian opinion which was prepared to accept that scheme, and considered their action and policy wise?—I am afraid I have not a very clear recollection what the paper said after I left it.

4828. Are you aware that that policy has changed subsequently, and that having begun with approval of the scheme it ended with condemnation.. Is that the fact?—My memory is very vague, because I had ceased to be concerned with the paper itself, but my impression is the paper rebuked those who said the scheme was nothing at all, nothing to be thankful for, and at the same time reserved liberty to assail particular portions of the scheme.

4829. You are not aware of any change in policy in the paper so far as the scheme is concerned?—No; I do not think so.

4830. In your answers, you say that your Asociation believes it to be both inevitable and morally right that India should achieve self-government within the Empire. That is the answer to the first question?—Yes.

4831. By self-government does the Association understand responsible government?—Yes, of some sort.

4832. Responsible government of the kind that you are familiar with in this country?—I think that the general feeling in the Association is that it is impossible, at any rate for the European Association, to

Lord *Sinha*—continued.

predict what kind of full self-government will eventually suit a country like India, but some form of self-government.

4833. Do they accept the policy announced on the 20th August, 1917, that a responsible government is the goal of British policy in India?—Oh, yes.

4834. Responsible government for India?—Yes.

4835. Did they understand by that responsible government as understood in this country or responsible government of some different kind?—It is difficult to answer for 8,000 members, but I think the thing was not scrutinised with a view to any particular form of self-government. It was the idea of eventual self-government for India which was accepted.

4836. Do I understand it was their view that by responsible government nothing in particular was meant—no form of government in particular was meant?—The principle of responsibility.

4837. Yes, but I am putting it to you as to what your Association considered to be the meaning of that announcement. Did it understand that the policy of the Cabinet and the policy of Parliament was to endow India with a form of responsible government such as is known in this country?—A form of responsible government presenting some likeness to this.

4838. But in some respects unlike?—Very probably.

4839. I want to know what they understood, if you can tell me?—I am not aware of any member of the Association who created a Constitution out of that announcement.

4840. May I take it that they did not consider that any particular form of Constitution was in contemplation when that announcement was made?—That is so.

4841. Did you consider that was the Indian view also—that they also did not contemplate any particular form of government as being in contemplation when that announcement was made?—I should think that many educated Indians regarded it as implying that eventually something more or less closely resembling the British Parliamentary system would come into existence.

4842. More rather than less?—Undoubtedly more rather than less.

4843. They thought the policy announced was that at some time or other the form of government in India would be a popular form, in which the people would have the control over the Executive?—Yes, so far as I could gather from the Indian Press, that was so.

4844. That is what I meant—I am asking for the Indian opinion. Did the European Association take a different view from that of the Indians or did they take the same view?—The European Association did not at that time go into the question of exactly what Constitution would emerge from this announcement.

4845. Do they contemplate now any particular form of government as being in consonance with the policy announced?—We have not drafted any scheme.

4846. I am not asking you that. I know they have not, otherwise it would have been before us. But do they contemplate that there is any particular form of government or Constitution that is to be framed if the policy announced is to be carried out?—We are concerned at present only with certain early steps in the matter which we have criticised and in regard to which we have made suggestions.

4847. Do you refuse to contemplate the goal announced? A goal implies something more than early steps, as I understand it?—We have not been able as an association to decide what in our opinion the final steps should be.

4848. I am not asking you that. Do they now, after the lapse of more than two years, contemplate what is to be the goal of the policy for which you say some of the earlier steps have to be taken now, or would they rather not contemplate so far into the future?—I think they would rather not look so far into the future.

4849. And they have not done so?—As an Association, no.

4850. As individuals have any of them done so?—Individuals, I believe, have.

4851. And those who have done take the same view as the Indians do, is not that so?—Some do.

4852. A considerable number?—No.

4853. For

Lord *Sinha*—continued.

4853. For example, those gentlemen who, you say, began to associate themselves in politics or in a study of politics with a number of Indians in Calcutta; they do, do they not?—Yes, I think there were 23 of them.

4854. Twenty-three of some of the leading merchants in Calcutta?—I think there were two or three leading merchants.

4855. Some of the leading Europeans in Calcutta, anyhow?—It is a little difficult to estimate that.

4856. I am using adjectives, which are always a source of trouble. Would the European Association believe that self-government within the Empire was inevitable as well as morally right? Did they at all contemplate within what period of time that inevitable and morally right effect was to be produced, or did they think that it would be in some remote period which it was not necessary to contemplate?—Their view was that you could not judge how long it would take until you had seen the results of some of the earlier steps. Progress might be faster than would be anticipated.

4857. Did they consider at all as to whether it was to be in the remote future or the near future?—I think the view was that it would be in the remote future, but it would not be possible to decide till the result of the first steps had been seen.

4858. I do not think anybody has decided that so far as I know. Lord Sydenham asked you whether or not both official and non-official British opinion in India considered the scheme of the Report and the Bill revolutionary. Did I understand you to say that official people do think that? Does official British opinion in India think that?—I speak of official opinion only so far as known to me, and I speak rather of the rank and file of officials, for obviously the higher officials are not disposed to express any opinion at all on such matters, being responsible for policy.

4859. Then do I understand that in your view and in the view of your Association the opinions of officials like Sir James Meston, Sir Claud Hill, Sir Frank Sly and other people in that position do not represent any proportion of official opinion or any considerable proportion of official opinion?—I do not think my Association would say that.

4860. Is it their view that they are in the minority amongst officials?—If you will excuse me so many various opinions have been expressed by Sir James Meston and the other distinguished officials that I can hardly reply compendiously that European opinion supports their statements or objects to their statements *en bloc*.

4861. I asked as to whether the opinions of these gentlemen that we have heard, and which you are probably aware of, or have read, are or are not, in your view, the opinions of the bulk of the officials, or only those of a small minority of officials. I did not ask whether the European Association agreed with those views or not?—I should say they were the opinions of a minority, but it is difficult to be certain in such matters.

4862. Do you consider that caste is an insuperable obstacle—I am again using an adjective, but advisedly—to responsible government?—I should not say it is an insuperable obstacle.

4863. Notwithstanding caste, you can have responsible government?—You can work towards it.

4864. I do not know that we are at one. Is the existence of the two things inconsistent—that you cannot have responsible government if you have caste?—It depends very greatly on how far caste is an active force.

4865. Do I understand by that that as long as caste is active or an active force responsible government is impossible?—I will not say it is impossible; it militates against it to some extent.

4866. Do you yourself contemplate the disappearance of caste, either in the near or in the remote future of India?—Certainly not in the near future.

4867. Do you think it possible that it will disappear in the remote future?—It is very difficult to say what the remote future will be.

4868. What is your view with regard to that? Will caste disappear, so far as you can foresee from your knowledge of things that you see in India now and have seen for the last eleven years?—The European Association is simply concerned to point out that caste is an extremely important factor and must be reckoned with. It does not say that it makes self-government utterly impossible, nor does it attempt to forecast in what way or at what date caste will vanish from India.

Lord *Sinha*—continued.

4869. Then you have not considered as an Association as to whether the existence of caste will or will not prevent ultimately the existence of self-government or responsible government in India?—Our feeling is that if caste continues to be an active force, and especially if its activity is not recognised in the schemes that are framed for producing self-government, then self-government will eventually be a mockery as far as the lower castes are concerned.

4870. When you say self-government within the Empire is inevitable, you mean it is inevitable provided certain conditions are fulfilled which you do not yet foresee?—That is so.

4871. It is inevitable provided caste disappears, I suppose?—I do not think we put it in that way. It is a question of how far caste is active. Caste might come to mean, perhaps, little more than certain class distinctions in this country, which count for little except in matters of etiquette.

4872. But as long as people of different castes refuse to inter-marry will that be an obstacle?—That will no doubt be a considerable obstacle.

4873. As long as they refuse to dine with each other, or eat with each other, it will be a still greater obstacle?—I do not know whether dining together is a necessary thing politically.

4874. You do not attach so much importance to that. You place more importance on the inter-marriage part?—As an Association we have not attempted to weigh up the relative value of these things.

4875. You bring in the factor of caste, and therefore I want to ascertain your opinion with regard to that, as to how far self-government, which you say is inevitable, will be attained at some period which we can contemplate, or in some remote geological period which none of us can contemplate?—Our view is simply that caste is a very important factor, and due regard must be paid to it in making schemes for India.

4876. Schemes of self-government?—Yes.

4877. What provision would you make for caste?—Communal representation, we think, is necessary.

4878. Representation for each caste?—Not to the extent of each caste, but in order to give the lower castes in certain parts of the country an opportunity.

4879. But when there are innumerable lower castes which are mutually exclusive, how would you provide for that?—Our feeling is, in regard to that, that their differences between themselves are less important politically, whatever they may be socially, than the difference between the Brahmins and the lower castes, considered in bulk.

4880. I am reading you from the Imperial Gazetteer of Madras, and I ask you if you agree with this. This is speaking of non-Brahmin castes. "But these large communities are by no means homogeneous throughout. They are divided and sub-divided into endless sub-castes which keep severely apart from one another and usually decline to inter-marry or even to eat together. Nor is it the case that they all adhere to their traditional occupations." Is that correct in your view?—I think so.

4881. Then it goes on: "Census statistics show that one-fourth of the Paraiyans and twelve per cent. of the Malas have so far risen in the world as to become occupiers, and even owners of land, instead of continuing to be predial serfs, while of the Brahmins, sixty per cent. have left their traditional callings for agriculture, and others have even taken to trade." Is that correct?—No doubt.

4882. That being the position of these different castes and sub-castes as between themselves, do you think it possible to group them together as a community for the purposes of an electorate?—We believe it is possible. If it is impossible it simply means they will be oppressed.

4883. Possibly. I mean having regard to the numbers which one sees contemplated in the Joint Report as well as the Southborough Committee's

Lord *Sinha*—continued.

Report. To give representation to these exclusive castes you would have to have a very large number in the Legislative Council or Legislative Assembly, would you not?—Our idea is that they would not be represented caste by caste, but that something ought to be done to safeguard the lower castes, considered in bulk.

4884. But how? Have you formed any idea how you would safeguard them?—We think that if it were put to the lower castes: Though you differ amongst yourselves, it is impossible for each of you to get a member, and you have to choose between sinking your little differences. or, perhaps, not little, but your differences, whether little or great, or otherwise you will miss all representation at all; you will simply have to go into the general electorate——

4885. To your knowledge has anybody done that, either official or non-official?—I am not aware of it.

4886. I take it that you advocate communal representation as necessary to safeguard the interests of different communities?—Yes.

4887. The separate interests of different communities?—I would not say only that. It is to safeguard their separate interests, and also to see that each considerable community has its due share in influencing the common affairs of India.

4888. That they could have, of course, without communal representation if they had the vote?—They would have their share of the vote, but they would have much greater difficulty in getting representatives into the Councils.

4889. Even if they had a vote?—Yes, even if they had a vote.

4890. Do you suggest that with regard to the European part of the population also?—Communal representation?

4891. Yes?—Our view is not quite that with regard to Europeans. Our feeling with regard to the European community is that it must be able to choose also from a wider field than it has when its representatives are from specialised bodies.

4892. Not from chambers of commerce?—Not only from chambers of commerce; in addition to whatever representation may be given to specialised bodies it should have opportunities for choosing men from the whole of its community.

4893. The European interests in India are mostly with reference to trade, commerce, and industry?—Yes.

4894. And for the representation of those interests are the chambers of commerce inadequate or insufficient?—No. For the representation of those interests the chambers of commerce are highly important, and in every way well qualified to represent those interests.

4895. It is interests other than those three—trade, industry, and commerce, that you require separate representation for?—Our feeling is that the interests of the community, as a community, should be represented.

4896. But the community are mostly concerned with those things, are they not?—Yes, very largely.

4897. And, apart from those interests, the British part of the population in India is very small, almost microscopic, is it not?—Not if you include officials and soldiers; excluding them, it is small.

4898. Apart from officials and soldiers?—It is small.

4899. So far as special interests are concerned, you would not advocate communal representation for officials and soldiers?—No; communal representation would be for Europeans simply as such.

4900. And that would be for the protection of those very large interests in trade, commerce, and industry?—No, it would be partly for the representation of the community as such, and in order that Europeans who were not members of chambers of commerce and such bodies should be able to get some representation somewhere. The present state of affairs is that the late President of the European Association and the present Secretary between them have not a vote of any sort, simply because one was a lawyer and the other was a journalist.

4901. No more have I, and never had. Is it correct or not to say that the educated classes have been found fault with for the last few years for trying to spread political education amongst the masses? Am I correct in saying that?—Yes.

Lord *Sinha*—continued.

4902. They are being found fault with for that?—I understand that it was the quality of the education, rather than the energy of effort, to which objection was taken.

4903. I take it that the European Association does not object to the educated classes—Congress people, and so on—trying to spread political education amongst the masses?—I think the attitude of the Association would be determined entirely by the nature of the teaching.

4904. If it is in accordance with their views they would welcome it; if it is contrary to their views they would object to it. That is very human, of course?—Yes.

4905. Is it because it is contrary to their views that they have been objecting?—I think the feeling is that special care is necessary in putting forward ideas to audiences that may be mainly illiterate or in any respect immature.

4906. Have they been trying to do that to the masses themselves—to spread the right kind of education?—The European Association?

4907. Yes?—It has not the means of attempting a task of that magnitude.

4908. Has the community as such done anything towards spreading the right kind of education among the masses?—Except in so far as a certain number of missionaries and teachers and so on may have indirectly done a certain amount, there has been no organised European effort to teach people to vote.

4909. The missionaries have been giving them education?—Yes.

4910. But I am talking of political education. Is there any European agency of which you are aware which has been trying up to now to spread any kind of political education, whether right or wrong, amongst the masses?—No, it is almost impossible for the European community to undertake such a task.

4911. Then the only agency available is that of the educated classes—the classes which have been trying?—Yes.

4912. In fact, the complaint against them is that they are trying to do too much?—From our point of view too much in a direction that is not always a correct direction.

4913. Have you mixed much with the masses yourself?—I would not claim to have done much in that direction.

4914. And, therefore, whether there is any movement amongst the masses or not would not come within your personal knowledge?—I have information from various sources in a journalistic capacity, and I have information as Secretary of this organisation.

4915. No personal knowledge, I meant?—Some slight personal knowledge.

4916. Is it the view of your Association that in the last five years no interest whatever has been created amongst the masses?—There has been some stir in certain parts of the country, but, broadly speaking, I should not think the masses care any more for these matters than they did five or ten years ago.

4917. You have no scheme yourself to suggest as to what particular subject should be transferred when there is a transfer to a responsible Minister?—We put in a statement before that half of Lord Southborough's Committee which dealt with the transfer of functions.

4918. Your criticism and this memorandum is based on the assumption that the Bill does not make the Ministers dependent on the vote of the Legislature?—Yes, for tenure of office, that is.

4919. If as a matter of fact it does, to that extent your criticism would not apply?—Certainly.

4920. And the unreality which you complain of would not exist?—That is so, to that extent.

Lord *Islington*.

4921. I would like to get a little further on the point that Lord Sinha was asking you questions on with regard to representation in the Legislative Councils of the commercial community. I see in one of the last paragraphs of your note you say, "the community requires men with more leisure and more definitely political aptitude than the nominees of commercial or other specialised bodies will have. It needs freedom to choose men from any and every walk of life." May I take

Lord *Islington*—continued.

I take it that implies that you would not find the men that you would like to see representing the commercial community if it is restricted merely to chambers of commerce?—Our trouble is at present we cannot get in anybody who is not a member of one of these specialised bodies—in the case of the Imperial Legislative Council chambers of commerce, and in Provincial bodies, chambers of commerce and trading associations, and in certain Provinces planting associations, and in one, I think, a mining association—which means that a European lawyer in India, who develops political aptitude, would have no constituency.

4922. Can you suggest any alternative organisation which would form a basis for communal representation of Europeans other than that of the chambers of commerce? You say the chambers of commerce are too restricted?—Yes.

4923. Can you suggest any alternative to the chambers of commerce?—We have been given communal representation in the Provinces, and we are not dealing with the matter further. We are satisfied with the Bill on that. But in regard to the Imperial Legislative Council or Imperial Assembly, we wish to have some communal representation through other Europeans. We do not seek to have a large number there. We simply want some there in order that the community as a community may have a voice there.

4924. But you have not any specific suggestion to make to us?—As to the constituency?

4925. We want a suggestion as to how you are to give effect to that?—Our view was that although the community is widely scattered its members are to a very great extent in touch, and we do not think there would be any difficulty.

4926. You have no specific suggestion to make to us?—Our view before Lord Southborough's Committee was that there might be a certain number of constituencies created in which Europeans would vote simply as Europeans.

4927. You would take all Europeans?—Yes, whether official or non-official.

4928. In the Association that you are speaking for to-day, have you any Indian commercial houses represented at all?—No; the qualification for membership is being a European, as the name would suggest.

4929. Are there any commercial associations in India composite in character?—Oh, yes.

4930. Representatives of Indians and Europeans?—Yes.

4931. Have you a strong body of that character in Madras?—In Madras, no. I was for some time Secretary of the Chamber of Commerce there, and that body had contained in the past Indian members, and contained, I think, two during my time. The Delhi Chamber, I believe, contains a considerable number of Indians, and there are some other Chambers of Commerce with Indians in them, but they are always in a minority, I think.

4932. Would you see an advantage, to meet the altered times that lie before India, in developing commercial organisations of a composite character representative of the houses of both races?—I should think that from certain points of view it would be distinctly advantageous. From a political point of view there is no likelihood of any such development if European representation is to be dependent so largely on Chambers of Commerce. If we are dependent on Chambers of Commerce for representation we are naturally going to see the Chambers of Commerce remain as nearly as possible European. If we get adequate communal representation elsewhere we are then prepared to regard representation from the Chambers of Commerce as almost purely economic representation, in which the racial question would not arise at all.

4933. Could you say that after the political proposals the economic proposals in regard to the development of commerce and industry is probably the most important matter in India?—Undoubtedly.

4934. And would you say that if it is to succeed it can only succeed by the cordial co-operation of both races working together?—Undoubtedly.

4935. Do you know in Madras or in other parts of India many business undertakings possessed and managed by Europeans and Indians?—I know of several.

4936. Would you say that the development of that has an accentuated importance now?—I think so, certainly.

4937. A member of the Committee asked you whether you considered that the Government of India, situated where it was, had in any respect lost touch with the country due to its situation in Delhi. Do you think that the Government of India is fully in touch with Provincial commercial undertakings?—No, I should not say so.

4938. And in sympathy with them?—I should not say it was fully in touch.

4939. Do you think that commercial communities would derive advantage from the control of such being decentralised from the Central to the Provincial Governments?—That is rather a difficult question, because it depends upon how far the Provincial Governments are going through this process of being popularised.

4940. What do you mean by that?—I mean that if a great many powers have been transferred in the Provincial Government to Ministers, European opinion might be rather chary of seeing industrial policy directed from the Provinces rather than from the Government of India which has been less Indianised. It might be so. I am discussing the future. I am not in a position to say definitely.

4941. Would you think that European commercial feeling would be assured if their enterprises in a Province were placed in the hands of a United Provincial Government, composed of both Europeans and Indians on the lines suggested in the Report, only working together as a United Government?—I think it might in some degree be reassured, but I have not had instructions on that.

4942. You have not thought that point out?—I have not had instructions on it.

4943. You have already admitted that the advance of Indian representation in commerce is much to be wished for?—Yes.

4944. And you would also say, I suppose, that for development in India it is essential that both races should have a voice in the control and government of commerce and industry?—Yes.

4945. And that it cannot in the future be left exclusively to the European executive?—Yes.

4946. Would you go so far as to say that the corporate mind of a Government composed of Europeans and Indians would probably come to a wiser conclusion than if it were left in the hands of individual Indians or Europeans?—Yes, I should think so.

4947. If that were brought about, would you say that it might mitigate what is manifestly a disability which you were mentioning just now, that the individual commercial man was only in India temporarily?—Yes.

4948. But the business remains?—That is so.

4949. If you had a combination of Europeans and Indians in commercial enterprises, that evil of the transitory European would, to that extent, be mitigated? Would you agree to that?—Yes, it would to that extent.

Duke of *Northumberland.*

4950. You said that the great bulk of the people of India took very little interest in this scheme of reform. Under this scheme the electorate is going to be a very limited one, of course?—Yes.

4951. Would you say that a considerable portion of the electorate would take very little interest in this scheme?—I think that the electorate would take a fair amount of interest, though the question of capacity as regards certain sections of it would still remain.

Mr. *Bennett.*

4952. Your Association represents, not merely the special interests of the commercial community of Calcutta, and looks after them, but I understand it endeavours to survey the whole problem of Indian self-government?—Yes.

4953. Looking at it from an Imperial point of view as well as from the communal point of view?—Yes.

4954. Is not your authority somewhat mitigated by the admission you made to Lord Sydenham, that until recently the European community in India had not

Mr. *Bennett*—continued.

taken any special interest in general politics?—I was speaking of the Association, which, until a few years ago, had declined much in membership, and was not doing any particularly active work. I think I may have made some confusion between the Association and the community.

4955. Your Association contemplates a time when self-government will be given to India?—Yes.

4956. But it is strongly opposed to the idea that it is fit for it at present?—Yes.

4957. You promised it. Is not your promise very much like a political expression of a line: "Man never is but always to be blessed." It reads to me very much like that. I think you took a very gloomy view of the operation of Indian legislators under the scheme, did you not; for instance, you say: "The system is one under which every elected member may carry on a vendetta against a Minister without fear of bringing about the downfall either of the individual Minister or the Government." What reason have you to believe that the elected members of the Provincial Legislatures will carry on a vendetta against individual Ministers or against the Government?—Unless the European Association have totally misunderstood Indian politicians, they are just as liable as the politicians of other countries to develop personal animosities, or to develop feelings with regard to special measures which a Minister may be associated with, and while appreciating his general attitude they may intensely detest some particular policy of his, or, while approving of the Government as a whole, they may detest an individual Minister; and our contention is that there is nothing to make them exercise that self-control which we regard as very valuable training for Parliamentary Government of the British type, or of any true Parliamentary type. There is nothing in the scheme, in our view, which will compel them to exercise that.

4958. But surely the new Legislatures will want to make a reputation for themselves; they will want to prove before the world, and before the Commission, which will be upon them ten years hence, their fitness for self-government; and could there be a more effective way of showing their unfitness than by carrying on a vendetta against a Minister, or against the Ministry as a whole? Do you think that is likely?—I think that quite often a legislator's desire for his personal advancement, to prove his personal fitness for office by destructive criticism, is stronger than his desire to prove the fitness of his nation for self-government.

4959. That is rather a gloomy view. You referred to the absence of responsibility to the Legislature in the Minister, but surely he is responsible to his constituents?—Yes.

4960. He is not free from responsibility?—Our view with regard to that has been that the constituents will often be actuated by personal like or dislike, which has nothing to do with the general record of the Minister; or again, constituents may regard a man as eminently representative of their local interests, and yet as an indifferent Minister.

4961. Is not that a condemnation of the representative system as a whole?—We do not think that responsibility to the constituency is sufficiently important.

4962. Now you say the Association is prepared to acquiesce in what seems to it a largely unreal experiment, if that unreality is clearly admitted. Do I understand that in embarking upon this very important policy the Government and Parliament are to proclaim the insincerity of the undertaking on which they have set out?—No. That relates only to this one question of whether a Minister who has carried on when his tenure of office is not dependent on the vote of the Legislature should be judged by the results of that for his fitness to exercise power when he will be dependent. We object to carrying on this experiment with this shelter, this sort of fire screen, between the Minister and his critics, and then saying that success in that justifies the belief that you can make him dependent and establish a regular Parliamentary form of government.

4963. Then the unreality attaches to a single operation?—To this one point.

4964. You expect that Parliament in legislating on this matter is to admit that in one respect it is enacting an unreality?—I am afraid we expect more—we expect that to be dropped.

4965. You refer to the transferred departments, and you say that the transferred departments, being mainly of a benevolent and popular character, while those reserved are fiscal and punitive, the British bureaucratic half of the administration will become increasingly odious in the eyes of the people. You recognise that the so-called British bureaucratic half will not be entirely British?—That is so.

4966. That an Indian Member of Council will be appointed?—The policy will be British.

4967. Do you think that it is impossible for even the bureaucratic half of an administration to carry on its work without making itself increasingly odious to the people? Because I take it it is the normal administration you have in mind. Do you think that they cannot administer the Police Department, for instance, without being increasingly odious to the people?—Our view is that, probably, the Government of no country, and certainly no Government in a country like India, can afford to administer the unpleasant Departments—the Departments which extort taxes and punish the people—unless it is in a position to draw on the good will that accrues to it from the administration of the benevolent Departments. We fear that under this scheme the British—it is not entirely British, but it is mainly British—and the bureaucratic half of the Administration will become unpopular, and therefore will find it difficult to administer the reserved Departments owing to the odious nature of its duties.

4968. Do you take it for granted that the imposition of taxation is a function which necessarily incurs odium? Has there never been a popular Chancellor of the Exchequer?—I am afraid that is our view, that the extortion of taxes is not the most popular function.

4969. The same view has been expressed by others, but it seems strange to me. You still think that it is impossible honestly and impartially to levy taxation upon a people without incurring odium?—No, I would not go as far as that. Our view is that when you have two halves of the Administration and one half makes demands on the people for taxes, and compels them to observe law and order at times when they may feel otherwise disposed, and the other half is entrusted with all sort of benevolent functions, one half will become at least relatively odious, if not positively so.

Major *Ormsby-Gore.*

4970. What are your views on the question of fiscal autonomy for the Indian Empire?—I think the Association would take a somewhat sympathetic view of proposals to that end, but unfortunately I am not in receipt of instructions definite enough to justify me in going into the matter at present.

4971. Can you tell me your own personal views on that point? Do you think that the present system whereby the fiscal policy of India is really decided by Parliament here, after it has been presented by the Secretary of State in Council can continue any longer?—I am afraid I must not go beyond saying that I do not think it can continue for any very great length of time without exciting criticism.

4972. Has your Association commented in any way on the Report of the Crewe Committee on the change of the Council of India and the position of the Secretary of State in relation to the Government of India?—I have not yet had time to hear from my Association on that—the difficulties are very great with our members scattered all over the country, but my impression from what I know of the general attitude of the Association is that it would regard the scheme as making the Secretary of State perhaps somewhat too much of an autocrat.

4973. You think it would make the Secretary of State more of an autocrat than he is at present?—I think that would be the view, but I speak without definite knowledge of what my Association will eventually decide on the matter.

4974. What are the views of your Association on the general question of Women Suffrage in India?—We came to no formal decision in the matter, but in giving evidence before the Southborough Committee, in response to a question by the Honourable Mr. Hogg, I said that I thought large numbers of the

members

Major *Ormsby-Gore*—continued.

members of the Association were prepared to see women given the vote. Mr. Hogg then asked me whether I knew of any very strong opposition to this in the Association, and I told him I was not aware of it—that we ourselves had recently admitted women to full membership of our Association, and were anxious to get more in, and as far as I knew there was a very general feeling in the Association that the claims of women to the vote should be recognised. But I think all members of the Association appreciate the fact that there are a great many practical difficulties in India, and I do not think anybody anticipates that any very large number of women would vote. But it seems to me, if I may give what is little more than a personal opinion, that it would be desirable to stake out a claim for women, even though only a very small number availed themselves, or could avail themselves, of the privilege.

4975. I suppose a large number of the members of your Association are interested in factories and production in India?—Yes.

4976. What view do they take of a proposal, if it were put forward, to transfer to the control of Indian Ministers question of welfare of labour, factory conditions and hours, and things of that kind?—There is a feeling that it would be extremely unsound.

4977. Why?—The inquiries which have been held in the past into the administration of factories, I believe, have shown that on the whole there is somewhat less consideration for the welfare of the workers and for their proper housing and education, and so forth, in factories conducted by Indians than in those conducted by Europeans, again allowing for exceptions, and I think there is a feeling that it would be better that such matters should not be wholly in Indian hands.

4978. Taking the Franchise proposed by the Southborough Committee, you do not think that the Franchise will lead to any great effort on the part of elected members of Council in the direction of social reforms affecting the housing of the working classes, and so on?—I do not think the Association expects any such development.

4979. That is to say, you think the average Indian politician is not much interested in questions affecting the social advancement of the factory workers?—There are some very honourable exceptions, but I think on the whole that is true.

Major *Ormsby-Gore*—continued.

4980. In answer to Lord Sydenham, and again in answer to Lord Sinha, you said you thought you could speak for a certain section of the officials as well as non-official Europeans; are any officials members of your Association?—No; officials as such are not eligible for membership of the Association.

4981. In fact, when you referred to official opinion, it was merely that of your personal friends among the officials?—Personal friends, and what members of the Association have heard from their personal friends.

4982. We have heard the views of the higher ranks of the officials, both of the Provincial Governments and of the Government of India; lower down you think there is a wide division of opinion among the junior ranks of officials?—I should say there is a considerable division of opinion. I speak, of course, only of opinions expressed informally by men who were not actually responsible for the scheme or associated with it, and who felt free to speak.

4983. Is there a feeling amongst those people that they wish to make their opinions heard more freely than they are able to do under the Regulations?—There is. I have heard the opinion expressed several times by officials, and sometimes also by non-officials, that it is a pity that a certain proportion of men in each of the great services are not specially consulted about the scheme as touching their Departments. Reference was made to men who are in no way at the head of affairs, but the rank and file.

4984. Is the general criticism of the so-called bureaucratic nature of the Indian Government at the present time due very largely to the maze of Regulations which tie down officials?—I should say that is so. The official has less and less freedom.

4985. Do you hope that under any scheme of reform that tieing down of the Executive by Regulations will be mitigated?—It is to be feared that under a system which increases the influence of educated Indians the tendency will be the other way. So far, I think it may be said that the educated Indians have shown a preference for having somewhat elaborate Regulations and being able to protect themselves behind a clause or rule.

Chairman.] We are much obliged to you.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

SIR MICHAEL SADLER, K.C.S.I., called in; and Examined.

MEMORANDUM SUBMITTED BY THE WITNESS.

1. The evidence submitted by the witness, who assents to the dual form of government embodied in the Bill, refers to Question 19 in the list circulated by the Committee.

2. The Report of the Calcutta University Commission discusses the future relations between the Government of India and the Indian Universities. Reference is made to this subject in the Report of the Functions Committee (paragraph 15 (1) and page 23) and also in "Views of the Government of India upon the Reports of Lord Southborough's Committee," page 35.

3. Speaking in his individual capacity and not as representing the Calcutta University Commission, the witness would submit to the Committee observations upon the proposals made in the Report of the Functions Committee (paragraph 45), with reference to the transfer of education as a whole, and upon the criticisms made on those proposals in the "Views of the Government of India upon the Reports of Lord Southborough's Committee," pp. 41-46, and referred to in Sir Sankaran Nair's appended Minute of Dissent, April 16, 1919.

Chairman.

4986. Sir Michael, you are Vice-Chancellor of Leeds University?—Yes.

4987. You were Chairman of the Commission which recently inquired into and reported upon the Calcutta University?—Yes.

Chairman—continued.

4988. We know you have come here at great personal inconvenience, and we are very much obliged to you?—Thank you very much.

4989. What we want to hear from you most particularly is your view on this question of the allocation of education in India between the proposed two sides of Government, whether the whole of education should be a reserved subject or the whole of it a transferred subject, or whether part of it should be reserved and part transferred; and anything else that you can tell us, particularly dealing with the subject of education, but not confining yourself necessarily to that, which bears upon our subject of reference, we shall be grateful to hear?—May I begin by saying that I am in general in very cordial agreement with the proposals of the Bill, and that for my own part I should accept it gladly as a bold and reasonable experiment, giving large responsibility to Indians and affording opportunities to them to show, I hope within a few years, that they deserve a larger measure of such responsibility. I conceive that the responsibility to which the preamble of the Bill refers involves a form of government the chief agents of which are answerable to public opinion as reflected in a representative and elected Assembly. You know how limited my own knowledge of India is; I was only there for seventeen months, and almost for the whole of the time in Bengal, but I came away with a deep conviction that action on lines of this kind should be taken without delay. In saying that, however, I speak for myself alone,

and

Chairman—continued.

and I am not authorised to speak on behalf of any of my colleagues on the Commission.

I believe that the Agency foreshadowed in the Bill will bring a new spirit into Indian education, University, secondary, and primary, and that it will lead to improvements in education which will increase in due time the number of men who are able to take a responsible part in public administration of affairs. In answer to your Lordship's question about the special place that education would bear under the new system of administration, I should like first to report to you what the Commission recommend, and to indicate any slight differences of opinion there were among us on points bearing on your question, and then, in the second place, speaking in my individual capacity, to state what I myself think would be wise in regard to reservation or transfer. We say in our Report that with the increase in political responsibility India is passing into the fellowship of nations, and therefore that she should have as quickly as possible a system of education answerable to that status. We find that, speaking broadly, a very great work has been accomplished for India by the modern system of education, especially since the adoption of the principles laid down in the Despatch of 1854. To those principles we adhere, and we desire to see them extended and adapted to modern conditions. Our own work, as you know, was limited to Bengal and Assam, with some reference to Burmah, which we were not able to visit, and though in the course of our inquiry we paid short visits, either as a body or in groups, to Madras, the United Provinces, Bombay and Lahore, it is only of Bengal that we speak in detail, and only as to the present conditions in Bengal that I feel I have any claim to report to you. Though we feel that the University of Calcutta, which, under the Government of India, is responsible for the higher education throughout the Presidency, has done a very great and acceptable work, a work which has led to the diffusion of culture and science through scores of thousands of the population, we feel unanimously that the time has come when it needs much more generous support from public funds, a reorganisation of its administration, a great enthusiasm and professional skill among the teachers, and, above all, a new spirit.

When Western education was introduced into Bengal, in the 1820's, especially under the leadership of Rammohun Roy, and for many years afterwards, Western studies appealed to the most intelligent and vigorous of the Bengali youth like a new message; but, of course, familiarity has somewhat accustomed them to much that underlies Western education, and we feel at present the ordinary course of studies in the colleges has nothing like the same power to appeal to the enthusiasm and minds of the students as it had fifty or more years ago. It needs to be broadened; it needs to be diversified and, above all, it needs to have more science in it and more direct application to the duties of life, and underlying that much more care for the physical welfare of the boy, much more corporate life in the institutions and a clearer aim of civic responsibility of Indians for Indian welfare. Therefore we felt constrained to advise in our Report a very great change in the present organisation of higher education in Bengal.

The pivot on which our plans of change turn is a proposal that the first two years of the University course, now called the intermediate, should become higher secondary work instead of University work. We found an overwhelming body of opinion, Indian as well as European, supporting the view that a large number of the pupils who come up from the English high schools to the colleges are neither mature enough in mind for University studies proper nor sufficiently well trained in English to follow University lectures given to large audiences; and we suggest, therefore, that these two years of intermediate study should be put to another use, that the best kind of school teaching should be organised for the boys at that stage in their work, and that during those last two years of their higher secondary school work they should have opportunities of getting preparation, not only for the University, but also for certain practical careers.

Chairman—continued.

We found that the terms of our reference, which included a study of the conditions which should be required for admission to the University, compelled us to look into the work of the English high schools. Therefore, our Report is really one on the whole of English secondary education in Bengal as well as on University education, which includes the degree and the intermediate course. We propose that there should be a new frontier between secondary education and University, drawn at the close of what are now the intermediate years. In order to provide this education in the best possible way we recommend that there should be set up in Bengal a new type of educational institution, for which we suggest the title of intermediate college; that in the greater number of cases these colleges should be attached to selected high schools, and that in a few cases they should be more isolated institutions. We propose that the present University Matriculation examination should be given a wider outlook, should be improved in method of test, and should come at a stage in the boy's career when with good teaching he would be ready to pass it at about sixteen years of age; in other words, we suggest that it should correspond to the examination which in the English secondary schools is now called first secondary school examination. We suggest that at sixteen a good many boys, as is already the case, would be ready to pass into various forms of industrial and office employment, but that those who were of greater promise should receive, during the next two years, a very thorough training in English and their vernacular, and a course as well, which would prepare them either for the University or for minor government appointments, or for entrance to the medical colleges, or for entrance upon the engineering colleges, or for admission to the agricultural department of the University, or for taking up work in connection with agriculture, or, and not least important, fit them for work as teachers in many types of schools. At the end of these two years there would be another examination, called the intermediate college examination, the certificates of which would give entrance to the students to many careers which they now wish to fill, and should also, under conditions approved by the University, serve as the Matriculation examination. At that stage the University course proper would begin, and should as soon as possible be a three years' course for the Bachelor degree, to be followed, of course, by the Master's degree, and for those who wished by the Doctorate.

We are glad to find a very strong, indeed irresistible, body of opinion in Bengal confirmed by much in other parts of India in favour of that change, and we believe that the whole future of higher education in Bengal would be changed by the building up of this organised course of higher secondary education, provided that along with it goes an improvement in the more fundamental work of the high schools proper. We have reason to think from our evidence that the new industrial and commercial developments in Bengal would be furthered in every way by the training of young men of that age on these new lines, so that at eighteen many of them might begin the practical work of life, or enter upon the special training which their practical career requires. Now a change of this kind in Bengal raises administrative difficulties of a very serious kind. The Committee will be aware that the power of conducting the University Matriculation examination, which in Bengal acts as a kind of leaving examination of the secondary schools, inheres in the University, and not in the Government.

Furthermore, it is with the University that lies the responsibility of deciding whether a given school is sufficiently well organised and staffed to deserve the right of being able to send in its pupils for the Matriculation examination. The result is that at present the University is really the controlling power in secondary education in Bengal. It has tried to do everything to fulfil its responsibilities, but there has not been enough money given to secondary education for it to be possible to reform these schools and to bring them to the standard which the University would desire them to reach. Therefore, the University finds itself in the embarrassing and humiliating position of often having to grant recognition to a school which, if larger grants from public funds were forthcoming,

Chairman—continued.

forthcoming, it would at once require to improve itself before it received power to send in pupils for matriculation. Now we find that there is an exceedingly strong opinion in Bengal that that power should not be transferred under present conditions from the University to the Department of Public Instruction. I think we are all satisfied that if any such proposal were made there would be violent and dangerous opposition, because though the University of Calcutta is in one sense a very officialised institution, and much under Government control, it has, nevertheless been wisely left as one of the channels through which Indian opinion may express itself on educational questions broadly. Therefore, we found on consideration that the simple proposal to hand over to the Department of Public Instruction the organisation of the first secondary school examination or high school examination, corresponding to the present matriculation, and the power of organising the work during what are now the intermediate years at college, and the right of deciding which schools should have this very valued privilege of sending in boys for this first examination, would be very unwise, and certain to provoke opposition which would disturb good relations between the Government and the educated classes.

On the other hand, we were glad to find many signs of agreement in favour of the plan which we have unanimously proposed, namely, that the supervision under Government of the chief tests of secondary and higher secondary education (to be precise, the English high schools and what are now called the intermediate classes) should be entrusted to a new Board of Secondary and Intermediate Education. We propose that in this Board should be vested the duties and power which now lie with the University in their sphere of education, and secondly that this Board should be the instrument through which the Government should frame regulations for the work, and inspection of the schools and intermediate colleges concerned. In order that the Board may represent University opinion and other types of experience, we found it necessary to propose that it should consist of from fifteen to eighteen members, seven of them nominated by the Universities (five by the University of Calcutta, two by the proposed University of Dacca), one elected by the non-official members of the Bengal Legislative Council, one the Director of Public Instruction *ex-officio*, and the others so chosen that there should be always three members competent to represent the experience and interests of Hindus and Muslmans respectively, with experience of industry and commerce, medicine, public health, agriculture, the teaching in schools and colleges, and of the educational needs of girls. We propose that over this Board there should preside a Chairman, receiving a salary, and devoting the whole of his time to the work, with the help of a secretary and a staff.

We suggest further that the Board should be helped by certain sub-committees or advisory bodies, one especially dealing with the education of girls and women, a very difficult and urgent problem, one or more representing the experience of the different parts of the Presidency and the need of special Provincial areas, and another dealing specifically with problems of Oriental study, both Islamic and Hindu. Our problem was to decide what should be the relation of this new Board of Secondary and Intermediate Education to the Government, on the one hand, and to the schools and colleges on the other. We did not see before we presented our Report to the Viceroy the Report which Mr. Feetham's Committee prepared under Lord Southborough's Committee, but I had the opportunity of more than one consultation with Mr. Feetham, and agree with the proposals which Lord Southborough's Committee make in this Report. We differed among ourselves a little as to what should be the part of the Government representatives on this new Board. The majority of us wished the large majority of the Board to be non-officials, though nominated by the Government of Bengal. Two of our body were inclined to a larger number of Government officials on the Board itself, and thought that the Director of Public Instruction might be the Chairman of the Board.

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We differed again among ourselves as to what should be the limits of the executive power of the Board. All agreed that it must conduct both examinations, the high school examination and the intermediate examination, and generally have oversight over the course of study in the intermediate colleges. The majority of us thought it necessary to attach to this specific administrative responsibilities and to let the Board organise an inspectorate and recommend to the Government financial proposals for the necessary grants for the improvement of the schools and colleges. But we agreed to frame our plan in such a way that it would be adapted for use whether secondary education was in the terms of the Bill transferred or reserved. We are careful to say that the member of the Government who would have general oversight of the Board's work would be either Member or Minister, and as the question of transfer and reservation had been referred to another Committee, and as we had taken no evidence on the subject, we deliberately refrained from expressing any opinion as a Commission as to whether secondary and higher education should be transferred or reserved. Speaking for myself alone, I am clear, after thinking over the matter constantly during the last few months, that it would be wise, subject to the establishment of such a Board of Secondary and Intermediate Education in Bengal, to regard secondary and intermediate education as a transferred subject. The sphere of our inquiry, of course, stopped short at primary schools, but at the same time we were impressed by the fundamental unity of education in every country—a unity which has not yet been sufficiently reached in Bengal. Therefore we missed no opportunity of seeing primary schools, and consulted all those who are specially expert in their management in order so to design our plan that it would fit in with the reorganisation of primary education.

I have read with great care the Report of Mr. Feetham's Committee, the views of the Government of India, and Sir Sankaran Nair's dissenting minute attached to these views, and feel how very difficult the question is whether both primary and secondary and higher education should be transferred or reserved. I can only speak with any special knowledge of the present needs of Bengal, but my own judgment inclines decisively to the view that it would be wise to transfer all on the conditions first that the Universities are reorganised; secondly, that there is a Board for secondary and intermediate education; and, thirdly, if it were felt that the Minister would gain by such advice, that a Board differently constituted might be set up to help him with regard to primary education.

I feel great hesitation in differing from the views expressed by the Government of India on this subject, and, of course, I attach great weight to their representations; but I should like to offer, for the Committee's consideration, these reasons in favour of treating education in Bengal as one national thing under the supervision of one Minister, and regarded as a unit by public opinion. In the first place, though at present it is true that there is an administrative gap between primary and, to some extent, middle vernacular education on the one hand and high English and collegiate education on the other, the existence of that gap is a mark of the backwardness in the organisation of education in Bengal, and should not remain as a permanent condition. As education in Bengal becomes answerable to the real needs of the Presidency it will become more and more necessary to dovetail the work of the primary school in that of secondary school, the high English school, as well as in the middle vernacular, and almost at once very difficult problems will come before the Minister or member as to the conditions on which a pupil should be transferred from the primary school to the secondary, what arrangements should be made for organising the curriculum in the primary school so as to prepare the pupil for the transfer, and what adjustment should be made in the lower parts of the high school curriculum in order to receive, without inconvenience, pupils from the primary. All these questions, and the questions of scholarships for transfer will become numerous and acute directly the new Government sets to work to organise public education in Bengal on a large scale. I feel sure that if a Minister could not take a large and broad view of the whole

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whole problem he would find himself harassed and embarrassed.

In the second place, no part of the educational problem is more difficult and none will need wiser and earlier treatment than the education of girls.

Now, at present, education of girls is almost wholly limited to the primary school. The girls ought to stay at school much longer; whether under purdah or other conditions, it is much to be desired that the great mass of the middle-class girls should stay at school until 15½ or 16 years of age, and the problem therefore of girls' education, both in the primary and in the secondary schools together ought to come within the purview of the Minister, and through him under the consideration of public opinion. In the third place we find that, partly through want of funds and partly through the pressure of an old tradition, much too little is done in the Universities and in the high English schools for the scientific and thorough study of the vernacular. But the vernacular must be the basis of primary education, and should, in the judgment of our Commission, be far more than at present the basis of the high school education, and, therefore, as this great change is likely to come over education in Bengal (increased attention to the vernacular and side by side with that a perfected mastery in English being by no means incompatible) it seems desirable that the Minister who has oversight of the whole problem should have regard both to those schools in which the vernacular is now the dominant thing and those schools in which the vernacular should enjoy a larger place.

Then, further, I think that to divide education into two parts and to transfer the one and reserve the other, upon whichever half the choice might fall, would break the system of general inspection and advice into two parts unwisely. One must, of course, have inspectors and advisers with special knowledge of primary education on the one hand, and higher education on the other; but one needs more and more to unify all those specialist inspectors under the general direction and superintendence of chief inspectors, who should have regard to both.

Then, in organising primary education, which is one of the most difficult and perilous of all the tasks awaiting the Indian Governments, I feel with the Bishop of Madras that a great effort ought to be made to educate the village community as a whole and not simply the children of the community by themselves, that education really is a social function, and that we shall get much more quickly in India the benefits of primary education if side by side with the improvement of the primary schools we have the wise introduction of adult education for the parents and older people in the community also. The one thing dovetails into the other. They should educate both the older and the younger people together. You would get much more sympathy for the new conditions; you would get the whole community thinking of education; you would get the permanent outlook on education rightly balanced, not prematurely introduced into primary schools or too segregated for the older ones. But it would make it much easier to try experiments in organising the new forms of popular education on the basis of the community for the older and younger together if both these grades of education were under the supervision of one Minister than if primary education for little children were in one hand and all other kinds of education in another.

Further, the real defect in education in Bengal is anæmia, and this anæmia is due to want of money—money wisely spent and rightly guided, but, above all things, money—and I think it would be difficult for a Government to decide how to distribute among the different grades of education the necessary shares of the amount of the public revenue which could be spared for this purpose if the detailed and administrative supervision of the two heads of education did not come under the notice, and were not referred to, the single responsibility of the Minister in charge. I think that if everything is transferred, together with the safeguards I have suggested, we are more likely to get a form of expenditure which is at once balanced and economical.

Further, we were much impressed by some evidence which was given to us by Mr. Surendranath Banerjea,

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in which he indicated that there were in Bengal considerable endowments left originally for charitable, and, in some cases, for religious purposes, which were no longer satisfactorily applied to the original purpose, but which might, if there was a strong movement of public opinion in that direction, be transferred to the use of education. Of course, in England nothing is more difficult than to get an endowment transferred from its original purpose to even its proximate one.

4990. I seem to have heard of that problem before?—But we would put to the Committee the difficulty of the problem in the hope of solving it; and, of course, if education is looked at as one great function of Government, and if one man conspicuous in the public eye can speak for education as a whole, can direct public opinion to what is necessary for its reform, and can make, with the Government behind him, an appeal to the whole people to bear heavier taxation, and to sanction the transfer of endowments, the present functions of which are obsolete, the problem is at any rate simplified. On these grounds I myself (I am speaking only individually, and not as President of the Commission) am led decisively to the view which Mr. Feetham's Committee has taken, that it would we wiser to transfer education as a whole and not in parts; but although I have spoken decisively I feel the very great weight of the arguments which are adduced in favour of the opposite view.

4991. How was your Commission composed?—It consisted of seven members—Sir Asutosh Mookerjee, a Judge of the High Court in Calcutta, who was for many years Vice-Chancellor of the University of Calcutta, and has done more than any other man for the development of university education in Bengal; Dr. Zia-Uddin Ahmed, who at that time was a professor, and is now acting as Principal, of the great Mohammedan college at Aligarh, in the United Provinces; Mr. Hornell, who is Director of Public Instruction for the Presidency of Bengal; and four of us who came from Europe for the purpose—Mr. Ramsay Muir, Professor of Modern History at Owens College, Manchester; Mr. Philip Hartog, Academic Registrar of the University of London; Dr. Gregory, Professor of Geology in the University of Glasgow; and myself—and our secretary was Mr. Anderson, who is in the Indian Educational Service, has had long experience of teaching in Bombay, and has for some time been attached on special duty to the Department of Education with the Government of India.

4992. There were only two Indian gentlemen on the Committee?—Only two.

4993. One a Hindu and one a Mohammedan?—Yes.

4994. Has the Report been published?—The Report was published in India last Saturday week.

4995. You have not heard yet at all how it has been received?—The only quotation I have seen was from an article in "The Times of India," which has quoted very favourably all our central recommendations.

4996. There has not been time to ascertain Indian public opinion on the subject?—No, I have not heard anything about it. You will understand we took during the seventeen months which this inquiry consumed very great pains to bring ourselves into touch with Indian opinion at every point. Our first business was to issue a Questionnaire, which we sent out to more than 600 people in Bengal and other parts of India, and to which we invited anyone who desired to reply; and I should like to say that the replies to that Questionnaire, which was full of the most difficult problems, constitute some of the very best evidence I myself have ever had in any educational Commission or Committee. All those replies, arranged alphabetically by writers under the questions, are published in our Report, and there are about 400 of them, the great majority of them being by Indian witnesses, both Hindu and Mussulman. Then, with hardly an exception, we visited every college in Bengal, and on the occasions of our visits we received, as far as time allowed, witnesses of every kind for full discussion of our problem, and we must from first to last have consulted more or less intimately on these questions getting on for 2,000 people. We also, when we were preparing our Report, were very far from not receiving further suggestions; we did everything that lay in our

Chairman—continued.

our power to keep ourselves in touch with opinion, official and non-official, Indian and European. I feel that what we proposed is a revolutionary change in the administration of education in Bengal. It means the re-casting of the whole system; it means a new demand on the public finances of Bengal and on its private generosity, a demand for money help far in excess of anything hitherto given; but we are unanimous that it is absolutely necessary that those charges should be made, and confident that if they are made the new type of education will be a sovereign remedy for many of the great difficulties in Bengal itself, and will immensely increase its social, industrial and economic efficiency.

Major *Ormsby-Gore.*

4997. You said, in addition to Bengal you and your Commission visited Assam and Burmah?—We were not able to go to Burmah. We went to Assam.

4998. Assam was the only other Province you visited?—That is so, within the province of the University of Calcutta.

4999. How do you regard Assam as compared with Bengal? Did you find there was the same demand for education and the same interest in the subject in Assam that there is in Bengal?—In the southern part of Assam a very great zeal for it; of course, that is practically an extension of Bengal, and in the northern part of Assam a very rapidly growing interest in it.

5000. That is to say, you think that from the political point of view it would be very wrong to put Assam in an inferior position as regards popular control of subjects to Bengal? It is not a more backward Province?—I do not know whether I know enough about it to answer that question, the problem is so difficult. There is the multiplicity of languages, there is the division of the Province by the hills in the middle, and there are the differences of temperament between the populations.

5001. There is a notable difference, from your point of view as an educationist, between the Assamese speaking and the Bengali speaking?—Distinctly; the problems are rather different; in fact they must be stated and looked at separately; but we were clear that one of the Mufassal colleges, which has already gone nearest to reaching the status of an independent University college, and which should ultimately become a University, is Gauhati. It has an almost ideal site for such an institution, and we saw the makings of quite a centre of independent intellectual life there.

5002. In that centre had Bengali or Assamese the predominating influence?—I think it is very difficult to say; it is mixed. It is far less wholly Bengali than if it had been in the south.

5003. Did you find in the Bengali-speaking parts of Assam a desire to be united to Bengal and to be separated from Assam?—We took no evidence on that subject; but there is a very strong desire, which we found, indeed, all over Bengal, not to be separated in name, at present, at any rate, from the University of Calcutta. They value very much their connection with the University; they wish to be under its ægis. We found very little support, although some strong witnesses favoured it, in favour of a plan for the establishment of a University of Bengal, which should include the Mufassal colleges and leave Calcutta University the city institution. Therefore, in our plan we have advised the system by which the Mufassal colleges would retain their connection with the University of Calcutta, but enjoy under its general direction a much larger measure of independence and liberty.

5004. In the course of your sojourn in Bengal did you find, not necessarily from the evidence, but by going about among the people, an increasing interest in public affairs and in Government generally on the part of the Indians: that is to say, was the Reform Scheme, which I gather was published while you were there, very much discussed?—Very much indeed. So far as my knowledge goes I should answer your question in the affirmative, but I had never been to India before I went with the Commission, and, as I told the Chairman, we were only there seventeen months, but during that time there was quite markedly a great increase of interest in the larger political questions which were brought before all India by the Joint Report of the Secretary of State and the Viceroy.

Major *Ormsby-Gore*—continued.

5005. Is there a real demand for what you might call the higher political education at the Universities—that is to say, the study of history, the study of economics, and the study of the various subjects allied to politics?—I think amongst the most intelligent of the younger generation and among a large number of the more forward-looking of the older generation that feeling is very strongly held.

Mr. *Montagu.*

5006. I have only one question to ask you, Sir Michael. The Report of Mr. Feetham's Committee treats education in these words; they suggest for transfer "education other than the European and Anglo-Indian education"?—Yes.

5007. ("Excluding the Benares Hindoo University and Chief's Colleges), subject to Indian legislation as regards the controlling of the establishment and regulating the constitution and functions of new Universities and defining the jurisdiction of any university outside its own Province"—these are the points—and "in the case of Bengal for a period of five years from the date when the Reform Scheme comes into operation, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education." I presume those words were put in in order that Indian legislation might be passed as a result of their Report?—Yes.

5008. Am I right in saying that in those words and in that way you endorse the recommendations of Mr. Feetham's Committee?—Personally I do entirely, but the Report, of course, came out after our Commission was disbanded.

Lord *Sydenham.*

5009. Sir Michael, I understand you made a searching inquiry into the University of Calcutta, and you to some extent included in the scope of your inquiry secondary and primary education in Bengal?—Yes; secondary education more than primary.

5010. You did not examine into the educational conditions in any other Province to the same extent?—Not to the same extent, but we visited all of them as a whole or in groups.

5011. Were you surprised to find a very large proportion of boys and young men in the universities and secondary schools as compared with the total number of pupils under instruction?—I remarked the comparatively small number in the primary schools. I did not regret at all the number of those in the high schools or the universities. I want them earnestly to have a much better education, but I do not want any kind of curtailment of educational opportunity; on the contrary, an extension of it, and an improvement of it.

5012. Did you not rather get the impression that education in India was top-heavy because of the comparatively small foundation which the primary schools at present have?—Quite. Personally I want very much to see the base of the pyramid strengthened, but the apex of it not whittled away.

5012A. You know in past years there was a very strong pressure brought to bear on the Government as regards higher education, and that it is in comparatively recent years that pressure has been brought forward for a corresponding increase in primary education?—Yes. Coming as a stranger I was struck by the increasingly strong desire among Indians to develop as quickly as possible primary education. I think they feel now—indeed they may have felt for a long time—that under modern conditions the economic welfare of the whole community depends on having a thoroughly good system of primary education; but they also feel, if I am not misrepresenting them, sensitive to the stigma which attaches to India through the presence of so large a mass of illiterate population—illiterate I mean in our technical modern sense, though I am very far from meaning to imply that without modern education a man may not be shrewd and wise.

5013. I am sure you realised the immense sacrifices which many poor Indian parents make in order to get their children higher education?—I have never seen anything like it.

Lord *Sydenham*—continued.

5014. There is nothing like it in the world?—It is very touching indeed, and the sufferings are often silently borne.

5015. You also discovered that the results are sometimes terribly disappointing to the parents themselves?—Yes; but in the main it has done great good all over Bengal.

5016. You did see that there was a tragic side to the higher education of India?—Yes, partly because the boys really do not get the grounding which they should for a really good secondary education, and, secondly, because, owing to the want of side tracks at appropriate points, a good many of them are encouraged to stay on throughout the University education, which is not the most appropriate training for the career they desire.

5017. I gathered from your brief summary of the opinions which appeared in the Press that you were dissatisfied both with the secondary schools and the arts colleges as they now stand?—Very much; there are very bright exceptions, but I think that the Commission (and here I can speak for all of them) would wish me to say most emphatically that they think that the present condition of the secondary schools and of the art colleges in the main is such as to require instant reform.

5018. I suppose you looked into the past history of higher education in India?—We endeavoured to do that from the first.

5019. It has been stated by some critics of the educational system that the standards in later years are not so high as they used to be in the past; did you come to that conclusion?—We found it almost impossible to arrive at a judgment about that. Some of the schools are rather better than they were; others, I think relatively, are worse than they were, and the standards of examination are insensibly affected by the condition of the schools in which the boys are prepared for them. What I think is clear is that a much wider range of the population are going to the high English and college education than ever before. In the old days you had rather a select minority; in these days you still have the same large number of very brilliant and promising boys, but along with them there is a much larger number of the duller and less fully prepared, and also you are getting a much larger number of boys from homes or districts in which there is very little to stimulate and deepen the education they get at school. I think that affects the problem very much.

5020. Did you find that the Indian education rather tends in the direction of quantity than quality or is quality now coming into its own?—I could not say that they went for quantity alone. I think there is a very strong and, as I think, a right conviction that India needs more education, and not less, and that of course expresses itself in the demand for an education which is quantitatively more efficient; but I think when our evidence reaches this country and you are able to read the Memoranda written by the Indian as well as the European witnesses you will feel that there is the conviction that the education now given should be made better, much better on the physical side, very much better in all that we call in England corporate life in schools, much better in many of the schools in the methods employed in the teaching of languages, and above all an education which will include science and the training of the hand, and which will have a wider outlook than the present education gives.

5021. Did you notice that the proportion of English professors and teachers to the total number has been rapidly dwindling in the last twenty years?—Yes, and in Bengal it was quite seriously small, especially in the high schools; but, of course, you will remember that we were there during the war, and therefore saw it under exceptional circumstances.

5022. Do you think there are some subjects in Western education which cannot properly be taught by Indians who receive their education mainly from other Indians who themselves have never been to Europe?—I think it would be always necessary to have in the education of Bengal a very considerable number of British teachers for the sake of English alone.

Lord *Sydenham*—continued.

5023. English literature?—Yes, especially for the actual language; but to anyone who comes to India as a stranger, as I did, there is nothing more amazing than the high standard of mastery of English possessed by such a large number of the educated classes.

5024. You would not think that an Indian who had never seen a Western country could really teach English history?—I think he would teach it as well as a Briton who had never been to India would teach Indian.

5025. Do you agree with Mr. Chailley's statement that the text book is one of the banes of Indian education, and that the teachers often depend upon it?—The cram book? I think it is a perfect curse; but it is apt to be a curse wherever you get examinations, tyrants instead of servants.

5026. Following upon that, I suppose you found out that unessential examinations in India exercise a most evil influence upon education?—Yes, it was one of the most central parts of our Inquiry to try and discover remedies for that.

5027. Part of your recommendations is that the Universities of India should be made into teaching bodies instead of what they have been too much in the past, purely examining bodies?—Yes; we are anxious that the Universities, which are, of course, necessarily in close relation with the Government, from which they will draw so much of their necessary funds, should be far more autonomous than they have been and able to modify their course of study and their arrangements for examination.

5028. I suppose you read the Report of Lord Curzon's Universities Commission and Lord Curzon's Note on University Education generally?—Yes.

5029. Did you find the reforms proposed in those days were at all of a drastic kind?—I think they are one of the great landmarks in the history of western education in India; but I think it would be a great improvement now to reorganise the intermediate part of University education as a part of secondary.

5030. I suppose you realise that there is nothing that Lord Curzon was more attacked upon than that Act of his upon University Education?—Education is always the conservative side of public opinion, and I am sure that many people who care as much as we do about the welfare of Bengal will criticise our Report as very drastic in its recommendations, but in the end I believe it will come through and people will agree with it, because we have not taken only our own conviction, but have really based it on the considered and public judgment of so many hundreds of experienced witnesses in the country.

5031. You do see that there has been in the past a danger in India of the question of education tending to be handled on political lines?—I think that is really true everywhere.

5032. But rather markedly so in India?—Quite, and to lessen it was one of the chief reasons why we want to see greater independent intellectual life in the Universities, and in the second place a much better paid and better trained and more highly honoured body of men as teachers in the secondary schools.

5033. You are advocating the transfer of education on a large scale to the popular Ministers as proposed in the Feetham Committee?—Yes. Your Lordship will remember that our Inquiry in India was concurrent first with the Inquiry of the Secretary of State and the Viceroy, and then with the Inquiry of Lord Southborough's Committees, and we presented our Report to the Viceroy before the Reports of Lord Southborough's Committees were published. Therefore we have expressed no opinion upon any of the points which came immediately within the purview of those Committees.

5034. But you yourself are prepared for a large transfer to the popular Minister?—Speaking as an individual and allowing all the hazard of it I should myself go quite decisively for complete transfer to the Minister subject to the conditions I have ventured to mention, which I think will help now.

5035. You do realise that it may be very difficult to get a Minister from the limited area of selection afforded to the Governor who knows anything whatever about education?—Yes. I am at a disadvantage in knowing so much less about the other Provinces, but I should not have said that about Bengal.

5036. In

Lord *Sydenham*—continued.

5036. In cases where large sums of money have been given for educational purposes—I myself received over a quarter of a million for educational services—in all these cases it was made a stipulation that the institutions were to be managed by the Government. Do you think they might raise that difficulty, that it is no longer managed by the Executive Government, but by a popular Minister?—Yes; almost the opposite kind of difficulty from that which was felt at first. At the beginning of our Inquiry I was conscious that many of those who appeared before us were extremely anxious that higher education and secondary education should not be handed over to the Government, because they regarded the Government as in no way representative of the mass of Indian opinion, or not directly representative of it. Then, as our Inquiry wore on, we reached a stage in which some might appear who would urge for complete transfer to the new Government, because that would give more authority in the matter to the chosen representatives of Indian opinion. I still think it is wise, as a transition into the new arrangement, to give the Minister the help of a body of really competent and well chosen administrators, such as we suggest in our Board, especially for this reason: that the defect of Indian educational policy has been its narrowness; it has been so little in touch with industrial, commercial and agricultural life; it has been very little in touch with medical science, and has had very little at headquarters that makes it sensitive to the new needs for the education of women. Therefore, to set up a Board in which all those kinds of experience are well represented would, I think, be of very material assistance to a Minister in the years of transition.

5037. Is it not true that the main difficulty with all education in India is the provision of properly trained teachers?—Yes; and, indeed, elsewhere too.

5038. Is it not better then not to make a large extension of schools until properly qualified teachers in sufficient numbers become available?—The one thing leads to the other. I wish there could have been much more done for the professional training of teachers before, but the fact that the schools are there, and that many schools are needed, is now the strongest argument you can get for improving the facilities and training, and for that we make what are very moderate, but at the same time very wide, recommendations.

5039. Did you have an opportunity of making a study of the very important Indian-managed college at Aligahr?—Yes. We all visited Aligahr, and we had the advantage of having one of the chief members of its staff on our Commission, so I think I have heard almost as much about Aligahr as any other single college in India.

5040. You understand that the difficulty of educating girls up to fifteen is that most of them are married long before that age?—Yes.

5041. Do you not think it would be very difficult to get the hard-working agriculturists to find time for primary education in the villages?—You mean for the adults?

5042. Yes, the adults, I mean, as mentioned in your plan?—I do not think it is impossible. I do not mean that they should attend at the same time as the primary school, but I think well-arranged classes, especially at certain times of the year, might be quite successful.

5043. At any rate you think the experiment would be well worth trying?—I think so. It is trying to educate the community together, and not training up the young generation on one plan and leaving the older generation unthought for.

5044. Do you realise the immense difficulty of diverting money left for religious purposes to the purposes of education?—Yes; under present conditions almost insuperable. I imagine that the difficulties, so far as the religious endowments are concerned, would be less if the schools to which these endowments were partly given were those in harmony with the religion for which the charity was given, but when the endowment was for charitable as distinguished from religious purposes the difficulty, although still great, would, I think, be less.

Lord *Sydenham*—continued.

5045. It would be quite impossible for the Government as the Government even to contemplate such a step as that?—Quite. When Mr. Surendranath Banerjea made this very important suggestion to us, I felt, and I have felt ever since, that this is one strong reason for making education perhaps the chief thing by which Indians will try to reach responsible government first. In order to get the education of India at all to the level they desire will involve very great sacrifice, new taxation, great liberality and concentration of funds, but I feel we are much more likely to get that if a representative Indian asks his fellow countrymen for it than if it is asked for by somebody representing another race.

5046. You are opposed generally to sectarian educational establishments; you would wish all the religions of India to mingle in the great establishments for higher education?—Well, personally I think that you cannot have any true system of education unless you teach the boy and the girl some religious faith with it. Whether that should be taught in the school itself or not is, of course, a very large matter, but the fundamental thing in education is to teach the boy or girl what is right and what is wrong and the reasons for believing them so, and that really carries you into a religious faith. I can imagine nothing more disastrous for a country than for the whole of its educational system to be deliberately secularised. On the other hand, I hope the Committee will not think for a moment that I criticise or in any way wish to question the right principle of the Government of India not to in any way take sides in religious matters there, and I think that the policy of neutrality in the Government schools and colleges has been, so far as I am able to follow it, a wise and reasonable course, although I think it is capable, and will be found to be capable, of great new developments.

Sir *J. D. Rees.*

5047. May I ask you with reference to my noble friend's question, do you consider it is necessary that the Minister of Education should be an educational expert?—No, certainly not.

5048. Is he usually such in responsible democratic Governments?—I am not sure that I can answer that.

5049. Is he such in England, as a rule?—He is at this moment.

5050. I understood my noble friend to suggest that an objection to the transfer of education would be that an Educational Minister suitable would not be available, and if I am wrong my question has no point?—Of course, there are two different kinds of problems which come before Ministers of Education, some being administrative and others really professional and, in the wider sense, technical or educational. Now at this juncture all over the world education is at a stage in which it is extraordinarily important that the man at the top should be very well informed about the currents of educational opinion and shall be able to decide which are fads and which are wise. If you can find a man who has that knowledge, that living experience and administrative training and sense as well, you get your best Minister of Education; but in quieter times, when educational administration is carrying out an accepted series of principles, administration, including, of course, power of economic organisation, becomes probably more important than expert technical knowledge. At this moment in India I feel it is important to get in general control of education in the Provinces a man who has administrative experience, but also who has educational insight and knowledge, and, above all things, zeal.

5051. Do you know the common criticism of education in India or rather of those who have criticised it, that the Hindoo boys merely acquire education for mercenary purposes; do you see any reason to believe that they are different in that to boys elsewhere, and that their attitude towards education is really peculiar?—No, but I think it is accentuated, in Bengal at any rate, because so much more depends for the Bengali boy on passing certain examinations at certain stages and getting certain certificates than for any boy in this country, for example.

5052. More so you say?—Much more so. If a Bengali boy does not pass his matriculation, for instance,

Sir *J. D. Rees*—continued.

and cannot go on, he loses in fact the chance of any Government appointment or any important appointment in connection with the law, and the openings for him in industry and commerce and adventure generally are much more limited than here.

5053. It is not the boy's fault?—It is not, and to answer your first question, I think the necessary desire to qualify for entrance upon a responsible calling is a powerful element in the desire for an extension of higher educational opportunities in India, but it is only one factor out of a number of factors.

5054. You do not condemn the class receiving the education on account of that?—Not a bit, and it is not the only race that is in that position.

5055. Are the results which we see, which have more or less led up to this Commission, of the education given in India very much what might have been expected? Are they the results which would naturally accrue from the education given by the British Government—the attitude of the rising generation and that of the last risen?—I think access to the literature, ideas, and science of the West have opened a new life to India. On the other hand, I think it will be a much greater life for India if her own people intensely feel a sense of loyalty to the Indian past as well, and the two things are possible.

5056. Have the vernaculars sufficient place in the curricula in Indian education?—We have had no replies more interesting than those on that point, and none showing greater division of opinion among Indians. Our own judgment is, that except in the teaching of English and of mathematics, and possibly in some parts of the teaching of science, a very great deal of the teaching in the high schools ought to be through the vernacular.

5057. Do you agree with that?—I agree with that so far as I am competent to express an opinion, but always on the condition that you have not simply as much knowledge of English as you have now, but far better teaching of it in order to produce better results in a shorter time. India ought to be bi-lingual.

5058. It is getting to be so very quickly?—Yes.

5059. If you can, will you express an opinion as to whether the British officers you saw in India are sufficiently acquainted with the vernacular languages? Is your knowledge of the country, generally speaking, sufficient to enable you to answer that?—I could not go into that.

5060. I have to ask you still one or two questions. Do you think education is one of the subjects most suitable for transfer to popular Ministers? Do you not think it is eminently suitable?—I feel that under Indian conditions it is a subject for India of the

Sir *J. D. Rees*—continued.

greatest importance; that Indian opinion is especially interested in it; that the development of education is vital to the future welfare of Indian national life; and therefore, in spite of all the hazards of the change, that the transfer of education is an experiment which ought under safeguards to be tried.

5061. You have stated in the course of your evidence that you contemplated more generous payment from public funds for the schools for physical welfare of the child and better paid teachers; do you contemplate a very much larger expenditure on education than is possible under the revenues at present collected in India?—I should only speak to the question of Bengal, and perhaps, as the question is a large one, I ought to refer you to our chapter on finance. There we have endeavoured not to shirk the difficulty in any way and to show exactly what will be the additional cost of the changes we have recommended.

5062. From the point of view of education as a solvent of caste, would you think that it is consciously and intentionally worked in that way by those who have control of the administration of education?—I never found that.

5063. It is suggested that the Governor should be required to have special regard to certain interests in education, and one of these is mission schools. Have you considered whether the effect of making mission schools particularly and exceptionally the children of the Governor in this way is likely to give rise to any dissatisfaction?—I hope that under the new régime nothing would be done to injure the admirable educational work which the various missions are doing, and I may say that the whole of our Commission, after visiting a very large number of colleges and schools under mission auspices, agreed that they form one of the most valuable contributions to education in Bengal.

5064. Could anything be done, and do you contemplate doing anything, to improve or mitigate, shall I say, the educational nomenclature, which warns off so many people and makes so difficult of comprehension this subject?—I am glad to think that if our recommendations were adopted for Bengal there would be a greater uniformity between English and Bengali nomenclature of education than is at present the case.

5065. And that will be an improvement, I gather?—I think anything that helps them to understand our system, and us to understand their system, is an improvement.

Chairman.] Thank you very much, Sir Michael; we are greatly indebted to you.

(*The Witness is directed to withdraw.*)

Die Martis, 19° *Augusti* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.	Mr. BENNETT.
Earl of SELBORNE.	Sir HENRY CRAIK.
Lord BRODRICK (Viscount Midleton).	Major ORMSBY-GORE.
Lord ISLINGTON.	Sir J. D. REES.
Lord SINHA.	Mr. SPOOR.

THE RIGHT HON. THE EARL OF SELBORNE IN THE CHAIR

SIR STANLEY REED, KT., K.B.E., LL.D., is called in; and Examined, as follows:—

Chairman.

5066. You are, I think, editor of the "Times of India"?—Yes.

5067. And you have been a considerable number of years in India?—22 years.

5068. You have been good enough to answer certain questions which we sent to you?—Yes.

Chairman—continued.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition

Chairman—continued.

tion contained in the Preamble?—I accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India. By responsible government I mean the amenability of the executive to the Legislature, and through the Legislature to the electorate. I generally accept the proposition contained in the preamble.

2. Do you think that the realisation of responsible government in the Provinces involves the establishmen in Provincial Legislatures of a substantial elected majority (Clause 6)?—I think that the realisation of responsible government in the provinces involves the establishment in provincial legislatures of a substantial elected majority.

3. Do you think that the non-official members of the Provincial legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—I do not think that the non-official members of the provincial legislatures should immediately possess power to control all the actions and policy of the executive. That power is not possessed by such legislatures at present, although they very powerfully influence the actions and policy of the executive, and to an extent greater than is commonly realised.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—I think that for a period of years there are certain matters or functions of Government in the provinces—in particular the preservation of law and order—in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes.

5. If you accept the propositions stated under questions 1 to 4 do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I think that the dual form of government proposed in the Bill is the best published means of securing these propositions. In saying this, I wish to make it clear that none can be insensible to the disadvantages in the conditions of India of a dual form of Government and of the advantages of a strong homogeneous unitary executive. But I have seen no other scheme for a provincial constitution which at once secures these propositions and secures that the King's government shall be carried on. I further qualify this statement by the expression of opinion that every effort should be made to secure unity in the administration by the discussion of reserved and unreserved subjects by the Council and the Ministers in common, and that in the instrument of instructions issued to each Governor this goal should be insisted upon.

8. In particular, do you think: (i.) that Ministers should hold office "during pleasure," *i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the legislature (Clause 3 (1))? (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii.) That the Executive Council should in all provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv.) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—(i.) I think that ministers should hold office "during pleasure," *i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the legislature. (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities. (iii.) That the executive Council should in all provinces normally consist of one official European and one non-official Indian. (iv.) That the Governor should have the power to dissolve the Legislative Council. Provided that there is established the Standing Committee of Parliament on Indian Affairs foreshadowed in the Montagu-Chelmsford report.

9. Referring back to Questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (1) *suitable*, or as (2) *unnecessarily severe*, or as (3) *inadequate* to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I regard the limitations imposed generally by Clause 9 of the Bill upon the financial and legislative powers of the legislatures as broadly satisfactory.

10. In particular: (i.) Do you think that the legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—I think that the legislature should have substantial power over the voting of supplies, and I accept the scheme and limitations outlined in the Bill. (ii.) I accept the plan of Grand Committees, because it has the weight of opinion behind it. These opinions are subject to the qualification that the scheme of contributions from the provinces to the revenues of the Government of India should be accepted as transitory only. The basis of that scheme is not regarded as just or equitable, and is put forward as the best adaptation of the existing system. I hold that the basis of responsibility both in the provinces and in the Government of India requires that each shall raise and spend their own revenues. On this ground I hold that the principle should be definitely accepted that the goal should be the allocation of the whole of the provincial revenues to provincial purposes, the Government of India raising all the monies which it requires for its purposes. Whilst this goal is not immediately obtainable owing to the necessities of the Government of India definite steps should be marked out for its realisation by a continuous reduction, say 10 or 20 per cent. each year, so as to secure the elimination of the provincial contributions whilst the Government of India is given time to develop its own revenues. Only in this way can genuine responsibility be built up in the provinces, and the admitted inequities in the proposed scale of contributions removed. The provinces will be responsible for the great ameliorative agencies in India—education, sanitation, local self-government and industrial development, and the whole of their resources will be required for the discharge of these duties.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—I accept the principle that pending the development of responsible government in the provinces the Government of India must remain responsible only to Parliament. This seems to me incompatible with giving the Legislative Assembly a similar measure of control over the Central Government as that given to provincial legislative councils over provincial governments. Subject to this broad consideration, I am in favour of giving the Legislative Assembly the most liberal constitution compatible with the securing of the primary condition laid down.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian

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Indian Legislature (Clause 16)?—I agree that it is advisable to provide for a substantial elective majority in the Indian legislature.

13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation, and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and (16)?—And I accept the principle of a bicameral legislature, for I regard the evolution of a strong senatorial body as entirely suited to Indian conditions and conducive to the ordered development of the country. I cannot express an opinion on a technical point such as whether a bicameral legislature affords the Governor-General in Council the means of securing legislation which he regards as essential, but accept the opinion of the Government of India on this point.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I accept the provisions of the Bill as to the course of legislation in the Indian legislature.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I accept the changes made by the Bill in the constitution of the Governor-General's Executive Council.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I agree that the gradual realisation of responsible government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examinations.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—No.

19. Have you any observations to offer in the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian affairs?—In view of the strong opinions which have been manifested, I would leave the question of female suffrage to be decided by the Legislative Councils. Every development in the amenability of the Government of India and the provincial legislatures to the elected councils must be accompanied by a proportionate reduction of the control exercised by the Secretary of State. It is impossible to express an opinion on the proposals of the Committee on the home administration of Indian affairs, until the exact structure of the reconstituted Government of India and Provincial Governments has been determined. At the same time, I feel strongly that the proposed Advisory Council to take the place of the Indian Council can serve no useful purpose. As long as the Council is retained, it should have definite statutory power and authority. The great object in view should, I suggest, be to keep the India Office in quick relation with the rapidly changing conditions in India, and with that end in view the personnel should be drawn from the Indian Civil Service, and service at Whitehall should form a part of the Indian civilian's official career. The official members of the Council should equally be drawn from men in active service, and if retired officials are selected, their term of office should be limited to five years.

5069. Is there anything you would like to say in supplement?—I would rather answer specific questions on any points which the Committee desire me to elaborate.

5070. There are two I should like to put to you. You lay stress on the value in the future Government of India of a properly constituted Senate?—Yes.

5071. Will you develop that argument and make suggestions as to how it might be composed?—I am particularly anxious not to take upon myself the role of a constitution maker. I think only those who have had practical experience of administration, which I cannot claim, are competent to speak on that subject. But on the general principle I think that a Second Chamber of a senatorial character is entirely suited both to the political conditions and to the genius of India, and that it would form a revising body composed of men who would not always be able or desire to secure election by a general electorate. It could fulfil in that capacity a most valuable function in the development of the Indian constitution.

5072. Would you amend the present Bill by turning the Council of State at once into a Second Chamber?—It seems to me, when you come to consider the question of the Council of State in its relation to Indian polity, there are certain very important principles which must first be decided, and the greatest of them is, what is to be the attitude of Parliament towards India and the Government of India as reconstituted under this Bill in future? As I read the situation, it seems to me inevitable that the Government of India must undergo a very considerable, not to say a radical, change; many of the existing portfolios will disappear. I am thinking particularly of Education, and in all probability Revenue and Agriculture, which have outgrown their influence and value, and even the Home department; and fresh departments must be created to deal with the new conditions which have arisen. In the reconstituted Government, I think the great forces which will be considered will be economic and fiscal rather than social and educational, because those will be transferred to the Provinces. Unless Parliament clearly makes up its mind to devolve substantial functions and powers in those directions on the Government of India, we cannot proceed to consider how that senatorial body and its powers should be framed.

5073. Supposing we assume that at a future date India will be in the same position as a Dominion is now, and assume that in that constitution a second chamber would have an important place, how would you proceed to deal with the Council of State with a view to that future development?—If the Government of India is to be entirely subordinate to Parliament and is to be made the instrument of the orders of Parliament, irrespective of its own convictions, I cannot see that the Council of State can be markedly differently constituted from that outlined in the Bill. If Parliament is prepared to devolve much further powers in the direction of fiscal autonomy and economic policy on the Government of India, then I think we can proceed to develop immediately an Upper House more on the lines of a Senate, certainly with an idea of its ultimately developing into a full senatorial body.

5074. There are two points of view from which to consider that if you would develop the thought. The first is the one you have indicated, the relation of Parliament to the Government of India in its transitional stage; the second is the power of the Government of India to achieve that legislation which it considers necessary, as long as the responsibility rests upon it?—You are rather taking me into a domain I would rather not traverse, that is, constitution making, of which I do not regard myself as avowedly qualified to speak, but my own personal belief is, that provided this substantial power is devolved by Parliament on the Government of India, particularly in relation to these burning questions of fiscal autonomy and of economic progress, the powers of the Government of India to secure essential legislation need be much less than under the existing scheme.

5075. I will not drag you into that most difficult question, constitution making, if you prefer not. I turn to another point. You have read the Report of the Crewe Committee?—I have.

5076. I rather gather from your answers that you would not be in favour of interfering with the Council of India at the present stage, except in its constitution?—I will put it somewhat differently. With regard to the report of the Crewe Committee, I can see no value in an advisory Council. I do not think men of the requisite calibre and authority would care to sit on a Council where their advice might be accepted or disregarded, where they might be consulted or ignored at the

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the personal discretion of the Secretary of State. As long as the Council is retained, I think it should retain definite constitutional functions. The great object in the alteration of the constitution of the Indian Council should proceed on quite different lines, and it should aim at what I understand was the main desire of the Admiralty—you will correct me if I am wrong. I believe the main desire of the Admiralty was to keep the administration in very living contact with Sea Command. At the present time the India Office is not in that quick contact with the rapidly changing conditions in India, which many regard as absolutely essential to the whole purpose of India Office Reform, and the change should be, I think, to establish that living contact with the conditions in India, which change so fast, and which, so far as I can see, is in no way provided for by the Report of the Crewe Committee.

5077. If that living contact were established, would you be in favour of suggesting, with Sir James Brunyate, that the Council of India should be left as it is until after the first decennial review, and whether it expired then or not would depend upon the decision at that time?—No, I would not.

5078. Lord Sinha reminds me that his idea was that it should come to an end at the end of ten years, unless the Commission of Review otherwise advised?—The Council of India should be retained not as at present constituted, but both the Council of India and the India Office should be reconstituted to attain the end which I venture to put before you.

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5079. With regard to that question, do you think that any Secretary of State who is not acquainted with India taking up office would be really able to carry out his duties without some efficient Council beside him?—I do not think he would.

5080. Your main point is that the men who advise him should be fresh?—Yes, and also the personnel of the office, too. They should be drawn as far as possible from men acquainted with modern conditions in India.

5081. In fact, you would like the two services interchangeable?—I should.

5082. Do you regard that as an advantage to both sides?—Undoubtedly. I can see nothing but an advantage in an Indian civil servant, after he has acquired a reasonable knowledge of the country, coming and serving at the India Office for two or three years, and thus gaining a more intimate knowledge of British administrative methods and of the spirit of British politics than he could possibly acquire by remaining in India and studying these questions when he is on leave.

5083. It would be an advantage to the Indian civil servant to get in touch with home opinion?—I think so.

5084. You speak of the rapidly changing conditions in India. What do you exactly mean?—Do you mean great advance in political interest or what?—I go much further than that. I would say the whole conditions of India have been completely revolutionised since I first went to India in 1897, and that revolution covers every form of economics, the social structure, and politics. I think that the greatest change of all has been in the economic condition of India. When I went to India in 1897 it was a country with a poor and congested agricultural population, subject to decimating and enormously dislocating famines, such as those of 1896 and of 1899. The condition of India now is one when every single industry is short of labour. If you look back to the old records, before I went to India, we were taught to believe that the greatest problem of India was an enormous scheme of State-aided emigration. The greatest problem of India to-day is to find an adequate supply of labour for every form of industry, even including agriculture as well as manufacturing industries. Secondly, there has been a very marked change in the financial power of India. If you will bear with me I will show that by one set of figures. In 1914 the Finance Member thought he had accomplished an unparalleled achievement by raising a Government loan of 5½ crores of rupees in one year. That was the largest Government loan which had ever been raised. In 1917 and 1918 the aggregate Government borrowings were 140 crores of rupees, which was achieved without any dislocation of the financial market. That is the difference in economic conditions

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reflected in finance. Thirdly, I think there has been an extraordinary change in the whole social outlook of India; there has been a great quickening of public spirit affecting every form of life, social service, the desire for education, the desire for a higher standard of living, desire for a higher standard of social surroundings, which is bearing slow but very useful fruit. There has been a quickening of the whole political activity of Inda, which has developed to an extraordinary degree, but not, I think, out of proportion to the other great changes which have been going on in the basic forces of the State. There have arisen in India two main forces; one is the desire of Indians to take the larger share in the government of their own country, not from purely selfish motives, but with the idea of quickening the growth of those forces on which they think its national progress depends; and an even stronger force than that I think is the desire of eminent Indians in every walk of life that India shall rise to her full stature amongst the dominions of the Empre. I think that is one of the strongest forces in India to-day.

5085. Making an allowance for that great advance, do you still consider that, as in other countries, strong powers must be reserved to the Central Government?—I think during the period of development that the one great thing we have to avoid in India is anything in the nature of a revolutionary change. If we can only get our constitutional policy on sound evolutionary lines, leading towards a definite goal in a comparatively reasonable period, I think we may face the future with serene confidence.

5086. One question about your statement as to finance. Speaking of the scheme of contributions from the Provinces to the revenues of the Government of India, you say that the basis of that scheme is not regarded as just or equitable. Did you mean by one Province as compared with another, or did you mean they were to contribute too much?—I mean one Province as compared with another. The scheme put forward by his Excellency the Viceroy and Mr. Montagu took a rough-and-ready adaptation of the existing system, and did not pretend that it was just or equitable, and it cannot be because of the different Land Revenue systems in different parts of India.

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5087. Because of the permanent settlement?—Yes. The scheme put forward even later by the Government of India does not pretend to be equitable, and I think it essential that Provincial finance should be made so equitable that each Province should bear its full share of the cost of those agencies which it is anxious to develop, and should not batten on other Provinces by paying less than its fair share of contribution to the Government of India. The only way you can get rid of that inequity is to draw an absolutely sharp line between the revenues of the Government of India and the revenues of the Provinces. That line, I think, should aim at giving the Provinces within the shortest possible period the whole of their Provincial revenues and imposing on the Government of India the duty of raising all its own revenues. I think that the scheme outlined in the Government of India's letter, which aims at the revision, at an early date, of the scale of Provincial contributions, cannot be carried out, because it would cause such a dislocation of Provincial finance that it could not be adjusted. Moreover, I think we want to impose both on the Provinces the responsibility—the full financial responsibility—of financing their own agencies, and on the Government of India the full financial responsibility of raising the money which it wants for its own requirements. As a matter of fact considerable progress has been made towards that goal, if you watch the figures, particularly by the development of Imperial sources of revenue like Customs, Income Tax, Railways and Super-tax.

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5088. Does not that involve establishing two sets of tax gatherers?—Practically not. I speak subject to correction, but the main division under the scheme will be income tax where the Provinces collect the money and the Imperial Government takes it, and the Provinces get a small commission on collecting it, because it

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it is an unpopular tax, and without an interest in the usufruct otherwise they would not be energetic in the work of collection. But I cannot conceive why the Government of India should not develop its own income tax collecting agency, particularly as the machinery is being steadily improved.

5089. In some other constitutions the Central Government has had to exist on what it could collect at the ports; what proportion of Indian revenue is collected by the Government at the various ports?—I think, roughly speaking, the Customs Revenue last year produced about 10 millions out of a total revenue of 100 millions, but the statement is complicated, because the total revenue includes the whole Provincial revenue which the Government of India puts in its figures, but does not enjoy. I think the Government of India revenue is probably about 60 millions, and, therefore, the Customs revenue would be 10 millions out of 60 millions.

5090. Do you not think there is a certain danger in directing the minds of people who pay taxes to certain services which are remote, and from which they get a very remote benefit, that is to say, asking them to put into two categories that to which they contribute?—Not under what would be the basis of our financial system in India. The main sources of Imperial Revenue would be Customs, Salt, Posts and Telegraphs, Railways, Income Tax, and Super-tax; and, if further sums were needed, probably something in the nature of an even more steeply graduated Income Tax and Death Duties. I know under the scheme the Succession Duties are given to the Provinces. If by Succession Duties are meant what may ultimately grow into Death Duties, I cannot conceive that that is sound finance. I think that is an Imperial source of revenue.

5091. You have had great experience with a view to directing the minds of the electorate to the work which is to be done, and not merely to agitating for something more; what period would you fix, without regard to the period fixed in the Bill, if a substantial step forward is made, before there should be a re-consideration of the powers given?—If a substantial, generous, and confident step is made now, anl made promptly, I think the ten years selected by the Bill is not an excessive period in which these changes might be worked out.

5092. You are aware it is said that in America, where there are only four years, there is only one year which is free from electioneering?—I believe that is so.

5093. In how many years do you think we should get free from discussion of powers rather than the use of powers?—With the world moving at the present rate, I should be loth to fix a longer period than ten years.

Sir *Henry Craik*.

5094. In your statement you express yourself as not insensible to the disadvantages of the dual system?—I do.

5095. You are rather forced into it as the only means you can suggest?—It is the only scheme which has stood in the same degree the test of criticism. When the scheme was proposed it was not popular. I think there has been a very strong rallying to it as the best available means of meeting the position which has to be faced to-day.

5096. Have you any precedent that you can quote in favour of this scheme as a means of development?—None. I do not think we have any precedent either for the existing conditions in India.

5097. You do not think that the grant in a certain limited sphere of independent powers, which might be increased in time, would be a better means of developing responsible government?—I should not like to express an opinion unless I saw a scheme formulated. In dealing with Indian politics, even the most admirable academic schemes are not always suited to the very special conditions which have to be met. Unless I saw a definite scheme worked out to apply that principle I should not like to express an opinion upon it.

5098. You see in this scheme, I presume, the disadvantage that it would be a nominal unified government in the Province, at the same time composed of two elements which might be very diverse, one from the other?—That is so. On the other hand, I have specified my own personal opinion that although you have a duality of functions, it should be a distinct charge committed to the Governor of every Province by

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His Majesty when he delivered him his instructions that his great aim should be to preserve as far as possible unity in that Executive; that the pay, status, and emoluments and position of Ministers and members of Executive Councils should be identical; that all important questions should be considered and discussed in common; and whilst the final decision in one set of cases would rest upon the Governor and his Council, and the other on the Governor and his Minister, those decisions should not be come to on major questions until they have been discussed in common. And so far as the Bombay Presidency, with which I am chiefly concerned, is affected, I see the very greatest hopes of arriving at a much more substantial unified government than may appear from a perusal of the scheme.

5099. Have you ever given any attention to the question of a joint or separate purse?—The joint and separate purse has only come to the front since the last despatch of the Government of India. To that proposal one would like to give the greatest weight as coming from the eminent authority by which it was framed. On general grounds I should be very reluctant to accept that proposition.

5100. You do accept it?—I should be very reluctant to accept it.

5101. I thought you said, "I should very reluctantly accept it"?—No, I say I should be very reluctant to accept it, and I would not unless it was shown that no other course was conceivable. I think the question of the divided purse will inevitably tend to a division between the two elements of government when we want to preserve unity. Unless I saw the scheme worked out as to a particular Province, I think it is more likely or just as likely to create friction as it would be to create common action, because the revenues of Indian Provinces vary enormously from year to year. Thirdly, I would impose on Members of Council in charge of the reserved subjects the same incentive to economy and to care in administration that I would impose on Ministers, and if they have fixed revenues they would be inclined to spend up to them instead of economising, which I regard as one of the primary functions we have to pursue in India. On those grounds I say unless it is proved to be absolutely essential I think the separate purse is a proposal which should not be pressed.

5102. Do you not think that responsible government can best be developed by making arrangements which would recognise the responsibility which rests on each Minister for his own particular province?—You mean with regard to developing his own sources of revenue?

5103. Responsibility all round?—I do.

5104. You cannot have responsibility without financial responsibility?—The Government of India say in their letter that they have worked out their scheme as applied to a particular Province. I do not think it is published in the Report. I should like to see it before I expressed a definite opinion on any principle. I am totally opposed to the theory of the divided purse.

5105. But it is not with regard to any particular scheme; it is the principle only upon which I am asking you a question. I ask you, if you are to bring home responsibility to any Minister, is it not necessary that that responsibility should be financial?—Responsibility for the expenditure of the department which he administers.

5106. And for raising the taxation that is necessary for that?—Pardon my ignorance of constitutional questions, but I do not know any constitution where every Minister is responsible for raising the whole revenues of his department.

5107. That is quite true, but surely in that case there is constitutionally a Finance Minister, and the decisions with regard to the Finance Minister are unanimous decisions of the whole Cabinet or the circle of Ministers. How can you have that when there are two elements, the popular and the official element, which may fundamentally disagree? Who is to decide in that case as to financial responsibility?—Under the scheme, and under the Bill, I take it the Governor and his Executive Council decide it.

5108. That simply makes the authority which you give to the Minister one which is subject at every turn to the ultimate decision of the Governor and his Executive Council?—I think that "subject at every turn" is further

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further than I should like to go—I should say subject to that decision on his Budget allotment for his department. Once it was settled he would have almost a free hand in the spending and allocation of that money.

5109. You are not going to give him—I do not care for the free hand—the responsibility which seems to me constitutionally far more important than a free hand—the responsibility for raising money and for increasing taxation which may be consequent upon his administration?—If I understand the Bill aright, the responsibility for raising taxation is deliberately imposed on a Minister if it is essential for his own department.

Sir *J. D. Rees.*

5110. Have you had any other occupation in India besides that of a journalist?—I was for nine months Vice-President of the Publicity Bureau.

5111. Have you been brought into contact with the people in Bombay?—I have had a good many outside activities.

5112. You described the changes which have taken place in India. Do you think it would be possible in view of those rapid and recent changes to continue to rule in India upon the old bureaucratic lines?—I do not like the word "bureaucratic."

5113. The old lines?—I say you would be deliberately courting disaster.

5114. Do you see in the fact that even now those who agitate for these reforms are a minority any reason for refusing or postponing them?—None.

5115. Do you think the people in India have taken into account the fact that a small, vocal, and capable minority of women in England got the Franchise even without going to an election?—That is rather a more general question than I should like to answer.

5116. You describe the improvements in India, from which I gather that you do not accept the creed that the establishment of a foreign trade between England and India is a drain which bleeds the country to death?—I think that theory has exploded since you left.

5117. It is still maintained by one of its apostles, as you know, who has just written a book about it. You refer to the Legislature's at present powerful influence on the action and policy of the Executive. Will they still have it and more under the scheme of the Bill?—I think so.

5118. You say that no one can be insensible to the disadvantages in the conditions of India of a dual form of government. Is not this almost inseparable from a country in which there is a foreign people at the head of the Government and indigenous people in the country?—I have seen no other scheme which carries out the preamble of the Bill.

5119. In answer to Sir Henry Craik you explained very clearly your objection to the separate purse as militating against the unity of the administration. Sir Henry thought there would be great difficulties in bringing home the responsibility of expenditure to the Minister. Do you think that should be considered as a great obstacle?—I think not.

5120. Has there been brought home to Ministers in the British Government the responsibility of expenditure for their own Departments?—Not unless I have strangely misread the news of the day.

5121. Then it would hardly be an insurmountable obstacle in starting this scheme. In answer No. 8 you make certain stipulations, things which you say you think should be done. As I understand, they are the Bill, with the exception of the last, the Standing Committee. If I am right, it is needless to ask questions upon that?—Practically the Bill, yes.

5122. I pass that. You say in answer 11: "These opinions are subject to the qualification that the scheme of contributions from the Provinces to the revenues of the Government of India should be accepted as transitory only. The basis of that scheme is not regarded as just or equitable." Are you saying that out of solicitude for Madras and the Central Provinces, or out of a sense of justice that Bombay should relinquish its privileged position?—I am saying it on the principle that until that is carried out there can be no true Provincial responsibility, because some of the Provinces will be spending money which is not legitimately theirs.

5123. You say the principle should be accepted that the Government of India should raise what moneys it requires for its own purposes. Do you think it can,

Sir *J. D. Rees*—continued.

for the Army, the railways, and all the very large operations it has to carry on?—Immediately, no; but as spread over a term of years, I think yes. The whole tendency of Indian finance goes to show that what you may call the Imperial revenues are growing out of proportion to the Provincial revenues. The land revenue is practically stationary; income tax and railways are rapidly growing.

5124. You give as an instance of that the system of capturing capital which is known as death duties?—I do.

5125. Is it the case in India that the House of Lords occupies a very high position in the public estimation—the people there look to it very much for light and leading and guidance?—Well, that is a general question which I should not like to answer.

5126. You do not know?—No. I would say that I think the discussion in India of the principle of a Second Chamber has been dominated by a failure to appreciate the value of a Second Chamber in a democratic constitution, such as that of France or the United States, and if greater attention and study were given to the constitution of the United States, as against the constitution of the United Kingdom, much of the present opposition to the principle of a Second Chamber would disappear.

5127. It would be a relevant question in favour of the establishment of a Second Chamber in the Central Government, whether or not the limitations which have been imposed on the authority of the House of Lords are, or are not, very unpopular in India?—I think that is too general a question for me to answer.

5128. You would rather claim to represent European opinion in Bombay?—I do not claim to represent any opinion but my own.

5129. Have you anything you wish to say as to whether, under the scheme of the Bill, you think the upper classes would be able, unless certain alterations were made in it which I do not mean to cite, to oppress, or wish to oppress, or are likely to oppress the lower classes?—It depends mainly on how far the principle of communal representation is carried. I say at once I differ in toto from the criticism of the communal principle which has appeared in the Report of His Excellency the Viceroy and Mr. Montagu. I say that the experience of India goes to show conclusively that, so far from a reasonable recognition of the communal principle being non-democratic and non-national, it is precisely the contrary. No one who was in India before the Morley-Minto reforms of 1909 were introduced, and who has been there since can fail to appreciate that such success as that scheme has had was largely due to the recognition of the principle of communal representation for the Mohammedans. So much so that some of the most eminent Hindu opponents of that principle afterwards recognised that they were wrong. If there is to be any preventive against the oppression of minorities, or even large uneducated majorities, under this Bill, it must be done by the recognition of the communal principle in the constitution of the Provincial and Imperial Councils.

5130. Where the people you describe would be 97 per cent. of the population, is it possible to give them communal representation? Does not that mean the exclusion of the 3 per cent. rather than the representation of the 97 per cent?—That is the *reductio ad absurdum*, is it not?

5131. But it is so easily so reduced, is it not?—It is so easily done, and it is so easily not done, I think.

5132. I leave that. Do you think that the objection to the transfer of certain subjects of administration and to the creation and appointment of Ministers really is that they are to be Indian Ministers and Indian administrators of those subjects, or to the technical objections to a division of authority?—Of what class of objection are you speaking?

5133. The objections which are raised—the criticisms directed against the division of subjects?—Unless you specify the particular class of objection, I could not hazard an opinion.

5134. I do not think, then, I will pursue that. Do you think that sufficient representation is provided for European commerce in Bombay?—Yes.

5135. You think it is satisfactory.—Yes.

5136. Do you see any reason why British commerce and the investment of British capital in India should

Sir *J. D. Rees*—continued.

be impaired by the acceptance of the scheme of the Bill?—No.

5137. Is there anything to be said for the objections raised?—I think the apprehensions are natural, but I do not think that they are likely to be justified in practice.

5138. Do you hold that the flow of British capital into India is of great advantage to that country?—I hold that it has been of immense advantage to that country, although in future I think that India is likely to be not only less dependent on the supply of British capital, but may conceivably be completly independent. The increase in the borrowing power of India, and in the money power of India, has been so phenomenal that the old dependence on the London market, which paralysed government in your day, Sir John, has practically disappeared.

5139. In view of the recent labour troubles in Bombay, are you still of opinion that the creation of the cotton mills in Bombay was a good thing for the operatives in India?—Undoubtedly.

Mr. *Spoor.*

5140. I do not know whether you were present at the Committee yesterday morning?—I was not.

5141. You have not read probably the evidence given by Mr. Welby, another journalist?—I have not.

5142. It appears to be rather contradictory to yours. In answer to a question Mr. Welby said this: I asked him with regard to the development of political consciousness in India during recent years, and as to whether there was any real demand for reform. In answer to that he said: "As far as the bulk of them is concerned there is no demand for self-government or anything approaching it. There is no doubt some vague feeling that progress in certain directions would be desirable; here and there there is that feeling even among the masses." Do you agree with that answer?—I would prefer, if you would not mind, that you asked me specific questions rather than ask me to express dissent from, or agreement with, answers given by another witness.

5143. Then I will ask you, in your opinion, is there a real demand throughout India for responsible self-government?—The greatest error we fall under in India is arguing from the particular to the general. My twenty-two years have been mainly spent in Bombay; although I have travelled over every part of India, and was for nine months with the Government of India, I am not qualified to express an opinion in regard to any other Province of India than Bombay. But I say in regard to Bombay there has been an undoubted quickening, a remarkable and phenomenal quickening of every form of Provincial life and energy, and a rapidly and markedly increased desire to take a more personal and even a self-sacrificing part in developing a more national form of government. I believe that, subject to variations between Province and Province, that is true of the greater part of India.

5144. If there has been that extraordinary development, do you think that this Bill is a sufficiently substantial first step, or would you be inclined to go further?—With regard to the Provinces I think the Bill is a sufficiently substantial first step, so much so that some of the most advanced Indian politicians, when it was published, expressed to me the opinion that with regard to Provinces it went further than they had asked for.

5145. Do you think that even at the beginning the franchise might be widened somewhat?—That is a matter which refers more to the districts than with the cities, and I cannot claim to speak of the districts.

5146. In your answer to question 19 you say, "In view of the strong opinions which have been manifested I would leave the question of female suffrage to be decided by the Legislative Councils." I would like you to amplify that?—When this question of women's suffrage has been discussed in India there have been markedly varying opinions even amongst Indians who take an active part in public life. As I have read the summaries of evidence one set of opinions only has been put before this Committee, and that in opposition to the views both of the Franchise Committee and of the Government of India. In Bombay there are a large number of ladies most

Mr. *Spoor*—continued.

eminently qualified to exercise the vote, and who are taking to-day a most valuable part in public affairs, although chiefly on the social side. Most certainly, to exclude such ladies from the vote if they wished to exercise it could not possibly be justified. In other Provinces the position may not be quite so strong, and orthodoxy may be stronger. I would leave each Province to settle it in its own Legislative Council according to its own wishes.

5147. Speaking for Bombay you emphatically support Women's Suffrage?—Yes; provided one thing. I believe amongst the objections raised to women's suffrage is that it would need all sorts of special means of recording the vote. That I do not think would mean Women's Suffrage in the true sense of the term. I believe at our present municipal elections a lady who wishes to exercise the suffrage exercises it through the recognised channels. I am strongly in favour of that so far as the Bombay Presidency is concerned.

5148. You spoke of the revolution in economic conditions. I was extremely interested in what you said about the shortage of labour in industry. What effect has that had upon wages, because we hear terrible accounts of the appallingly low wages?—Speaking from my own experience in Bombay City, in the last fifteen years wages have gone up nearly 400 per cent., and certainly until the war created this complete bouleversement in prices, the wages of the operatives in the mills of Bombay were quite adequate for their social needs. That is not my opinion, nor is it the opinion of anybody connected with the industry, but it is the opinion of one of the most active and devoted social workers we have. Of course the sudden inflation of prices from 1916 onwards upset everything; but the rise in wages has been astonishing, and has affected many of the poorest and most backward parts of India.

5149. Having regard to the advance during the war of the cost of living, would you say wages are adequate to-day?—Just before I left there was a large increase in the wages of the mill operatives—our main labouring force—and I think every other employer of labour also very largely increased wages. It would be very hard to say whether they are absolutely adequate, but almost every reasonable effort has been made to make them adequate.

5150. That, of course, simply refers to the City of Bombay?—Mainly to the City of Bombay. You might also take Ahmedabad; there are only two or three manufacturing cities in Bombay—Bombay, Ahmedabad and Sholapur.

5151. Do you think the economic conditions which have obtained there for many years have been one of the contributory causes of this awakening?—No. Let me qualify that. I think the spectacle of low economic conditions has quickened in the minds of many Indian publicists and patriots a desire to take a more active part in a policy which will improve those economic conditions. I thought your question applied to specific operatives.

5152. No?—Then I will qualify my answer in that way.

5153. With regard to whether the Bill is sufficiently substantial, after what you said about this extraordinary development throughout Bombay—and I take it that as far as you know it would apply to other Provinces—do not you think that a substantial measure of responsibility might be given in the Central Government?—With regard to the Central Government everything hinges on the relation of the Central Government to Parliament. Under the reformed or revised constitution of India the main political questions in the Central Parliament will be fiscal and economic. Now if Parliament is going to force on that re-constituted Government, against the unanimous opinion of all members of that Government, English and Indian, a measure like the Excise Duty on cotton piece goods, I say you dare not contemplate any measure of responsibility because you would not get that policy carried out. If, on the other hand, Parliament is prepared to give the Government of India, as constituted, a reasonable freedom in dealing with these matters, I think we should approach that question of responsibility in a totally different manner, and I, personally, should rejoice if it were possible

Mr. *Spoor*—continued.

possible immediately to introduce an element of responsibility on those lines in the Government of India.

5154. You think that subject to those conditions responsibility might be safely introduced into the Central Government at once?—A measure of responsibility.

Major *Ormsby-Gore.*

5155. Am I to understand you think that the time has come when Parliament should give up its present powers over the Indian Budget?—Substantially, yes. I think it should content itself with the revising and criticising power.

5156. That is to say, you think the fiscal policy of India should be left to India, that is to say, to the Government of India and the Legislative Assembly, and should not be dictated by the Secretary of State in Council and Parliament?—Most emphatically.

5157. Would you look to keep both the theory and the fact that all the revenues of India are the property of the Secretary of State in Council?—I would rather look to the application of the theory itself.

5158. If you do away with the financial veto of the Council of India, which is the basis of its statutory power at present, do you think you could give it any other function which would attract the best type of Indians and the best type of Englishmen to serve on that Council?—It seems to be inevitable that during the evolutionary period of the Indian constitution the interest of Parliament must be quick and vivid in Indian affairs, much more so than in the past, and I think on this ground alone, amongst others, you would attract many of the best brains in India to the service of the Secretary of State's Council.

5159. If the Council were retained, would you be prepared to see half that Council consist of Indians and half of Englishmen?—Yes, I think I should.

5160. In regard to some other main recommendations of the Crewe Committee, do you agree with the proposed division of the India Office into two quite distinct halves, namely, agency services paid for by India and the political services paid for by the British taxpayer?—Entirely. I think the suggestion is one of extraordinary value. I think the more completely those agency duties are taken out of the India Office and placed under an independent authority responsible to the Government, the greater will be the dignity and the prestige and the influence on the India Office itself.

5161. That is to say, you would like to see the Government of India, quite apart from the Secretary of State, have a High Commissioner in London?—I should, charged with the functions suggested in the Report of the Crewe Committee.

5162. If the recommendation of the Crewe Committee, that where the Government of India and the Legislative Council agree there should be no interference by the Secretary of State, were carried out, would not that constitute a measure of advance towards responsible government in the Government of India?—It would.

5163. And that would be regarded and appreciated as such by the Indian people?—They must speak for themselves. I hope it would be, because that is the reasonable view to take.

5164. You do not think much attention has been paid hitherto to that important constitutional point?—No. The Report was issued after I left India.

5165. You spoke of economic development. Do you look forward in the next ten years to a considerable increase in the industrialisation of India?—I do, and I regard it as one of the most essential conditions to Indian progress. Without a considerable expansion of the manufacturing industries of India there can be no real progress in the country, for this reason: 70 per cent. of the population of India to-day is dependent upon agriculture. That agriculture is dependent, again, upon a most erratic rainfall. Every time the rainfall fails there is a tremendous social and economic disturbance of the whole of the affected area. We are moving towards much greater stability. I saw the famine districts of 1896 and the famine districts of 1899, and I hope I shall never see such sights again. Last year we had a failure of rain, I believe almost equal to, if not greater than, that of 1899, and if

Major *Ormsby-Gore*—continued.

you look at the figures which are published weekly, you will see an enormous reduction in the number of people who had to come for State relief. That reduction is due to several causes—the extension of irrigation, the rise in value of produce, which has raised the economic status of the people, but it is due in a very large degree to such development of industries as has occurred and which has absorbed a larger proportion of the agricultural population in time of need. The census population of Bombay is 900,000. When I left Bombay on the 3rd May, the Health Officer estimated that owing to the influx from the famine districts the actual population was 1,400,000, and there were no unemployed. The industry of the City had absorbed, without any demand for State aid, that overflow from the agricultural population brought about by the failure of the rains. In 1899 I visited the Ahmedabad district in the famine year, and the condition was too grievous for words. In 1911 there was an equal failure of the rain, but the whole of the surplus agricultural population was absorbed by the mill industry of Ahmedabad. When you consider this intimate relation between the growth of manufacturing industries and the social condition of the agricultural population, you must come to the conclusion that one of the greatest efforts in India must be made towards a considerable increase in manufacturing enterprise almost regardless of cost.

5166. Would you be prepared to transfer such subjects as factory legislation and labour welfare and housing to the popular side of the Government?—I should. There has been a very remarkable quickening of interest in social welfare of recent years.

5167. And you think that the suggestion that the higher castes do not take an interest in social questions but are merely interested in political questions is quite unfounded?—I would put it slightly differently. I would provide for the representation in the Councils of all interests, and then you need not bother about your higher castes or your lower castes. Those people will speak for themselves, and they will get their own point of view substantially recognised.

5168. Do you think under the Southborough Committee's proposals—take Bombay as an example—any of these industrial classes will get representation?—Direct representation, no, because they are unorganised but there is in the Southborough Committee's Report provision for the nomination of a representative of the industrial classes in Bombay. Although those classes are unorganised they are not without spokesmen. There is in particular the Social Service League, which is a branch of the Servants of India Society, whose members are doing work amongst the industrial community unsurpassed in any other part of the world. I can imagine those interests admirably represented by, say, a Social Service worker in daily contact with them.

5169. On the point of communal representation, do you ask us to give communal representation to any particular class or section of the community that is not to get it under the proposals of the Southborough Committee?—I do not want to go into details if I can help it, but I do ask you emphatically to recognise the principle that communal representation is a national, a democratic and a unifying force in the transitional stage of India.

Mr. *Bennett.*

5170. I think you did yourself rather less than justice, did you not, when you said that you spoke from a Bombay experience mainly? Is it not a fact that during the 22 years you have been in India you have had opportunities for seeing the whole of India and seeing Indian questions from an Indian point of view. You have travelled very largely in India?—I have visited every part of India, Burmah and Ceylon, and most parts of India many times, and have done my best to acquire a knowledge of its conditions.

5171. You have come into exceptionally close contact with official thought, with European thought and with Indian thought of all classes, have you not?—I would rather somebody else answered the question, but I think I have.

5172. I put that question in order that the Committee may estimate the weight of your evidence You

Mr. *Bennett*—continued.

have spoken of the enormous increase in the political life and consciousness of India that you have seen in that time: Is it not the case that a number of classes and interests, which in your earlier days in India took no part in politics, are now taking a very active part in them?—I think that is undoubtedly so.

5173. In fact, what has happened in India may be described in a word of Gambetta's—new social strata have been brought into political life?—I think that is absolutely so.

5174. It is the case that the commercial element and the manufacturing element of India, which held aloof from political movements a few years ago, now have a very active place?—It has a much more active place in all political movements.

5175. And it is the case, is it not, that not only a political sense has been largely developed, but a social sense?—Very much so.

5176. You would probably point as an illustration of it to the movement during the recent terrible epidemics, the organisation of a social service for the benefit of the stricken multitude in Bombay at that time?—I think you can take a field much wider than that. Those of us who went to India 22 years ago know that the official was then almost unaided in dealing with all forms of natural calamity—famine, plague or pestilence. Now, I think most officials will agree with me that they are able to call upon an amount of Indian volunteer effort which they could never have dreamt of getting hold of 20 years ago. We have also an organised society, like the Servants of India Society, and others, who are prepared as corporate bodies to take up this work. A very remarkable illustration was just before I left. A Hindu lady of high caste left Bombay to go through the famine-affected district of Katiawar to try to help the Purdah women who were suffering from the effects of famine. That was almost inconceivable 20 years ago.

5177. You spoke of Clause 28 in the Bill. I think you spoke with satisfaction of it. So far as its directions for inquiry into the working of the new system are concerned, do you regard that clause as going quite far enough? You notice this that one of the subjects of the Report is "whether, and to what extent, it is desirable to extend or modify the degree of responsible government then existing in any Province." Have you heard that section criticised?—The Bill was published after I left India, but on the general principle of these examinations by the Commission I think it is a most valuable provision, which should govern any recommendation on this question. Our difficulties in India are that our political life is much more static than dynamic. That must arise out of the conditions of the country. You have your governing body immensely busy with their everyday work, almost hopelessly overworked; you have no very large and articulate electorate pressing for reform; and without something in the form of a periodical revision Indian politics must develop rather by explosion than by evolution. I think we want to get rid of that now, and provide that after a certain period, whatever it may be, the Indian constitution should be re-examined by an independent body appointed by Parliament, and I would suggest that that body's powers should not be curtailed by any narrow reference to it or narrow description of its functions.

5178. Have you heard this criticism? The inquiry is limited to the extent to which it is desirable to extend or modify the degree of responsible government which is existing in any Province; have you heard the criticism that that excludes the consideration of whether in the Central Government any extension of power should be given?—I have not heard that specific point raised, but I should think it would be perfectly natural if it was raised.

Lord *Sinha.*] It has been.

Mr. *Bennett.*

5179. Do you agree with ten years being absolutely fixed as the time at which the inquiry is to take place? Do not matters move so rapidly in India that even before the ten years have expired we may be called upon to reconsider our position, and consider even then whether another step might be taken? You would not at the time, for instance, of the passing of the Morley-Minto Reforms have thought that it was possible that in six or seven years the question should be raised whether a radically different system of Government should not be applied to India? Things have moved very rapidly since the Morley-Minto Reform?—Very rapidly.

5180. When was their incompleteness for the necessities of India first discovered by those who did discover it? Some, of course, would say there was no such thing?—The Morley-Minto schemes were not accepted by the extremer element on their actual passage, and a certain movement began fairly quickly, but I should feel inclined to say it began to gather force just before the war, and, of course, gathered tremendously accelerated force during the war. Theoretically, there is nothing to be said for the fixed ten years. It may be desirable three or five years hence. Practically, I suggest there is a great deal to be said for a fixed period, provided it is not too far ahead. Otherwise, lacking that assurance, there will be an inevitable tendency for those who are dissatisfied with the existing system, to stimulate inquiry by expressions of discontent, whereas if they feel that within a certain reasonable period the work will be overhauled by a thoroughly independent body in close contact with the political life of India, they will be more prepared to say: "Let us work this scheme out together till that period comes."

5181. Do you think it would be a wise modification to say that a Commission should be instituted not later than ten years hence?—I think it would be.

5182. You are in favour of the women's vote not for universal application, I take it? Would you think that an enabling clause, empowering the various Local Legislatures, if they thought fit, to admit the women to the franchise would meet the necessities of the situation?—I think it would.

5183. An enabling clause?—Yes.

5184. The scheme provides for the separate representation of mill-owners. Are you altogether satisfied with separate representation of employers, when no specific provision is made for the representation of those whom they employ? Is not that likely to keep alive rather unsatisfactory controversies as between capital and labour?—I am strongly in favour of separate representation for the great industrial and commercial interests, which has been provided for in the Franchise Report. I am, because in the special conditions of India, and for the reasons which I have given, I regard industrial progress as one of the paramount aims to be attained in the immediate future. I think it would be most unwise to shut out of the Councils of the State at such a time specific representatives of those interests. After all they are a mere handful of the whole. I cannot conceive that such a small number would be likely to dominate the very large number of other interests which will be represented. If it were possible to represent labour I would unhesitatingly approve of it, but the trouble in India is that you have no organised labour body, and until that organised labour body is created on a substantial basis I think you must come down to nomination as provided for in the Southborough Committee's scheme.

5185. Have you thought of the possibility—it is a very remote possibility, I admit—of having the industries represented as a whole?—I have thought of it, but you are up against the difficulty of the peculiar floating character of your industrial population. As the Chairman of the Mill Owners' Association recently said, an agriculturist the Bombay operative was; an agriculturist he is; and an agriculturist he will remain; and a man who is never at his work continuously, who works for one year and then returns to his village, is very difficult to weld into any form of association of the character which you have in view. If I were an operative I would rather be represented by one of the social workers than by anybody I might be able directly to elect.

5186. Do you find in the political life of India any of that altruism which existed in England in the '40's, when, long before the vote had been given to the operative classes, the conditions of factory life in England were radically improved, mainly by the action of men belonging to the English aristocracy?

Do

Mr. *Bennett*—continued.

Do you find any altruistic feeling corresponding in any degree to that amongst the intelligentia, as they are called?—That the intelligentia are more interested in the economic condition of the operative classes than they were I think is an undoubted fact, but curiously enough the impetus to better economic conditions is coming from the employers themselves. I suppose it is rather *anathema maranatha* to say anything good of any employer, but if you study the conditions of factory life in the pages of the Report of the Industrial Commission they will tell you that in Madras Messrs. Binney and Company have set up almost ideal conditions for their operatives. I am assured by my friends from Bengal that the jute manufacturers of their own volition, and without any pressure either from public opinion or the State, have effected great sanitary improvements. In Bombay City there is a movement on foot to reduce hours by two per diem, and a considerable number of mill owners are now setting out to construct better quarters for their operatives. They are doing this without any assistance from the rates or from the State, and they are practically regarding as a bad debt every single penny that they spend on it, because labour cannot be well housed on an economic basis.

5187. They have been rather slow to arrive at that, have they not?—They have been slow—painfully slow—and the conditions are painfully bad, but the improvement is coming from within.

5188. We have heard from a number of witnesses here of the necessary unpopularity of the Minister of Finance. Do you agree that it is an invidious nad an odious task to levy taxation?—Taxation is always unpopular; but the ratio of taxation in India has been considerably increased in the last five years, and the Finance Member who was most responsible for it left amid somewhat flattering demonstrations of personal popularity.

5189. In India there is nothing worse than what in an old phrase was called "an ignorant impatience of taxation"?—I think not.

5190. In referring to the women's vote you said you would not like special provisions to be made for the women. That means, I take it, that you would make no special provision for Purdah ladies?—No; otherwise you lose the educative value of the vote.

5191. You wish the women to develop their political muscles, so to speak?—Yes; and to have the opportunity of developing them.

5192. With regard to the strength of the Moderate Party in India, will you say something about that?—It is a very difficult question to answer. If by strength you mean their hold on the country, at times of political excitement it is always the men who shout the loudest, who bulk most largely. I think Mr. Pickwick's advice is as true now as it was at the Eatanswill election; but that behind those manifestations of public activity the men who constitute what I call the Moderate Party in India do exercise a very great, and a very valuable, and a very strong influence on nearly all sections of the community, I think is perfectly true. But that influence cannot remain unless it gets practical expression. If you shut off their political creed from expression in the development of your constitution they are stalemated at once, and, naturally, public opinion will veer round to those who are apt to cry the loudest.

5193. We cannot by any means speak of it as a fixed quantity?—I think at the present time we should find it very difficult to speak of any political force as a fixed quantity.

5194. But you would hope that if a generous measure of reform were passed by Parliament the Moderate Party of India to-day would gather around them a very large public indeed?—I think so; perhaps not at the first election, but assuredly at the second.

5195. And if the measure were a seriously disappointing measure the Moderate Party would disappear altogether?—Inevitably.

Duke of *Northumberland.*

5196. What effect do you think the passing of this Bill will have on the influence which is exercised by the Extreme Party, the extreme element in India? Do you think they are likely to lose influence?—Those are theoretical questions which it is very hard to answer, but I do think behind all the political activity in India there is a very large concentration on the things which really matter—education and sanitation, co-operative credit, and industrial growth—and I think people are attaching increasing importance to those men who are engaged in that work. When you speak of the Extreme Party, they will either have to come forward and justify themselves as practical administrators engaged in practical questions or their influence will disappear. They will be put on their trial.

5197. At the end of your paper you speak about the Secretary of State's Council. You are opposed to the proposed advisory Council, but you want the present Secretary of State's Council to be reconstituted, I understand?—Yes.

5198. You say that: "The personnel should be drawn from the Indian Civil Service, and service at Whitehall should form a part of the Indian civilians' official career." Can you say why you consider the present Council unsatisfactory?—It is almost entirely composed of men who have retired from active service in India and have no intention of going back. Everybody admits the great changes that are taking place and yet the Secretary of State's advisers are mostly men immune from and cut off from the changes. Instead of taking a civilian at the end of his career, I would take a civilian when he had reached the grade, say, of a Secretary, let him serve three years on the Council, and go back as a member or as a Lieutenant-Governor. I think he would be a better member and a better Lieutenant-Governor because of it if the period were not too long; and the Secretary of State would be kept in actual contact with the conditions in India. Secondly, I cannot find any sound administrative canon which places the very wide administrative power vested in the Secretariat of the India Office in the hands of men who have never been to India, and are never likely to go to India, and who know nothing of Indian conditions. It seems to me that those duties would have a far better chance of being discharged satisfactorily by members of the Indian Civil Service, after 10 or 15 years' service, coming home and having three years here and then going back. If you go to the *argumentum ad hominem* and see how it applies to the present constitution of the India Office and the personnel of the India Office, it seems to me that the present position is very hard to justify.

Lord *Islington.*

5199. Following up that question, would not you say correspondingly it would be greatly to the advantage of the Indian Civil Service if by your system of interchange they could have contact with the political world of England?—An immense advantage.

5200 Of advantage to India?—Yes, and to the Service.

5201. They would go back in their turn with a corresponding amount of administrative efficiency?—And not only that, they would have been able to imbibe more closely the British political atmosphere than they could possibly do by coming home tired for short leave.

5202. Would you keep the recruitment the same or suggest the absorption of recruitment of the Service in the India Office in India?—I should say that the personnel of the India Office should be an integral part of the cadre of the Indian Civil Service.

5203. As to what form of examination recruitment would be made upon, you would leave that open?—Yes.

5204. But you would like to see it an integral part of the cadre to a greater extent than it is now?—Yes.

5205. It would hardly amount to an interchange really?—No.

5206. Your suggestion is going beyond even the suggestion of interchange; it is appointment?—Yes.

5207. It may be to the India Office or it may be to India?—Yes.

5208. It should be one and the same Service?—Yes, and the men may be serving at one time in Whitehall and at another time at Simla, Madras or Bombay.

5209. I would ask you one or two questions on the duality of government. You appreciate the disadvantages, and you recognise the superior virtues of a strong united government, but you have shown us quite clearly that you do not see any alternative. You say that you would like to see all questions, whether they

Lord *Islington*—continued.

be reserved subjects or transferred subjects, fully discussed in a united Government composed of the Ministers and the Executive Councillors?—By all questions I mean those which normally come before the Council.

5210. There would be many which would not come before the Council, and would be dealt with by the Minister in his Department?—Yes.

5211. Would you be prepared to go a step further in your desire to see unity of government and say that they should make their decisions in common, but at the same time that the Governor should have a definite instrument of instruction issued to him to see that in the end the transferred subjects should obtain on the one side and the reserved subjects should obtain on the other?—It seems to me that there you would be cutting away the essential principles of diarchy.

5212. No; I have not got in my mind that I am cutting away the essential effect that you want to see produced by diarchy. I am trying to cut away all the arrangements before that result. What you want to get is the result?—Yes. Theoretically I am entirely with you. I think it is a good thing. I have an immense faith in the common sense of the average man, and I think if you have four men sitting round a table under a Governor, discussing these matters on terms of equality, in 99 cases out of 100 you will come to a decision by that means.

5213. You have answered the very question I was going to put to you, that in 99 cases out of 100 the mere fact of discussing it will bring it to an agreed conclusion?—Yes.

5214. Now you have to deal with the hundredth case?—In the hundredth case under your proposal the Governor's decision, in consultation with whichever side is concerned would be final.

5215. Would you be prepared to see the machinery in operation on those lines?—That is one of those points upon which I think only those with an experience of administration which I cannot pretend to can express a competent opinion.

5216. You said you would like to see all members of the Government enjoying an identical status and position—Ministers or members of the Council?—I should. But would you allow me to say one sentence in addition?

5217. One question first. Would you agree to all members of the Council holding office during pleasure?—I would. I regard it as absolutely essential to the working of the scheme that the pay, position, status and prestige of members of the Council and Ministers should be identical.

5218. And tenure of office?—Yes. Once you have this principle of equality established your chances of coming to a common decision are enormously increased, because there is never any question of prestige coming in. At the same time I am frankly appalled at the expense of adding to the top of the administration, when your lower grades are badly paid, this increased expenditure.

5219. It is contended that if you give the power to the Governor to dismiss a member of the Council it would affect the status and prestige of the member of the Civil Service who occupied the appointment; but would you say that would be mitigated if the Governor should have that power, subject to the assent of the Secretary of State?—With right of appeal.

5220. You say in answer 8 of your answers, that you would give power to the Governor to dissolve the Legislative Council provided that there is established a Standing Committee of Parliament on Indian affairs. What do you mean by that?—I think Indian opinion has been focussed unduly upon what I call the mandatory sides of the scheme, regardless of the fact that we hope they will very rarely come into operation. But if Indian opinion was assured that there was always an informed body of Parliament reflecting the dominant temper in politics, taking a keen interest in Indian politics and Indian affairs here, and that any Governor exercising his powers in an arbitrary manner would have substantially to justify himself to this parliamentary body, I think it would very much reduce the fear of these necessary powers in the Indian mind. That is one reason. My other reason is that I think Parliament will be bound to be in the next ten years much more keenly interested in Indian politics than it has been in the past, and I think it will be an enormous advantage to India to have a small standing body representing both Houses, who are specially studying Indian questions and who reflect the opinion of all parties in Parliament.

5221. It is argued by some that such a body would tend to become the recipient of every fad and agitating movement in India, and might be misguided by the advice which would come in volume from India in that direction. What would you say to that?—Provided that the proposed powers are conferred upon the Provincial and the Imperial Governments in India, I am unmoved by it.

5222. You think that the Legislature should have substantial powers for voting supplies. Do you think that it should always rest with Ministers to introduce fresh taxation?—Personally, I do not think it should. I think if fresh taxation were wanted for the administration of a reserved subject it should be the duty of the member of Council in charge of that branch of the administration to come out and justify it. I want to throw upon the members of Council, and equally upon Ministers, the need for economy and efficiency in the administration.

5223. But now do not you think it is essential in starting a scheme of constitutional government, that, as regard finance, all finance should be in the hands of one responsible Minister fully possessed of a financial department to advise him?—I do.

5224. Do you suggest that in all matters of taxation the Minister, who would have to submit those proposals to the Legislative Council, should be the Minister for Finance?—Under the scheme, I take it that finance would not be a ministerial charge or a transferred subject.

5225. I was coming to that point in a moment, but would you say that in all matters of Finance, including, of course, matters which entail the proposals for additional taxation, they should be submitted on behalf of the Government to the Legislative Council by a responsible Minister?—I do not think I should be prepared to go to that extent. I think that, as regards Provincial Finance particularly, being an exceedingly technical subject, until we get some experience, it will be unfair to charge a Minister with the administration of it, and I think that it is eminently one of those responsibilities which, in the transitional state, an experienced civilian is obviously marked out to discharge. At the same time I do not regard it as inconsistent with the scheme put forward that if a Minister wants additional revenue for a specific purpose he should come before the Council and justify it.

5226. He could actually come down with his Bill for that particular increase of taxation?—Yes.

5227. The Minister for Education, for instance, if he wants more money for education, you suggest a scheme by which he should go down and ask for additional taxation of an *ad hoc* character?—Of a special character.

5228. Do you think that would lead to a good system of finance?—The principle of taxation will be worked out in common. It would only be the presentation of the decision of the government, as constituted, to the Legislative Council for their acceptance or rejection.

5229. That would be in its very extreme form an unprecedented method of government, would it not, in any country?—I think it would, but then our conditions are unprecedented.

5230. Can you see any reason why such an unprecedented method should be introduced into India?—I do. I think it is essential to the theory of responsibility laid down in the Bill.

5231. I will not press you further. You say you do not like a scheme of contributions from the Provinces to the revenues of India, and that each should raise their own; you, in other words, would prefer to see the Imperialised scheme of divided heads?—Oh, no; I wish to see the whole of our present Provincial revenues by successive stages made over to the Provinces for their sole user.

5232. I quite see that?—The Provinces will want that money.

5233. I want to see how you would get the Imperial revenue?—That would be developed in two ways. They would develop their existing sources of taxation.

5234. Which would be?—Customs, Railways, Salt, Post and Telegraphs, Income Tax.

5235. Have

Lord *Ishngton*—continued.

5235. Have you any idea what proportion that would be towards the amount they require for their central purposes?—I think, roughly, the existing requirements of the Central Government are about £60,000,000. I have not had the papers to work it out, but I imagine there would be considerable possibilities of economies in the Central Government, and the Central Government ought to be given a strong incentive to economise by having to raise its own revenues. Moreover, I think we can quite easily add to the revenues of the Imperial Government by an increase in the Customs Duty and a steeper grading of the Income Tax.

5236. And you do not think that that method would tend towards making the raising of the Imperial revenues very unpopular amongst the ordinary taxpayers in the Provinces?—No; I think it would be far less unpopular than the present system, where the Imperial Government raises revenues from the Province on a basis which nobody attempts to justify, least of all the most eminent financier who has advised this Committee. Everybody knows the system is bad, everybody knows it is inequitable, and everybody knows that you cannot make it equitable without a dislocation of Provincial finance, which the Committee that is proposed to be set up would not dare to do. The only way to make it equitable is to say to the Province: there are your revenues; you must spend them. If you want more money for your ameliorative agencies, you must take it out of your own people in your own way, but you are not to have that money by paying a smaller share to the Imperial Government than Provinces which are infinitely poorer than you are called upon to do.

5237. Are you satisfied that it is impossible to adjust on a more equitable basis the contributions of the Provinces?—I think when you came to put it on an equitable basis the Provinces which have underpaid would have their whole financial basis rudely disturbed.

5238. You are very anxious to see industrial development?—I am.

5239. You regard that as almost as important as the scheme of reforms?—Almost more. I regard the two as inseparable.

5240. Would you say that if it is to be successful it must be by the combined and co-operative effort of Europeans and Indians together?—I think so, and I think that is proved by the fact that wherever Indian capital under Indian management launches out into a big enterprise they are only too glad to secure the best brains wherever they can get them.

5241. Would you like to see the starting of new enterprises and the extension of existing ones in the hands of the Provincial Governments? I am not talking of social conditions now, but purely of enterprise?—Substantially I would; yes.

5242. So far as Government has to interfere with enterprise?—Yes.

5243. You would like to see that substantially in the hands of the Provincial Government?—Yes; because it is impossible to centralise without inefficiency, waste, delay, and—I do not wish to use too strong a word—exasperation.

5244. To that extent you would not agree with the Report of the Industrial Commission?—I do not. I hold very strongly that the functions of the Imperial Government in industry should be primarily the functions of research and co-ordination, but the function of administration should be entirely Provincial, very much as we work our agricultural experiments to-day.

5245. Would you say the Government of India in the past decades has been an active and enterprising promoter of industrial enterprise in ndia?—I should not say it had, but I should say it has done infinitely more than people will give it credit for. I think if you ask any of the promoters of the major modern industries in India they will agree.

5246. You would like to see it handed over to the Provinces?—Yes.

5247. Those enterprises will require capital?—Yes.

5248. A great deal can be raised in the Provinces?—Yes.

5249. By combined efforts of Europeans and Indians; but more capital will be required, and therefore certain guidance and help and assistance will be required from outside the Province. Would you

Lord *Islington*—continued.

approve of a scheme by which that guidance, assistance and control should be transferred to a reformed India Office rather than to the Government of India?—No, I should not.

5250. Could you give your reasons for that?—I think it is essential, in order to maintain confidence in the enterprise, confidence in the capitalists, and to get reasonable expedition, that these enterprises shall be practically solely controlled by the Province in which they are situated. I do not think enterprise will wait for enormous delays, nor do I think it is necessary in order to secure such influx either of British capital or British brains as are necessary for the development of Indian industry.

5251. Would you make it exclusive to the Province?—Yes.

5252. Removing all the control of the Government of India from it?—Yes. I would keep to the Government of India the powers of co-ordination and research. You cannot provincialise research, because you cannot afford it, nor could you have two different Provinces setting up competing model factories; but beyond that the assistance of industry should be transferred to the Provinces.

5253. So far as the Government controls it, would you suggest that the control should be on the transferred side or the reserved side?—I should feel inclined to say it should be on the transferred side. I think it is one of those questions which can be transferred under the scheme set up.

Lord *Sinha.*

5254. You said with regard to the members of Council that their position should be in every respect the same as that of the Ministers, and *vice versa.* The position of Ministers with regard to pay, emoluments, status, tenure of office, and so on, should be the same as members of Council?—Yes.

5255. That is to say, the members of the Executive Council should hold office during the pleasure of the Governor. You said something about the right of appeal. Of course, Ministers have not the right of appeal. Would you give the members of Council the right of appeal when, as a matter of fact, the result of their ceasing to be members of Council would be that they would revert to their substantive position in the Indian Civil Service? That is the only effect of it. They are only seconded for the membership. If the Governor does not want them they revert to their ordinary position in the Indian Civil Service. Would you in that case give them the right of appeal, because that would differentiate the position of members of Council from that of Ministers?—Their whole position must essentially be different. In one case you are taking a man from a Service in which he has nothing to look forward to beyond his pay and pension; in the other case you are taking a man who has made his mark in public life, and who has probably got his own sources of revenue and income totally independent of his official position.

5256. I agree that if the Governor's not wanting a member means discharge from the Service he ought to have the right of appeal, as he would have in every case if he were discharged or dismissed; but if it only means that he gives up his position as a member and goes back to his previous position in the Service, would you still give him the right of appeal?—I would give him the right of appeal for the sake of its practical advantages. It would be invaluable in protecting the services during the time of transition.

5257. In other words, in giving a member a greater sense of security?—Yes.

5258. Of course, you remember the third formula in the Joint Report about the Central Government not being affected by the changes proposed? Of course, that formula, like every other portion of the Report, was offered for criticism?—Yes.

5258A. The criticism might have the effect of reducing the scheme or of enlarging it, including the Central Government. You have either read or heard that nearly the whole of the Indian evidence before this Committee with regard to the Central Government suggests that there should be some element of responsibility introduced into the Central Government?—Yes.

5259. Is

Lord *Sinha*—continued.

5259. Is your opinion about the Central Government based on the formula in the Report which says that until the experiment in the Provinces has justified itself nothing is to be done to the Central Government, and that the Central Government is to remain solely responsible to Parliament?—It is based on two reasons. It is based on the personal conviction that what is really going to matter to India in the next few years is not the Imperial Government, but the Provincial Governments. I think once this scheme gets to work Indian publicists will realise to a degree to which they do not realise it to-day that their vital connection will be with the Provincial Government, and it is to that that they will look for activity and progress in all those things which really count. That is one thing. Secondly, it is based substantially on the formula laid down, particularly responsibility to Parliament and to the working out of the system. My own personal view, for what it is worth, is that the Government of India, if it has no real freedom in fiscal and economic questions, will matter very much less to the life and growth of India than the Provinces which are going to be placed so substantially under the influence of Indian opinion. But that Indian opinion is almost unanimous in desiring some element of responsibility in the Government of India I entirely agree.

Lord *Sinha*—continued.

5260. Do you agree with the view that to the extent that Parliament relaxes its control over the Central Government, that control should be vested in the Legislative Assembly?—I do; or, rather, I would say that the control should be vested in the Representative Institutions, because I look for a Senate as well as a Legislative Council.

5261. The Indian Legislature?—Yes.

5262. And to the extent that control is made over to the Indian Legislature it should be exercised through Ministers responsible to the Indian Legislature?—Yes.

5263. May I take it that if, and when, Parliament does relax any portion of its control over the Government of India the element of responsibility should be introduced as in the Provinces?—Yes.

5264. Having regard to the practically unanimous expression of Indian opinion, is it your view that if the element is introduced now, in however small a form, it would help the working of the scheme, inasmuch as it would promote an atmosphere of friendliness and co-operation?—It is.

Chairman.] Thank you.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

MR. V. CHAKKARI CHETTY, B.A., B.L., MR. P. CHENCHIAH, B.A., M.L., and MR. B. P. WADIA, called in; and Examined as follows:—

Chairman.

5265. You gentlemen, I think, are representing the Madras Presidency Association?—(Mr. *Chetty.*) Yes.

5266. And you have been good enough to furnish the Joint Select Committee with a Memorandum which we have all had (see Appendix O)?—Yes.

5267. Perhaps you would like to supplement that Memorandum by a statement?—Yes. My Lord, there are two important matters which I, on behalf of the association of which I have the honour to be the official secretary, should like to place before your Lordship's Committee. The first question, a question which has been much canvassed before your Lordship's Committee, is that of the relations subsisting between the Brahmins and the non-Brahmins in our Presidency, and the resulting effect of these relations upon the representation of the various communities of our Presidency. In the second place, I should like to say only a few words upon the general question of constitutional reform which your Lordship's Committee is considering here. On the latter question I do not propose to take up much of your Lordship's time, as the views of our association are in general agreement with those put forward by the leading political organisations of our country, namely, the National Congress and the various Home Rule Leagues. Therefore, I wish to confine myself only to a few general observations on the latter subject. Our association, the Madras Presidency Association, is an association consisting of those people whom one of the witnesses before your Lordship's Committee stigmatised as pro-Brahmin, non-Brahmins, and I wish to plead guilty——

5268. I think I would say described?—Described—yes; but I thought there was a stigma attached to this description. I plead to a certain extent, if it is a charge, guilty to this charge, because from the very inception of our association we have been placing before us the ideal of co-operation and harmony between the several communities of our Presidency. Some of the most important leaders of our association have been from the very beginning associated with the Indian National Congress. Our President, the Dewan Bahadur Kesava Pillai, was a member of the Congress from the very beginning, with other leaders of the South Indian Liberal Federation. Therefore it was not possible for them suddenly, in the latter part of 1916 and in the beginning of 1917, to turn their backs upon an association like the National Congress, with which they had been identified from the very beginning. Therefore, the association stands, in the first instance, for supporting the general aims and views of the Indian National Congress, and in the second place, owing to the exigencies of political controversy in our Presidency, as practical politicians we have been obliged to put forward the view of communal representation,

Chairman—continued.

which is a *via media* between the views put forward by the South Indian Liberal Federation, which demands communal electorates for the representation of the non-Brahmins, and the views of those extreme people in the National Congress who say that the very principle of communal representation is outrageous, and should not be introduced at the very outset of responsible government in our country. Our association has a large number of very influential and important men, and it has held conferences all over the Presidency in important centres, putting forward the views that I have just now placed before your Lordship's Committee. Therefore, I should humbly submit to your Lordships' Committee that we do have the right to represent our views before this Committee as the views of a considerable section of the non-Brahmins. Some of our members, the more enthusiastic among them, would even go further and say that we represent a larger section of the non-Brahmin communities than the other associations, but I shall be content to say that we at least represent 13½ millions of the 27 millions of the non-Brahmins of our Presidency, leaving the other associations to represent the rest, namely, the other 13½ millions.

I wish now to say one or two words with regard to the next question, the relations subsisting between the Brahmins on the one hand and the Panchamas on the other, and then the relations subsisting between the Brahmins on the one hand and the non-Brahmin Hindoos on the other hand. It is to me a travesty of the facts to maintain, as has been done by some of the witnesses, that the Brahmin is a tyrant, and is the villain of the play, and that the poor Panchamas in the outlying villages of our Presidency are being victimised by the oppression of the Brahmins. As I have stated already in my Memorandum, the social conditions prevailing in the Presidency and the basis of the Hindoo polity are responsible for the social conditions which cannot be traced to any definite source or authority within living memory. They extend to times far beyond living memory, and therefore to fasten responsibility upon any particular community at this juncture of our national history seems to me, to say the least about it, unfair to them. On the contrary, I must confess I regret that the conditions prevailing among the Panchamas are traceable, if we are going to fasten responsibility on any community, to both the Brahmins and the non-Brahmins. Both of them have left many things undone which they ought to have done, and they have done many things which they ought not to have done. I am quite frank in my statement with regard to this matter, but I am unwilling, and my Association supports me, when I state that

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Chairman—continued.

that the responsibility is not to be fastened solely upon the Brahmins of our Presidency. On the contrary, I have been myself a social worker—I have been myself a member of several social service organisations, and I am glad to acknowledge before this Committee that the Brahmins of our Presidency in the last ten years have become fully alive to their responsibilities, and have extended the right hand of fellowship to the Panchamas in the slums. In the social service organisation to which I have the honour to belong, there are many Brahmin men who do not hesitate to go into the cherris, as the slums in our part of the Presidency are called, and to do all they can to alleviate the misery and distress there. This association, this social service league in the City of Madras, is to-day presided over by one of the Brahmin judges of the Madras High Court, and the communities in Madras would witness to the fact that he and his fellow Brahmins in the league have been rendering meritorious service to the cause of the Panchamas in our city. Then again, we have the Social Reform Association, a very large and influential association, in our Presidency, which was for many years presided over by Sir C. Sankaran Nair. After him, the Presidentship went to the present Advocate-General of Madras, who is a Brahmin gentleman. He is a very strong supporter of social reforms, and I believe against him no charge of Brahmin prejudice has ever been brought forward by even the most enthusiastic elements of the non-Brahmin movement in our Presidency.

Then again it was represented by one witness that the feeling of caste was on the increase in our Presidency. My Lord, I cannot help feeling that this statement is a mere argument of despair, and is quite contrary to the impartial testimony of both Europeans and Indians alike. It seems to me that that statement could not have been made except in the circumstances in which the South Indian Liberal Federation finds itself. To-day there are conferences held in various parts of the country, and such conferences are being held in which Brahmins and non-Brahmins have sat down together for a common meal. I myself as a non-Brahmin attended many sessions of the National Congress, and many provincial and district conferences in our Presidency, and the Brahmins of our Presidency coming there, members of the most orthodox families, have not hesitated to sit down with me and take their food. Therefore, it seems to me that to maintain that the caste system is on the increase, especially in the political field, is not a correct representation of the facts.

Now, in this connection I should like to say one word with regard to the alleged connection between the Home Rule Movement and the Varnashrama Dharma movement. So far as my knowledge goes, there is hardly a single Brahmin of any eminence in the political life of our Presidency who has given any countenance whatever to the Varnashrama Dharma movement in our Presidency. On the contrary, I think these people, reactionaries as they are, have held meetings to extol the past glories of our country and to bring back the caste system at least in a modified form to suit the conditions of advancing civilisation, because, my Lord, even the Varnashrama Dharma cannot go back to what they call the pristine beauty of the ancient Indian polity; they must yield to the expanding necessities of our times. I say that not a single Brahmin in the political field has ever appeared upon the Varnashrama Dharma platform, but, on the contrary, they have systematically discountenanced it, and I may say, in justice to the Home Rulers, that for example Mrs. Besant, who represented the Home Rule movement in Madras, and her paper, "New India," have definitely and openly disassociated themselves from the Varnashrama Dharma movement; so much so that the reactionaries in the social field have charged the Home Rulers with being anti-Hindoo and anti-national, and they have said that for the sake of political advancement these Home Rulers have denied their Brahminism and their Hindoo traditions.

I have pointed out these facts to your Lordship and your Lordship's Committee, but many of the statements which have been made before this Committee are

Chairman—continued.

not true. My Lord, I wish to point out one or two facts with regard to the elections that have been held. The President of our Association, the Dewan Bahadur Kesava Pillai, was for two terms a member of the Madras Legislative Council, and when the last election took place he was not returned. When he appeared before Lord Southborough's Franchise Committee in Madras he was asked the question by a co-opted member of the Committee whether it was not because he was a non-Brahmin that he was defeated at the last election, and I should like to place before your Lordships' Committee the answer that our President gave to this question. He said that it was not because he was a non-Brahmin that he was defeated, but the election turned upon inter-district prejudices and claims; he belonged to one district, and the candidate ultimately returned was a man belonging to another district, and therefore it was rivalry between the two districts; but many Brahmins voted for him and many non-Brahmins voted for the successful Brahmin candidate. In 1912, when the election took place for the Madras Corporation, the man who was returned was a Brahmin, but Dr. Nair, who was at that time in the Corporation, and who subsequently led the non-Brahmin movement in the South Indian Liberal Association with such conspicuous ability, voted for the Brahmin candidate. It was said of him in those days that he was the most zealous supporter of Brahminical claims in our Presidency. Therefore, my Lord, it cannot be contended that things are so ugly, so irretrievably bad in our Presidency that we should fall back upon the device of forming a communal electorate for the representation of the non-Brahmin communities of our Presidency. When this question was mooted by some of the non-Brahmin leaders in our Presidency our people knew that this would act as a barrier in the way of the solidarity of national feeling, and that it would segregate the Brahmins and non-Brahmins in watertight compartments. Therefore, we said that we would neither take the side of those who advocated communal representation altogether nor the side of those who wanted communal electorates. Therefore, we met the Brahmins in various conferences and arrived at a compromise.

5269. You met whom?—Well, there was the Madras Presidency Association, which I have the honour to represent, and among other important bodies there was the Madras Congress Committee and the Home Rule League. We met those bodies and discussed this matter, and then we reached this compromise—namely, that while we discountenanced the creation of communal electorates for the representation of the non-Brahmin communities, we ought to have general territorial electorates in which a certain number of seats should be assigned to the non-Brahmins, or a certain restriction placed upon the possible number of Brahmins who would be returned by the general electorates to the Legislative Council. That was the view which our Association took, a view which we pressed before His Excellency the Viceroy and Mr. Montagu when they came to Madras, and which we also pressed before the Franchise Committee when we attended before them and gave our evidence. My Lord, that is in a few words the position of our Association with regard to this question of Brahmin and non-Brahmin.

5270. Which of those two alternatives do you prefer?—So far as our Association has said anything definitely (I have got the resolution of the Association here, which is embodied in the Memorandum I sent to your Lordship's Committee) our Association has said that the Presidency of Madras should be divided into twelve general territorial electorates returning nine members each, and we have said that of these not more than two should be Brahmins.

5271. In each constituency?—That is so. That is the resolution as it stands among the resolutions passed by our Conference during the last session, and this is, as I have stated, the device we have formed in order to obviate the necessity of having general communal electorates. We believe that when the scheme of our Association is put forward the non-Brahmins would be in an even more advantageous position, and while avoiding the defects of communal representation it would bring to the same political platform

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Chairman—continued.

Brahmins and non-Brahmins alike, and thereby pave the way for a closer understanding of the two communities.

We also put forward another suggestion before the Franchise Committee. We think, after all, in the increasing democratisation of our political institutions which will take place certainly under the reform scheme which your Lordship's Committee are going to suggest to Parliament, the necessity of communal representation, even on the basis we have put forward, will gradually disappear, because I believe, and my Association will support me, when I say that hereafter elections will not be fought upon a purely communal basis. If, for example, in the more politically minded districts of our Presidency an election took place under the new reform scheme, I strongly believe that a man will not be elected because he is a Brahmin or because he is a non-Brahmin; the election is surely going to be run on political principles. By the people in such a district the question would be asked whether the candidate is a Radical or a Conservative, and if it is a Radical district I am quite sure that the non-Brahmin Radical has a better chance of being returned by even the Brahmins than a Brahmin Conservative. Therefore, it seems to me that this device of communal representation under general electorates will have a definite place only for a temporary period until the revision of the constitution takes place after ten years as suggested in the Report and in the Bill. Then the whole question will have to be reviewed, and it will have to be altogether removed from the Rules which may be framed under the Bill.

I desire to add only one or two words about the general question of reforms. As someone has said, all the Indian representatives have been forced to acknowledge the necessity of diarchy in the present circumstances of political life, at least in England. There are many Congress men in our Association who, so far as the Provinces are concerned, would not consent to diarchy, but as practical politicians they know that diarchy is a thing we cannot dispense with. Therefore, in regard to Provincial Government, our Association is in favour of transferring all subjects, including land revenue, as Sir Sankaran Nair's Dissenting Minute has conclusively shown. With the exception of law, justice and order, our Association is in favour of transferring all other subjects. In the second place, our Association is in favour, like other Associations, of introducing the principle of transferred and reserved subjects in the Central Government. We think that the pronouncement of the 20th August, 1917, is quite in consonance with the simultaneous advance in the Central Government, and if such an advance is not made our Association thinks that the spirit and intention of the announcement would not be carried into effect. Therefore, our Association prays that this Committee may recommend the introduction of a certain measure and element of responsibility in the Central Government. We are also in favour of lowering the franchise so that a larger number of electors than was recommended by the Madras Government and the Franchise Committee may be brought on to the electoral roll; we are in favour of reducing the franchise to such an extent that wage-earners may come in. I may say to your Lordship, and to your Lordship's Committee that as has already been said by Mr. Wadia in his evidence as the representative and as the head of the labour organisation in Madras, the non-Brahmin operatives in the various mills of our Province have no grievance in any sense against the Brahmins. They are anxious that the country should take an important place amongst the nations of the world, and I believe from my knowledge of the operatives, because I have moved about amongst them and have taken part in many of their meetings, that they are seriously anxious that these vexed questions of Brahmin and non-Brahmin should not disturb the even tenor of national life in our country, and they would be quite prepared to discharge any responsibility that the British Parliament might entrust to them under the reform scheme.

5272. You endorse Mr. Wadia's evidence?—I heartily endorse Mr. Wadia's statement. Then, again, my

Chairman—continued.

Lord, as a liberal and as a democrat, I, with the members of our Association, am heartily in favour of the enfranchisement of women, and I support heartily Mrs. Sorojini Naidu's statement before your Lordship's Committee, that women should be given the vote. In our Presidency, except among the Mohammedans, there is no restriction placed upon the free movement of women. Brahmin as well as non-Brahmin women go about freely; there is no purdah among them, and I have attended many conferences which women have attended along with men. We had last year a conference at which the question was keenly debated, and many women present there took part in the discussion and voted according to their judgment upon the questions submitted. Therefore, speaking on behalf of my Presidency and my Association, I would strongly recommend the franchise for women, which has been so ably put forward before your Lordship's Committee by Mrs. Sorojini Naidu.

Those are the only things I wish to say, but in conclusion I may be permitted to make an additional reference so that your Lordship's Committee may be in a position to appraise the state of feeling with regard to social matters in our Presidency. My learned friend to the left and myself are both by birth Hindoos, not Hindoos in faith; we are Christians in faith, and my friend to the right is a Parsee. Although we differ from the majority of the members of our Association, who are non-Brahmin Hindoos, in certain of these higher religious and speculative questions, they have not thought it fit to distrust us, but they have sent us here believing that we will do justice to the claims of the non-Brahmin Hindoo communities. This itself will prove to your Lordship's Committee how the various communities of our Presidency are rapidly rising above distinctions of creed and caste, and are trying to join hands for the well-being of their country. My Lord, that is the statement which I have to make before your Lordship's Committee.

5273. We have already had the pleasure of hearing Mr. Wadia's statement, but do you wish to add anything by way of supplement, Mr. Chenchiah?—(Mr. *Chenchiah.*) With your Lordship's permission, I should like to say a few words, and I would like to restrict my remarks to the Telugu area, which consists of twelve districts to the north of Madras, as I am acquainted with the conditions there. The relation between Brahmins and non-Brahmins in the Telugu area is more cordial and harmonious than it is in the South. Although there have been many conferences, both of the Provincial Congress Committee and of the Andhra Conference, I do not think the question of communal representation has been discussed in any of these conferences. An attempt was once made, but it was not pressed home. The real living issue in that area is not the communal representation question, but the question of separate Province for the language area. I may also state that the proposals which are made in our Memorandum as to retaining general electorates and to securing some seats for the non-Brahmins will meet with large acceptance at the Brahmins and non-Brahmins in the Telugu area.

I should like also to refer to one or two remarks which have been made with reference to the Telugu districts. The charge is brought against the Brahmin that with regard to political matters he is closely associated with the Varnasrahma Dharma movement. As far as the Telugu countries go I may speak with some confidence when I say that there is not a single leader, either Brahmin or non-Brahmin, who has anything to do with the Varnashrama Dharma movement. It has no following in the Telugu country, and with regard to the non-Brahmin movement itself it was initiated in the south, and through some propagandist work which has been carried out, it has met with some response in our country, but the response has not been very great because, as I have already stated, the real living problem is the one of the constitution of a separate Province, and not the question of communal representation. The remark has also been made that in the Telugu countries the Brahmin does not pay the taxes, because he holds Inams, which are tax free. These Inams were granted by the

ancient

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Chairman—continued.

ancient rajahs, irrespective of the caste of the holder. With regard to the water tax, to which a reference has been made in the evidence, they were free of water tax because the new irrigation system introduced by the British Government has deprived these lands of their original source of water supply. The whole question has no relation to the holder being a Brahmin or a non-Brahmin, but has relation to the services which they have rendered to the ancient rajahs.

The last remark I should like to make is that my Telugu people would strongly resent any attempt to segregate the non-Brahmins from the Brahmins, but would endorse any scheme which, without dividing them into two separate camps, safeguards the interests of the non-Brahmins, and the scheme we have suggested, we believe, would meet the needs of both the Brahmins and the non-Brahmins.

Chairman.] We are much obliged to you, gentlemen; if I may say so, you have made your position quite clear; thank you.

(The Witnesses are directed to withdraw.)

MR. B. V. JADHAV is called in; and Examined, as follows:—

Chairman.

5274. I believe, Mr. Jadhav, you have come to speak for the famous Mahratta people?—Yes, and other backward classes, my Lord.

5275. You are Vice-President of the Mahratta League?—I am.

5276. You are also speaking for the Deccan Ryots Association?—Yes.

5277. You have been good enough to send in a Memorandum (see Appendix R) which has not yet reached the Committee, but of which, I can assure you, every member of the Committee will have a copy, and it will be carefully studied. This is your opportunity for making any statement in supplement of that Memorandum if you wish to do so?—I do not think it necessary to say much upon that point, because I have made myself clear, and my friends here who have been examined before me also have made the position clear. The condition of the Bombay Presidency is rather a peculiar one. It is not a homogeneous Presidency, and the two divisions, Sindh and Gujerat, are quite distinct from the Deccan divisions, the Central Division and the Southern Division. There is one district called the Thana district in the Northern Division which is part and parcel of the Deccan division, but for the convenience of administration, or perhaps because there were fewer districts in the Northern Division, it was attached to it, so that the condition of this Thana district ought to be taken into consideration along with the Central Division and the Southern Division districts. In this district the Mahrattas and other backward communities are very backward indeed, as can be seen from their educational progress. There are barely 2 per cent. of literates, and so their condition is rather bad, and they require some special handling. I have given in my Memorandum why the questions are so different with regard to them from the questions with regard to advanced communities.

5278. You would not call all Mahrattas a backward community, would you?—There are amongst the Mahrattas gentlemen who are learned and educated, there is no doubt, but the community as a whole is very different, and I beg to observe and bring to your Lordships' notice that the case of the Mahratta is a case by itself. It is known under two designations, the Mahratta and the Kunbi. Really they are one and the same community, and the Mahrattas and the Kunbis ought to be classed together, as the Honourable Mr. Carmichael said in his Note. There are other communities, too, which are very akin to them, which have the same conditions of life and conditions of work and conditions of education and so on, and what I propose on behalf of the Mahratta League, and on behalf of the Deccan Ryots Association, is that they should be given a certain protection in the electorates. They do not ask for any communal seats or communal representation at all, but that they should have reserved to them certain seats in the general electorates, so that on the electoral roll, in case any of them did not succeed at the polls, some consideration should be shown to them, and although they did not secure the maximum number of votes they should be considered as elected for a few years; I may say one or two elections, and that is all. It will not be necessary to have that concession extended for a longer period.

Chairman—continued.

5279. How many reserve seats do you ask for?—I have made the answer, about 30 per cent., because our population is over 80 per cent. agricultural, and if 30 per cent. seats were reserved from the non-Mohammedan rural constituencies, that will suffice for the present. Of course, they will have the opportunity to contest seats in the general electorate, and if they organise themselves properly in the near future perhaps they will secure a larger number of seats in proportion to their numbers and importance. I do not want to have any communal representation, and I am not going to ask for that. Two members of the Franchise Committee, Mr. Hailey and Mr. Hogg, have also recommended that, and I think the arguments advanced by them, and the advantages they have shown for those reserved seats, will be convincing to your Lordships, and your Lordships will therefore extend that concession to these backward communities. They want certain leaders to lead them forward, and this is the only way in which these leaders can come forward and assert themselves. If they are elected to the Council for the first one or two elections by a fewer number of votes than others, then they will be looked upon as their leaders, and they will be able to organise that body, and henceforward, after some ten years, such a concession will not be necessary, and they will be able to stand shoulder to shoulder with other advanced communities. In this way I am not asking for any distinctions for Mahrattas and non-Mahrattas. Of course, the Mahrattas have done greater service to the Empire; they have fought the battles of the Empire and supplied the labour market and so on, and they form a very important community, and their historical importance, too, is not small. Other communities also, I hope, will be given that advantage along with them. I pray your Lordships not to make any distinction between Mahrattas and non-Mahrattas, but to take the backward communities together. By "backward" I mean backward in education, and all those whose education is below 10 per cent., say, ought to be classed as backward, and they should be given some certain percentage of reserved seats.

5280. Would the whole community for which you are speaking be agricultural?—It cannot be distinguished in that way, my Lord, because the majority of the community are agricultural, but they have taken to other occupations too; so from the professional point of view no distinction can be made.

5281. What percentage would be all agricultural?—More than 80 per cent.

5282. Is that all you wish to add?—That is all.

5283. You have developed this in your Memorandum, have you not?—I have.

5284. We are very much obliged to you, Mr. Jadhav?—Thank you.

(The Witness is directed to withdraw.)

MR. MAUNG PU, B.A., and MR. BERNARD HOUGHTON are called in; and Examined, as follows:—

Chairman.

5285. You and your colleague are a deputation from the Burma Reform League?—(Mr. *Pu*) Yes, and not only the Burma Reform League, but I represent a very large section of the Burmese population. The Burma Reform League is only a portion of it, and I put down my name as President, because I happen to be the President

Chairman—continued.

Chairman—continued.

President of the Burma Reform League at the present moment.

5286. You have come, I think, all the way from Burma on purpose to lay your views before this Committee?—Yes.

5287. My colleagues and myself would be very happy to hear any statement you wish to make. You have, I think, put in a Memorandum?—Yes, I have put in two, one a plea for Burma (see Appendix M.) and the other a definite proposal as to a scheme of reform for Burma (see Appendix Q.).

5288. Perhaps you will make any statement you wish to make in supplement to this Memorandum?—May it please your Lordship, on behalf of the people of Burma, I am much obliged to your Lordship's Committee for giving me the opportunity to place the views of Burma before this Committee. At one time it was thought that Burma would not be allowed to give evidence, but happily we are now allowed to give before the Committee the views of Burma. Burma, your Lordship knows, is a fairly large country—I think the largest Province in India; it is larger than France and larger than the British Isles, with an area of 270,000 square miles, out of which 172,000 square miles are directly under the British Government. The rest of the country consists of independent native states or of semi-independent native States. Burma has a population of 12,000,000, out of which 10½ millions are composed of Buddhists, and the rest are composed of Christians, Hindoos, and Mohammedans. Of course, these latter form a very small minority in the country. As your Lordship knows, most of the Burmese people profess a religion which has given satisfaction to the spiritual yearnings of a very large number of people in this world. That religion is professed by over 500,000,000 of people in the world. Burma had a very great past in her history. We had a proper kingdom when the British came under the Norman Conquest, so that we have a fairly ancient history behind us.

As regards my credentials, we represent a very large section of the Burmese population. We have a council which comprises over 220 associations spread throughout the length and breadth of Burma, composed of over 10,000 members. We have control of 30 schools, including four high schools and four girls' schools. In addition to that, the views of the General Council are essentially shared by the other members of the public—that is, I meant to say, the Hindoos and the Mohammedans settled down in the country. Of course, certain sections of the public, namely the European sections, are rather nervous about these reforms, thinking they may be left out, or their powers reduced, but we Burmese profess a religion which has no stain on her history for intolerance or persecution, and when we have professed such a religion for such a long time, you will understand that we are a very tolerant and broad-minded people. We always recognise the claims of other communities, and we shall certainly do so in connection with our constructive proposals in this connection. We distinctly allow them that liberty, so that they need not be anxious that they will be left out or have their claims overlooked by the rest of the country.

You already know that His Majesty's Government made a famous announcement in August, 1917. I need not read the announcement, as it is quite familiar to your Lordship's Committee. This announcement filled the hearts of the people of Burma with great expectations and aspirations, and we looked forward that we would be given the same privileges just like any other part of the Indian Empire. When His Majesty's Secretary of State went out to India in connection with a Commission, Mr. Montagu was not able to come to Burma, but we did not fail in our duty in sending a deputation to Calcutta. We sent deputations. Of course, other communities also sent deputations. We presented our case. Your Lordship will remember that in the Joint Report which has been drawn up by Mr. Montagu and his Excellency the Viceroy the Burmese case has been left out for certain reasons. It is referred to in paragraph 198 of the Joint Report, and just to refresh the memory of your Lordship's Committee I will read it. "Our reasons are that Burma is not India. Its people belong to another race in another stage of political development, and its problems are altogether different. For instance, the application to Burma of the general principles of throwing open the public service more widely to Indians would only mean the replacement of one alien bureaucracy by another. The desire for elective institutions has not developed in Burma; the Provincial Legislative Council as constituted under the Morley-Minto schemes has no Burman elected element; and the way is open for a different line of development. There was also a practical reason for not proceeding to investigate the particular conditions of Burma in the fact that one Lieutenant-Governor had very recently laid down, and a new Lieutenant-Governor assumed, office." The last reason does not apply now. At that time he had just assumed office, and there was some plausible reason at the time these were drawn up, but as regards the other reasons your Lordship sees it says that we "belong to another race in another stage of political development." In India there are different races. India is a continent.

Chairman—continued.

Then the Report says that the problems with regard to Burma are different. What are the problems? The problems are to transfer the power from the bureaucracy to the representatives of the people. Therefore, there can be no different problems altogether in Burma as distinguished from other parts of India. Then the Report goes on: "The desire for elective institutions has not developed in Burma." It has been admitted by Sir Reginald Craddock himself that there is a desire and demand for elective institutions. As a matter of fact, since the Joint Report came out, public meetings were held all over the country, and constructive proposals were brought forward claiming the same privileges practically as the rest of India, so that that also falls to the ground. As regards the public services, if they are thrown open, the Report says, "it will mean the replacing of one alien bureaucracy by another." That, of course, might also be safeguarded in many different ways. These were the reasons given in the Joint Report, and I submit to your Lordships that there are no very strong reasons why Burma should be excluded from the privileges of the Reform proposals. Then it was left to the Local Government to find out how far the Reform proposals in the Joint Report could apply to Burma.

In a speech which was delivered at a Durbar, held at Rangoon on the 14th August, 1918, by his Honour the Lieutenant-Governor, his Honour foreshadowed that there would be a conference between the people of Burma and the Government to consider what proposal would suit Burma. There was an informal discussion some time about September, 1918, and the scheme of the Local Government was out in December, 1918. As soon as the scheme was out again there were public meetings held, and, all over the country, criticisms were made at the various associations, pointing out a number of modifications in the scheme.

I here desire to say a few words to show that the scheme which has been approved by his Honour the Lieutenant-Governor is very inferior to the proposals made by the Joint Report. At present I do not need to go into that question. Then, recently, at a Legislative Council meeting, his Honour, in his speech, mentioned that certain modifications were being made. These modifications were considered by the people of Burma to have become more retrogressive than ever. The result was that we had a general Council meeting, held in May, 1919, when we entirely condemned the Craddock scheme, and the result is that the deputation is sent which I have the honour to represent before your Lordship's Committee.

If your Lordship will permit me I will just give an outline of what the Craddock scheme is. I do not know whether your Lordships will allow me, but it is partly relevant in presenting my case here. I will not go very much into details, but just give an outline of what it is and show where it falls short of the Joint Report. According to Sir Reginald Craddock's idea he is going to group a number of villages into groups, each group returning one representative to the Circle Board. His Honour expects that these representatives will principally be the headmen. I may explain that the headman is an executive officer who

Chairman—continued.

who collects revenue and has certain judicial and magisterial functions on a small scale, so that he is an officer—there is no doubt about it. The village group will select one representative for the Circle Board, so that the Circle Board will be filled by the village headmen, and his Honour expects they should do so for a long time to come. Each Circle Board will elect a President to the District Board and a member for the Legislative Council would be elected from the Circle Board. So in the first instance his scheme is an indirect election, and he expects for the purpose of a rural area these headmen should come on the Legislative Council. A large number of the representatives for the rural area will be village headmen, who are, as I have already submitted to your Lordship, the executive officers of the Government. They will not be in any sense real representatives of the people. For the rural areas his Honour reserved 31 seats, and for large centres, Rangoon, Syriam and Insein, he reserved five seats, and for other municipal areas, which would be grouped later on, fourteen seats. Then there are some special bodies like Chambers of Commerce, Trade associations, the University, and Anglo-Indians, which are each allowed one and European two. So that the elected members come up to 56. That is about 60 per cent. Out of that your Lordship will see that 31, or more than half, will be the village headmen who are executive officers of the Government. There are, of course, non-official members who will be nominated by the Government. They have had six seats reserved for them. There is also power given to the Commissioner in each division to nominate one for each division, which is eight, so that the nominated non-official members will comprise a little over 15 per cent. Then there are the two experts and twenty officials. The officials and experts will represent about 23 or 24 per cent., including the head of the Department, that is ninety-three, so that your Lordship sees at the utmost that the scheme falls very far short of the Joint Report.

My submission to your Lordship's Committee is that the scheme of the Local Government is entirely opposed to the letter and spirt of the announcement made by His Majesty's Government. That is, the constitution of the Legislative Council. Then, of course, he proposed four Boards, and out of those four Boards three Presidents are reserved for Burmese and one for a European. Of course, the Presidents will be selected by the head of the Province—that is, the Lieutenant-Governor—but practically they have no power at all. They cannot over-rule their Boards; when they want to over-rule it they must do so only with the concurrence of the Lieutenant-Governor. The Legislature has practically no control over the Executive, and no control over the Budget either, so that, strictly speaking, the Government, although nominally it is a popular Government, is really a bureaucratic Government in a different form. When this scheme was put before the country naturally the whole country was quite dissatisfied with the scheme. My submission to your Lordship is, therefore, that this scheme of Sir Reginald Craddock's is entirely opposed to the letter and spirit of the announcement of the 20th of August made by His Majesty's Government. In the first place there is not the substantial majority that is contemplated by the announcement, because there are thirty-one votes which will come in out of ninety-three—about one-third of the votes—as I have already submitted to your Lordship, which are those of headmen, who are Government executive officers, and there will be quite a number of nominated officials and non-officials. There will be no direct election, and no control of the Legislature over the Executive, and there is no provision whatsoever to transfer power from the bureaucracy to the popular assembly by stages, and there is no control of the Legislative Council over the Budget either.

Although his scheme does not satisfy us, Sir Reginald Craddock has found that there are certain elements in the Burmese people which are very suitable for a popular form of government. He has admitted both in his Durbar speech and in the original scheme itself that there is a certain capacity among the Burmese people to enjoy some

Chairman—continued.

form of representative government, but the only thing is that he is inclined to think they are not fit to enjoy the same privileges as other parts of India. I will just quote his exact wording so that your Lordship may know exactly what he says. In the first Durbar speech, when he was appointed, he said: "I perceive in Burma many strong grounds for hopeful anticipation. In primary education Burma is more advanced than India, and the general level of intelligence among the Burma masses is able to hold its own and more in any contrast with the average intelligence of the Indian masses. The social system of Burma presents various features favourable to a system of election, and to the growth of democracy, which are not present in India. There are no caste distinctions at all, there is no hereditary division by occupations, there is no landed aristocracy, while religious cleavages among the indigenous races of Burma are almost entirely absent or carry with them no political significance. There are, therefore, few of those obstacles to the eventual success of democratic institutions which appear to be so formidable in the case of Indian Provinces. These encouraging features lead me to hope that the path of Burma towards the goal of responsible government may well prove smoother than will be found to be the case in India, once a start has been made on sound and suitable lines."

Now, the question is whether his scheme gives us a good start, as His Honour said, on sound and suitable lines. My submission is no; that we are not given a good start at all. Again, in his original proposal Sir Reginald Craddock has something to say on behalf of the Burmese. He says "It can be confidently affirmed that Burma is endowed with many advantages, notably in respect of those conditions which favour development on democratic lines. Thus she is free from those acute religious dissensions which militate against the co-operation of men of different creeds. Toleration of the scruples and prejudices of others is a ruling tenet in her religion. There is an entire absence of caste, and no marked cleavages of social distinction or occupation exist. The man of humble birth has, in Burma, always been able to rise as high as his ability and education might carry him. The emancipated condition of the Burmese woman conspicuously distinguishes Burma from India, and though secondary education may be backward, nowhere in India has primary education reached so advanced a stage of development. The average standard of living and of comfort of the mass of the population is decidedly higher in Burma than in India, and among the indigenous races, as distinct from the immigrants from China or India, the extremes, both of wealth and of poverty, are far less marked than in any Indian province. Moreover, Burma possesses a ready-made electoral register for rural tracts in the annual rolls which are prepared in every village for the assessment of capitation tax, and thathamada." The capitation tax is something like the poll-tax. "It would therefore be as unwise as it would be unjust to exclude Burma from reform merely because, for historical reasons, there are certain directions in which she is backward. Caution must be exercised in framing her scheme of government, so that adequate allowance may be made for her deficiencies, but at the same time full weight must be given to the many favourable characteristics manifest in her history and social conditions." Those are the words used by Sir Reginald Craddock in his original scheme. Then also as regards the want of experience of the elective system in Burma, Sir Reginald himself has admitted that we have some sort of elective system in Burma, not exactly the same as the Legislative Council, but I see he says, "The elective system, it is true, is by no means unknown in Burma. It has been utilised to a limited extent in connection with the appointment of Pagoda Trustees, of members of Municipal Committees, and last, but, perhaps, most important of all, of members of Committees for Co-operative Societies." And I may add further to that that we are in the habit of electing our members of Committees of various associations. We have conferences almost every year. We know how to run our associations and to look after our own schools, so that it cannot be said against the Burmese people that they do not know what an election is, or how

Chairman—continued.

how to run an election. The loyalty of Burma is well known, so I need not go into that question. It is obvious to all the head of the Province that there is no trace of disloyalty among the Burmese. During the war we have rendered yeoman service to the Government in giving men, money and materials, and that has been acknowledged by the head of the Government in the Durbar speech and also before the Legislative Council. I need not go into all these questions. All I urge before your Lordship's Committee is that after hearing all I have stated just now, are we or are we not entitled to share the benefit of the reforms which are in the Bill which is now before Parliament? My submission is we have a greater reason than India for obtaining the reforms in the Bill.

There is the announcement of August, 1917, and I submit to your Lordship that the local Governor is bound by this announcement. He cannot override that. We do not need anything more; we want our reforms like any other Province in India. We Burmese have great faith in British Statesmen and British justice and the British Parliament. We submit that the fate of Burma is better placed in the hands of the British Parliament than in the hands of the Local Government, who have their local prejudices and local interests. I have submitted a copy of our proposal embodying what we want. Possibly some members of the Committee may not have seen it yet, and, to cut it short, I will not go into the questions of small detail as to the Indian Council, the Indian Legislature and the Indian Executive Council and so forth. The various leaders of India have explained their views before your Committee, and I think it far better to leave these questions in the hands of your Lordship's Committee. I do not think I will be able to add anything more than the Indian leaders have placed before your Lordship. We submit the real needs of Burma. One of these is that we want a Governor sent out direct by the British Parliament, and we expect that a British public man from England should be at the head of the Province; Burma is quite big enough and rich enough to have a good man at the head of the administration. We want an Executive Council consisting of three members, one a European and two Burmese, selected by the Governor from the elected members of the Legislative Council. That is as regards the Executive Council. Then we come to the Legislative Council. These are tentative proposals, and I do not submit that your Lordship should take them literally or that we want the exact figures, but the principles are there. We want a large and substantial elected majority, that is to say, four-fifths should be elected and one-fifth nominated. For your general guidance I have given an outline: elected members should represent (1) pure urban areas, (2) rural areas, and (3) special electorates. Urban areas like Rangoon, Mandalay, Moulmein, Bassein, Akyab, Henzada, Prome, Pegu, Myingyan, and Pakokku are large, important centres, trading and industrial towns. They are already enjoying municipal or local self-government, and they are to get separate seats, and for these important centres we reserve about 20 seats.

Then, barring these important centres, the rest will be thrown into the rural areas. Small urban areas, where they have town committees, will go along with the rest of the district. For these districts—of course, if they are too big they can be split up—there will be two seats, or three, according to the population. Our rough idea is to have a population basis barring the population of these urban areas, where there are the special seats, and if the population is under three lakhs we expect one seat, if it is over three lakhs we expect two seats, and if it is over four lakhs we expect about three seats. Those are the principles. Then we have the special electorates. We have not got a university yet, but a university will soon come into existence. At present we have an educational syndicate, but the Burma university is in progress, and it will not be long before a university will come into existence, and for the university we will reserve one, which will probably be filled by a European. The European element need not be anxious that they will not be fairly represented. Then it is quite possible that certain minor interests will have to be protected, and to protect their interests we reserve five non-officials and 16 will be officials. Therefore, putting them together, we get from the urban areas 20 and the rural areas 55, together 75; elected (special electorates) 4, making 79; nominated (non-officials) 5; nominated (officials) 16, together 21; so, that, roughly, it comes to about 100. Those figures are given as a sort of general guide. What we really want is that the principle of a substantial elected majority should be applied, about four-fifths elected members and about one-fifth nominated.

Chairman—continued.

As regards franchise there is not much difficulty in Burma, because Sir Reginald Craddock himself has admitted that we have Assessment Rolls and Municipal Franchises, which are quite ready, and it is only a question of detail. Therefore all that is necessary is that with regard to all persons over 21 years of age and of sound mind in the rural areas and the small urban areas which are grouped along with them, if they pay capitation tax—that is, the poll tax—and *Thathamada* tax, or who are specially exempted from these taxes other than through poverty, we suggest that they should be entitled to vote. These will come, out of the 12,000,000 to between 1,000,000 and 2,000,000 voters. We say there should be no residential qualification for the candidates. Anyone who gains the confidence of the electors, no matter where he may be, can stand for any seat he likes.

As regards women, your Lordship will notice the admission made by His Honour the Lieutenant-Governor, that the Burma women occupy a very high status. In certain things I may say that they occupy a better status than the English ladies here, because they have control of the purse in the family, which is not the case in England. They should be enfranchised.

As regards functions we are here suggesting on the assumption that in the Provincial Legislature there will be reserved and transferred subjects, and our proposal is that there should be reserved Foreign and Political relations, Army and Navy, Police, Appointments and Discipline, Law and Justice, Ports and Land Revenue, except Capitation and *Thathamada*. Capitation and *Thathamada*, I may submit, are not to be found in other Provinces in India, so we have purposely left out the Capitation and *Thathamada*. These should be transferred subjects, and all other subjects, including the Budget, should be transferred to popular control. As regards contributions to the Central Government, I have mentioned in paragraph 11 that those taxes, the *Thathamada* and Capitation, are entirely peculiar to Burma, and therefore with regard to any contribution from the Provincial funds to the Imperial funds, my submission is that the revenue from these two sources should be excluded entirely from the Provincial revenue. They should be handed over to the local bodies.

Then, in general, I do not propose to go into details as to what we should get and what we should not get, but our main proposal is that the reform should include similar privileges to those to be granted to the major Provinces of India, and it should in no case be less than that of the United Provinces, for these reasons: that although the population of Burma as compared with the United Provinces is less, in Burma we have quite a number of small landed proprietors; and secondly, the standard of literacy is very high in Burma. I will read an extract which I have collected from the Indian Year Book, 1918. Speaking of the general literacy, it says, "Thanks to the free instruction imparted in the monasteries, and the absence of the purdah system, which hampers the education of females in other parts of India, Burma easily holds the first place in respect of literacy. In the whole population 222 persons per mille are literate, and the proportion rises to 314 amongst persons over fifteen years of age. In every 1,000 persons of each sex 376 males and 61 females are able to read and write. Of the other main British Provinces Bengal and Madras come next with seventy-seven and seventy-five literate persons per mille respectively (so that it shows very poorly as compared with Burma). Bombay follows closely on their heels. Then after

Chairman—continued.

after a long interval come Assam, Behar and Orissa and the Punjab. At the bottom of the list are the United Provinces and the Central Provinces and Berar with thirty-four and thirty-three literate persons per mille respectively." So that your Lordship will understand that in the case of literacy we occupy a very high status indeed; and there is another fact which I should urge before your Lordship, and that is the position of women. In Burma there is no difficulty about women. Women at present get the Municipal Franchise, and in the rural districts for the election of headmen they have the vote. As a matter of fact, our women occupy a very high status in Burma; most of the retail business is in their hands, and they move about quite freely like an

Chairman—continued.

English lady in the West, so that although our population is very much less than that of the United Provinces, taking all these various factors into consideration my submission is that we ought not to be left far behind that of the United Provinces. I think I have fairly submitted the general lines of our case, and I trust that your Lordship's Committee will report favourably on behalf of Burma in connection with the reforms which will suit Burma.

Chairman.] We are much obliged to you. You have put your case extremely clearly, and from the Memorandum which you have put in I think we understand exactly what those you represent wish us to understand.

(*The Witnesses are directed to withdraw.*)

Mr. SYDNEY LOO-NEE, is called in; and Examined, as follows:—

Chairman.

5289. You, sir, have come specially to represent the Karen Association of Burma?—Yes, my Lord.

5290. You have handed in a Memorial, which I have read (see Appendix N.)?—That is so.

5291. Do you wish to supplement that by a statement?—Very shortly. As my friend who has preceded me has just said, we want in Burma the elective system. With the growth of education, and the fact that we are progressing very rapidly on the road of civilisation under the protecting care of the British Government, we desire that our representatives should be elected by us. In Burma, my Lord, there are many different races, and I have the honour to represent the Karen race. In point of population, taking the indigenous population of Burma, we stand second. Our wish and desire is that we Karens of Burma should also participate in the reforms which are in store for Burma. It is needless for me to point out to your Lordship and the members of the Joint Committee that in paragraph 198 of the Report on Indian Constitutional Reforms the eminent authors use these words: "Throwing open the public services more widely to Indians would only mean the replacement of one alien bureaucracy by another." This, I take it, clearly indicates the fear that those eminent authors entertain that if the people of Burma or the races in Burma are not to be protected it will be a case of the weaker to the wall, but we have no such desire, and it is the desire to respect minorities and weaker races that has inspired these words. It is very obvious that, taking the people of Burma as a whole, competition with our Indian brothers will not be in our favour; but the Secretary of State for India, assisted by the Viceroy of India, is going to see that

Chairman—continued.

the people of Burma get what is due to them. As we say in paragraph 4 of our Memorial, which is before your Lordship's Committee, we are one of the races in Burma——

5292. I think the meaning of that paragraph 198 is quite clear; it is that an Indian Civil Service in Burma will be just as foreign as an English one?—That is so, my Lord. So, in Burma, the interests of the people of the country are not going to be ignored by the Secretary of State for India and the Viceroy. If that is the case, we, the Karens of Burma, come to this fountain of British justice and ask that under any scheme that is fashioned out for Burma we also may participate. As it appears in his Honour the Lieutenant-Governor's scheme we Karens were to come only by nomination into the Legislative Assembly. We have given our reasons why that will not suit us, and those reasons appear in paragraph 6 of our Memorial, which is before your Lordship's Committee. So, my Lord, we have come here, confidently anticipating that, although we form a minority in Burma, our needs will not be overlooked, and that the rights which attach to British subjects may also be claimed and shared by us. These are the statements I have been privileged to make supplementary to the Memorial which I have submitted to your Lordship's Committee.

5293. What proportion of the population are the Karens?—The Karens form, roughly, about one-seventh of the Burmans.

Chairman.] We are much obliged to you, thank you.

(*The Witness is directed to withdraw.*)

Die Mercurii, 20° *Augusti* 1919.

MEMBERS PRESENT:

Earl of Selborne.
Lord Brodrick (Viscount Midleton).
Lord Islington.
Lord Sydenham.
Lord Sinha.
Mr. Bennett.
Sir Henry Craik.
Major Ormsby-Gore.
Sir J. D. Rees.
Mr. Spoor.

The Right Honourable the Earl of SELBORNE in the Chair.

Sir HARRY STEPHEN is called in; and Examined as follows:—

Chairman.

5294. You were a judge of the High Court of Calcutta?—Yes.

5295. And retired in 1914?—Yes.

5296. You have been good enough to answer questions which we sent to you?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? And, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the preamble?—I accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India because the principle has been accepted by both Houses of Parliament, and the country is therefore pledged to do all that can be done to apply it with success. Personally,

Chairman—continued.

Personally, I consider that the political state of India is not yet sufficiently developed for it to be possible to say that responsible government, or any other particular form of government, will be what is best suited to Indian conditions. I had rather not attempt to define responsible government; but for present purposes I take it to mean a system in which the executive is responsible to and controlled by a body that is representative of the people at large. The term is borrowed, I believe, from our Colonial policy, where representative and responsible governments are distinguished from representative governments, and in talking of responsible government we therefore take its representative character for granted.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in provincial legislatures of a substantial elected majority (Clause 6)?—I think that the realisation of responsible government in the provinces does involve the establishment in provincial legislatures of a substantial elected majority.

3. Do you think that the non-official members of the provincial legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present?—I do not think that members of provincial governments should have as much power of controlling the actions and policy of the executive as the Houses of Parliament have. I think that they should have more than I understand they have at present. They should have enough control to make it possible to say that they are responsible for any particular measure or that they advocated a policy that was not adopted. I am not in a position to say how much power of control they have at present.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—My answer to Question No. 4 is Yes.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I do not think the dual form of government embodied in the Bill is the best means of obtaining the object aimed at, namely, responsible government. My objections to a dual form of government are as follows: (a) It is a complete novelty, the actual working of which no man can foresee. (b) It would weaken government generally, and I believe that a strong government, by which I mean a government that can have its decisions carried out completely and speedily, is necessary for India now, and for any time that we need consider. This is so partly because the number of matters in which government interferes is greater in India than it has hitherto been in England or in any English Colonies. (c) Differences between Councillors and Ministers would be fully developed in the Governor's Council, and would certainly be known of outside it. I do not believe that Councillors and Ministers could loyally defend measures of which it is known that they disapproved, as it is suggested in the Montagu-Chelmsford Report that they should (paragraph 283), and I cannot think that the sight of them doing so would be good political education. The suggestion of the Government of India that a convention should be established by which "each half of the Government should abstain from opposition to the other half"—(paragraph 107)—seems to me a less objectionable but hardly a more practically useful suggestion. (d) I cannot believe that it is possible to divide the functions of government so that some should be exercised by one body and others by another. (See the letter from the Government of Bombay, paragraph 6.) (e) I cannot believe that members of the proposed electorates would recognise the difference in responsibility for reserved and transferred subjects. Practically all the blame for unpopular measures would be put on the Governor and the Councillors, and the Ministers would take credit for the rest. Very few people in England know, for example, who is responsible for certain measures of an education authority,

Chairman—continued.

or how the Police are controlled. Ignorance of such matters in India would go much further. (f) The position of the Governor in a dual government seems to be impossible. I do not understand paragraphs 219 and 240 of the Chelmsford-Montagu Report; and if the instructions to be drafted for his guidance develop those paragraphs I shall not understand them. He is to be in the position more or less of the Governor-General and the Prime Minister of Canada. But he will be directly responsible to the Secretary of State and the Legislative Council, and he will not be able to rely on the support of a political party, as according to prevailing ideas on representative government it is essential that he should. He will have to administer a system of government of which neither he nor anyone else will have had any experience. He will have to make himself as familiar as may be with wholly new conditions, and he will have to divide his confidence between two sets of advisers, who may "pull different ways," one of which he will have to educate in the principles of responsible government and the other in the principles of government generally. (g) Personally, I am much impressed by paragraphs 109, 110, of the letter of the Government of India, which show how the legislature in a dual government will constantly attempt to convert a legitimate influence in reserved subjects into a control, which it is considered that the Government must as constantly resist. Such resistance will not add to the unity, nor, I venture to think, to the efficiency of the Government. A somewhat similar point is made in the European Association's final statement, in the paragraph "Final Stages of the Transition." I fully agree with their argument.

6. If you have any other method to suggest, does it (i.) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible 'government,'" and, if it does, in what way? (Clauses 2, 3, etc.) And (ii.), does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—I suggest the method of government indicated in the proposals put forward by the Indo-British Association. I think that such a system will provide possibilities of advance by stages and facilitate the progressive realisation of responsible government for the reasons stated by the Minute of Lieutenant-Governors of the United Provinces, etc., on 15th January, 1919, and the Government of Bombay. I regret that I have not time to answer this question more fully.

8. In particular, do you think (i.) that Ministers should hold office "during pleasure"—*i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii.) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv.) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—My answer to (i.), (ii.) and (iv.) is yes. I had rather not answer (iii.) definitely, but I incline to the opinion that an Executive Council of two is too small. I have no experience of any Province except Bengal.

9 and 10. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)? In particular, (i.) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the

Chairman—continued.

the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—I ask leave not to answer these questions.

11 and 12. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments? Do you agree that it is advisable, none the less, to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—My answer is yes.

13 to 17. Do you accept the plan of a Bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)? Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature Clause 20 (3) and (4)); or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities? Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest? Do you think that the development of provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)? Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I had rather not answer these questions.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I am not in a position to answer this question fully; but generally I view the powers given to the Secretary of State with great apprehension. I have to write without having the Bill before me; but the provision that the Secretary of State may limit the powers of Parliament by an Order seems to me very dangerous.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I have not been able to study the Reports mentioned with sufficient care to be able to answer this question. But I do not think that Lord Southborough's Reports offer a solution of the difficulty that either the constituencies will be so small as to create an oligarchy in favour of the educated classes, or so large as to be unmanageable by the educated classes or anyone else.

I hope I may be allowed to add a few words as to the future position of the Public Services, not, of course, as Lord Curzon says, from the point of view of "opposing vested interests to the course of constitutional change," but of "conserving for India during a difficult period of transition the only agency likely to be available for affording the necessary help and guidance." The merits of the Services are fully recognised in the Montagu-Chelmsford Report, and Lord Curzon lays down as one of the leading principles to be followed that nothing is to be done "to weaken or to diminish the protection that they afford to the vast multitude of the population" from the oppression that they have to fear "from different classes of their own countrymen." The Government of India shows how this is to be done. The appointment, pay and pensions of the Services generally are to be controlled by the Secretary of State, and all officers are to serve in any capacity, and therefore under the control of Indians if necessary. "Ministers"—

Chairman—continued.

I quote from the Government of India—"will be taking over departments staffed by public servants, European and Indian alike, with no experience of popular government, who may tend to be impatient of new methods and unappreciative of changes in policy. . . . Ministers may be apprehensive of obstruction and intolerant of the rigidity of official methods. We recognise that it is possible that in the exercise of their responsibility, and from the best of motives, Ministers may adopt a policy which the Service feels that it cannot, consistently with its conscience and self-respect, carry out. . . . Ministers may naturally prefer their own agents, and be disposed to treat lightly vested claims to important or desirable appointments. Officers who personally render themselves unpopular will be treated with less consideration than they sometimes receive now."

No rules can be laid down for meeting such cases, but the Governor must do his best to deal with them. In the last resort "an officer finding his position unendurable should be entitled to apply to the Government of India for a proportionate pension." . . . In the case of disciplinary orders passed by Ministers which affect an officer's emoluments or pension "there would be an appeal to the Government of India and to the Secretary of State." "In the event of Ministers' orders being reversed a difficult position would no doubt ensue, but in this case also the only ultimate solution might be to grant retirement on proportionate pension. . . . In paragraphs 156 and 259 of the Report expressions occur which will be read as promising detailed support and protection to a public servant in discharge of his duties. In our opinion this involves too frequent opportunities of intervention to be a workable arrangement or to be consistent with the due exercise of his responsibilities by a Minister. We think that all that can be wisely guaranteed is, in the last resort, a right of retirement on fair terms."

I admit that I do not see how any other scheme can be provided that will make dual government possible. But the proposals of the Government of India do not seem to me to provide that the beneficent powers of the Services shall not be weakened or diminished. If a conscientious public servant can be forced into retirement, whether he has acted rightly or wrongly, I cannot think that harmony in Government circles will be increased, that the political education of Indians will be promoted, or that the credit of the Services, and particularly of the Indian Civil Service, will not be seriously impaired.

5297. You have not answered all the questions, I think?—No, there are some questions which I would ask leave not to answer.

5298. Is there anything you would like to say in supplement?—Not at the moment.

5299. There is nothing you wish to say?—There are several matters which I have omitted because my time for answering the questions was exceedingly short; it was hardly more than two days. I have said nothing about communal representation. I am not prepared to say anything about it at the moment.

5300. What we should like would be for you to say anything that you wish to bring before us now, if it is more convenient to us that you should tell us exactly what is in your mind, and then we shall ask you questions?—May I have a copy of my answers? (*The same is handed to the Witness*).

5301. We should like you to direct our attention to every point you think it ought to be directed to?—Personally, I should like to draw your attention to the fact that I have said that I accept the principle of the pronouncement of the 20th August. I myself do not agree with it. At the same time I accept it, as I am accustomed to accept other matters which I do not always approve of. As far as I have anything to say, it is chiefly about the dual form of government. With regard to the points I have made, I do not know if I may go through them. Perhaps not. I will only say now that if I had thought more about the form of my communication, I should have put in my remarks

Chairman—continued.

about the Civil Service as a part of my objections to dual government, because it is the duality of the government which, in my opinion, raises the very great difficulties that arise on that question. I support the proposals put forward by the Indo-British Association, that is as far as constructive criticism is concerned. I am not competent to discuss financial matters, because I am not naturally at all familiar with them, and, as I have said before, I am speaking at very short notice. I am not competent to express more than a very general opinion about the position of the Government of India. I agree with the arguments put forward by the European Association; personally I should like to see the Government of India left as it is or practically as it is while these changes in Provincial Government, which are really the key of the situation, are proceeding. I am not competent to go into that matter in very great detail, but I think it is most important to have a strong Central Government to keep together those elements of the service and the Government of India which it is possible may tend to fly apart. In the same way I am not at all competent to criticise except in the most general possible way the policy of changing the connection between the Secretary of State and the Government of India. I have not knowledge enough to venture to do that. But I do feel very great apprehension at the enormous powers which are given to the Secretary of State by the Bill to make alterations merely by rule. I think I am right in saying that this system has gone far further in this Bill than it has in any other Act in existence. There are large powers under the Judicature Act, but there is nothing approaching the power which is given to the Secretary of State under this Act. Under this Act the Secretary of State can by rule limit the powers of Parliament, of himself, and of the Viceroy. This is a departure from ordinary legislation of a very extraordinary kind, and it seems to me in fact most dangerous. Not only do I think it dangerous, but there is this to be remembered: We are starting India on a new system of government, which is to be developed to a very great extent, as it is hoped. Surely we ought to start it under the best possible auspices, and if on such an occasion as this Parliament legislates by means of referring things to the administrative orders of the Secretary of State that is about as bad an example to the Indian Legislatures as it is possible to give. The Indian Ministers will, I apprehend, like all administrators, be inclined to extol their power at the expense of the controlling authority—at the expense of the Legislature. And here is an example in the Act which constitutes their position encouraging them to go to very great lengths in that matter. It is a very exceptional and a very bad form of legislation in the present case, and I think as an example to the Indian Governors of India it will be about as bad as it is possible for it to be.

I have not said much about the influence of caste, which is connected with the question of communal representation. My knowledge of the subject is indirect. Most of it comes from books and from the information of others, and, of course, caste in Bengal is not what I understand it is in Madras and some other parts. But I am quite certain that when the community as a whole begins to take political action and to organise itself in any way it will organise itself on the lines of caste. I do not want to make an obvious remark about caste, about how old it is and how invincible. Bengal is not, I understand, very much caste-ridden, but, at the same time, I have had, even as a judge, plenty of experience of how caste comes into every conceivable action which you may expect to be taken in India. It is a matter which a stranger certainly can never have out of his mind. I do not think an Indian could get it out of his mind. The stranger certainly has always to remember it and to be prepared for all kinds of surprising appearances of the caste motive. I have no suggestions to offer in the matter of communal representation, because of the want of personal knowledge, but what I say with confidence is that any scheme which neglects differences of caste, differences of religion, differences of race, is certain so far to result in failure.

I have said that I do not myself personally agree with the principle of the pronouncement of the 20th August. I have said so in another place as plainly as I could, and I have no wish to conceal my views. I may, perhaps, be allowed to add the lines on which should like to see reforms proceed, and they are these: That you should go on developing what we have done already, that you should constantly give a greater share of public employment to Indians, that you should—as you do—put Indians into important official positions, chiefly because they are Indians, even at the expense of efficiency, that you should take every opportunity of giving public work to Indians individually and to Indians collectively, and you would then see on what lines the political genius of the Indian people—which admittedly still remains to be developed—develops. In that way you would have a chance of developing the politics of India on Indian lines, and you would avoid the mistake which I think you are committing — a mistake we have so often committed before — of supposing that because a thing is good for England it is therefore good for India. We made that mistake, I understand, in education; to some extent there was a danger in making it in religion; and it was made in Bengal in respect of landed property. We have suffered from those mistakes. If you make it on this occasion I think we shall suffer, and that the results will be irreparable. Personally, therefore, I am anxious to see the reforms develop, so that they may develop hereafter on Indian lines, and not necessarily on English lines. Of course, I have to accept the decision of the two Houses of Parliament; but the practical result of that is that I entirely support the recommendations of the Indo-British Association, which are, in effect, those of the Government of Bombay, and of the heads of Government of those five Provinces. I need not enumerate them. That is all I have to say.

Lord *Sinha.*

5302. Do you believe in responsible government in any country?—Yes.

5303. In England, for instance?—Yes; of course.

5304. As I understand you, the principle which these reforms are intended to carry out in their application to India is a false one?—I do not say it is false. What I do say is, we can none of us foretell how the thing can develop. We none of us know how the political genius of India will grow, and I think it is rash to lay down any definite aim of that kind, and it may do great injury.

5305. I believe it is your opinion that responsible government is not suitable to India now, and will not be suitable in any time that we can contemplate?—Yes. Any time that we can contemplate—well, I leave it at that; yes.

5306. And that, therefore, it is really labour lost to lay down steps for accomplishing that purpose?—I think it is worse than labour lost to try to foreshadow the ultimate form of the Government of India in Indian hands. But we are English; we are starting this development, and it is inevitable that we should start it more or less in our own way. Practically, that is inevitable, and I accept that.

5307. Do you make sufficient allowance, do you think, for the effect of the association of India with England, say, for the last 150 years—what effect it has had on educated Indians with regard to their ideas on forms of government?—Yes.

5308. Do you think that they have imbibed at all the idea of responsible government for their country?—The great difficulty about all Indians is that they are apt to copy. It is very difficult to get an Indian to originate anything. Read through this Bill—the Government of India Bill—and I think you will see that it is entirely an English idea, and when you get the most educated Indians you find that they are copying English affairs, as it seems to me, without any thought or really any knowledge of their own country. They are making the same mistake which the English are in supposing that English things are good for India—that English things are the best possible under all circumstances. I do not want to say that the Indians are worse off in that matter than the English. I do not think they are.

5309. Do I understand you to say that in your view they are incapable of assimilating the ideas or ideals which

Lord *Sinha*—continued.

which they copy?—I do not know. If we start this off we have to start it off on lines of representative government. I need not go into that. We agree about that. We have to start it off on those lines because the model comes from England. Very well, start it off on those lines and see how it goes, and then let the thing develop itself as far as possible, and as far as possible according to the best Indian opinion.

5310. By that do I understand that you would advocate the enlargement of this expansion of the Legislative Councils, both in the Provinces and in the Central Government?—As at present existing?

5311. And expansion from what they are at present?—I speak with reserve about the Central Government. I do not know anything about it, really.

5312. But your idea is that the Legislative Councils should be made larger and more representative of all shades of opinion in India?—Representative as far as possible; but larger, yes.

5313. Do you think it is possible to make representative institutions in India?—Oh, yes, to some extent. I do not know how far; that remains to be seen. I think by a system of nomination you might get a very representative institution. I do not suggest there should be a large system of nomination, but I think it is more than theoretically possible.

5314. That is to say, government by people all-wise and all-powerful?—Yes; and well-advised.

5315. That you would say of every country that where they are governed by wise, well-advised people, you would rather have that than popular representatives—that is to say, by the vote?—No, I would not say so in a developed country; but we are dealing with a country—I need not repeat it all—where the people are poor and ignorant beyond any European standard—where 90 per cent. of them are not fit for, and do not desire, any political power; and I think it is very difficult to get a body properly representative of those interests on the lines of election. I am quite in favour of trying it, but you must not compare it with England.

5316. When you advocate the enlargement or the expansion of the present Legislative Councils I think you advocate that measure on the basis of election?—No doubt it would increase the elective principle in the government of the country, certainly.

5317. Would you deny all power to those Councils?—No.

5318. Or any power to those Councils?—No; I have never suggested that.

5319. I am putting it to you?—No.

5320. In giving that power would you give them power over the Executive—the power must be over somebody?—Yes.

5321. So that you would give these enlarged Legislative Councils power over the Executive?—Some.

5322. Some power over the Executive?—Yes.

5323. But not all?—Not all.

5324. Therefore we have to divide the powers?—No.

5325. How do you propose to give some and not all if you do not divide?—Of course, you can say they have power in some things and not in others, but I would go on the lines of giving the Indians generally the same power over everything rather than the other way on, rather than complete power over some.

5326. There would have to be some division in any case—whether it is as it has ben called horizontal or vertical, there will have to be a division of power?—I do not think so. They would have very great influence over the whole system of government, if you call it influence—or power, I do not mind. That is a question of words.

5327. I was trying to distinguish between the two—influence and power?—I cannot.

5328. Between absolute control and mere influence?—No. You are trying to work the thing out neatly on paper; I am thinking of what would actually happen.

5329. Perhaps you may agree to differ. We hope that what is put down on paper will be carried out, and that it will not be camouflage?—I do not for a moment suggest it is comouflage. I think it is more like what we might call—I do not want to be rude—moonshine.

5330. You consider the scheme embodied in the Bill unreal?—I do not think it will work as is expected

Lord *Sinha*—continued.

5331. Can you give the Committee any indication as to how you would divide the power in the way that you suggested—some power over all, but not all power over some?—It would be in the amount of power given. Personally I cannot work the thing out in detail enough to make it pat on paper, but if you imagine a Province with a representative Assembly of a certain size—it seems to be agreed that about 100 is the right number——

5332. About that?—With a Government consisting partly of European civilians really and partly Indians, as much power as possible given to the Indians—the same power given to the Indians as is given to the Europeans—the Indian element being constantly increased, the influence of the elected body constantly growing, as is it admitted that it would tend to grow even under the present circumstances—that is admitted by the Government of India—I think you would get a progressive realisation of responsible government which would make the actual change to responsible government a mere change in name. That is my conception of it.

5333. I am sorry to say I am not familiar with the specific scheme of the Indo-British Association, if it has put forward any specific scheme, but I do know the scheme put forward by the five heads of Local Governments. Is the Indo-British scheme the same as that?—It is very much the same in principle.

5334. Is there any variation in points of detail, because I have not seen it put forward in any complete form anywhere?—We have done our best in the Indo-British to publish it. I have only had two half-days really. It is a point I would have worked up in detail. I have not worked it up in detail. I would rather not answer without having gone into it carefully.

5335. Has the scheme of the Indo-British Association been worked out in detail?—Yes, it has been worked out in detail. We published a pamphlet, which I think was forwarded to you; in fact, I know it was.

5336. With regard to what you have said about caste, I think you said that in Bengal the influence of caste is very much less than it is in other Provinces?—I should like to say that I understand that in other Provinces it is more than it is in Bengal.

5337. In Bengal did you find the observance of caste interefere with questions of politics at all?—I found they interfered with every question with which I had any connection—differences of caste.

5338. In what way? Did the fact of a man belonging, say, not to the Brahmin caste, prevent him from having any profession or occupation which the Brahmins were free to have?—When he was in the profession with which I am chiefly concerned, I think it made a considerable difference to him. It made a difference in the law.

5339. That is what I wanted to find out. Is it your experience that Brahmin lawyers have any greater chance than non-Brahmin lawyers?—Yes.

5340. How many judges——?—You are getting very near personal questions which I must ask you not to put to me. You know the answer to your question.

5341. No, I do not, I am sorry to say; but if you would rather not answer it——?—It comes down to such very narrow compass, and you are asking me about my colleagues. Would you put the question and let me see if I would rather not answer it. I particularly do not want to shirk anything.

5342. Have you not had very distinguished judges of the Court in which you sat, non-Brahmins?—Yes, one.

5343. You would admit only one? There have been many judges?—I prefer to speak of my own time. The rest were all Brahmins. My other Indian colleagues, I think, were all Brahmins—there were two who were non-Brahmins and four who were, I think. You can help me.

5344. I cannot for the moment think, but my impression is there has not been much difference between the two. Of course, they are all higher castes except one?—And with that one it was always mentioned as an objection to him. He was one of my ablest colleagues. The question of caste was always mentioned as a very serious objection to his appointment.

5345. But as a matter of fact, he made a very good judge of the Court?—He did.

Lord *Sinha*—continued.

5346. He had risen very high in his profession as a pleader before he was given a judgship?—His abilities were very great, but I have always heard it was a serious objection to his appointment that there was a difficulty about his caste. I do not know what the difficulty was.

5347. So far as you are aware, was there any difficulty in society, so far as that judge was concerned, in his social relations?—I tried to avoid knowing that.

5348. You do not know, therefore?—In his social relations?

5349. Yes?—I always heard that A and B would not meet him.

5350. Did you? I confess I never heard it?—You know more about it than I do.

5351. My feeling is that there were no social difficulties. As regards the profession of the law, apart from the judges you know, many distinguished non-Brahmins in your Court had risen very high?—Yes.

5352. And belonged to all castes practically?—Yes.

5353. To very many castes?—Yes.

5354. And therefore, so far as the profession of the law is concerned, at any rate, there was nothing in the way of a non-Brahmin?—There were a good many advantages for Brahmins.

5355. Oh yes, naturally, because they have had the benefit of education for centuries?—Yes.

5356. But do you think that their caste in itself gave them any advantage in respect of the profession of the law with which you and I are familiar?—Yes.

5357. You think it did?—So I always understood.

5358. Now as regards other castes, they are landlords, doctors and practically everything else, in the same way as Brahmins are in Bengal?—Yes.

5359. In Calcutta itself did you observe any of the rigours or rigidities of the caste system?—Yes.

5360. In what way?—There was the Marwari Hospital. Caste men could not go to the ordinary hospital, and therefore a Marwari left money for the foundation of a hospital for caste men. I was chairman of the committee of that hospital. There came a time when the English doctor who had started it was retiring. There was a question of who was to be appointed in his place. He was anxious to have his second in command. I have rather forgotten my facts, and I do not want to say anything wrong; but what I do remember is they were very anxious to have an English doctor and not an Indian one at the time. I tried to make it the other way, but they would not have it at all.

5361. That is the hospital for Marwaris?—Yes. You know it, I think. I have forgotten the name.

5362. It was a hospital for Marwaris?—For caste men generally—for high castes.

5363. Perhaps my recollection may be at fault, but that is not my impression. It was a hospital for Marwaris?—My recollection is it is a hospital for men of high caste, the Marwaris, in the first place.

5364. They are people who come from Marwari?—Yes

5365. And they are traders, commercial men in Calcutta?—Yes, as Rajputs come from Rajputana.

5366. It was for their benefit that the hospital was founded, if I remember rightly?—When I was introduced to the hospital I understood it to be a hospital for high castes.

5367. It do not quite see how from that you deduce the influence of caste?—It shows the practical importance that caste had.

5368. That caste people will not go to hospitals?—When I began my observation I had something else in my mind to say that I am not quite sure about. I thought of saying that the doctor it was proposed to appoint was not high caste. I cannot remember now whether he was or not, and I would rather not state it.

5369. What you stated, namely, that they wanted a European doctor, might very well be due to the fact that they thought the European doctor was the better doctor?—No—well, it is not a question of caste. May we avoid that?

5370. As between European and Indian, it could not be a question of caste?—No.

5371. And the European doctor was probably preferred because of what was believed to be his superior skill?—No, it was not so.

Lord *Sinha*—continued.

5372. You said something about the draft instructions to the Governor in your answers?—Yes.

5373 Have you read the draft instructions—the form appended to the despatch of the Government of India?—No; has it be other than that published?

5374. The proposed draft?—Where?

5375. Annexed to the despatch of the Government of India?—I have never been able to see the letter.

5376. You have the first one probably of the 5th March?—Is there any other published?

5377. Yes?—Really these things come out so very secretly that the public has no means of gaining much information about them. I do not know anything about it.

5378. I do not think you can say that, because they have been published, and are available for sale, and presented to Parliament?—I learn that for the first time. I have been trying to get hold of these Indian publications, and everything connected with this Bill is very difficult to get.

5379. I do not know why it should be?—No, nor do I; at least, I must not say.

5380. Do you think that in the form recommended by the five heads of Locel Governments there is any responsibility attaching to any of the members of the Council?—Yes.

5381. In what way?—Members of the Legislative Council who are put into the government of the Provinces will, in fact, be responsible to a very great degree to the Legislative Assembly. Whatever you say on paper, whatever rules you like to make, that responsibility will, I think, be fully recognised. In my experience, if you take in the Indian and do any work with him you find that he is constantly thinking, quite naturally, quite properly, of his fellow-countrymen. I mean in the case where English and Indians are working together the Indian is constantly in his mind, referring questions that arise to what he supposes to be the opinions of his fellow-countryment. The Englishman, I am well aware, is constantly doing the same thing. Of course he is. And those are the circumstances under which we have got to associate. The Englishman is responsible to English opinion; the Indian to Indian opinion.

5382. Is that responsible or amenable? Would you call that merely amenable or also responsible?—In matters of law I always view that with great apprehension, these neat distinctions; in matters of politics I think they are altogether out of place.

5383. The fact that they belong to their country, and are therefore likely to be influenced by the opinion of their countrymen, is enough in your mind to create responsibility?—Certainly.

5384. In the sense that responsibility is understood in responsible government?—Responsible government, of course, is a technical phrase, taken from our Colonial system. It has really been introduced in other matters now, I think, for the first time by Mr. Curtis. It is always a question what you mean by responsible government. I have tried to indicate what I mean for present purposes.

5385. Am I right in saying that responsible government means a government liable to be overthrown by those to whom they are responsible?—Yes.

5386. Do you think that there would be responsibility in that sense in the Council as proposed by the five heads of the Local Governments?—Yes. I think it will be quite impossible for a Minister to remain a Minister who was in disagreement with the majority or with a majority of the Legislative Assembly—the elected members.

Chairman.

5387. Not the Legislative Assembly?—The Legislative Council. I think it would be as impossible as it would be improper.

Lord *Sinha.*

5388. You mean because he would himself not choose to remain?—Yes.

5389. But the Legislative Council could not, by a vote of want of confidence, compel him to go?—I think it could very easily make his position impossible. I am supposing the Governor to have power to dismiss a Minister. Would it be possible for the Governor to

Lord *Sinha*—continued.

to retain a Minister who was always having votes of censure passed upon him, and whose projects were always disapproved of? Surely not.

5390. Then in your scheme you contemplate that the Indian portion of the Executive Council will be removed if the Legislature disagrees with them in essential or important matters?—There will come the point when he will be removed. Where that point is depends upon how far the political organisation of the country develops in that particular Province. It would be one of the most important functions of the Governor to decide that kind of question, and it is one which I think a man with experience of English political life, as I understand the Governor presumably would be, would be exceedingly well qualified to deal with.

5391. If that is the scheme of the Bill, would you approve of it—namely, that the Indian portion of the Executive Council should resign if the Governor thought he had differences on important matters with the Legislative Council from the majority of the Legislative Council?—I should be very sorry to see that put down in black and white. Nobody can draft any regulation or anything to meet a case like that. It must be left to the constitutional Governor.

5392. Whether it was put down in writing or not, if that is the understanding or convention upon which this Bill is passed, would you approve of it?—I should approve of that portion of it if it were left to the Governor to say that he thought a Minister ought to resign; I should approve of that. It comes practically to saying this, that the Minister would hold office during the pleasure of the Governor that is recommended by the Governor of India. That I quite agree with.

5393. That is in the Bill?—I had not a copy of the Bill with me last Saturday, and I could not get one till Monday morning, and I have not looked up this point. (*A copy of the Bill is handed to the Witness.*)

5394. Will you look at Clause 3?—Yes. "Any Minister so appointed shall hold office during his pleasure." That is in the Bill.

5395. That meets with your approval?—I hope it will stay there.

5396. Whether it stays there or not will be a matter for hereafter?—I should like to congratulate you on that.

5397. Therefore, so far as the Bill is concerned, the position of the Minister is what you advocate yourself?—So far as this clause is concerned. I do not know about the Bill—that is rather a large order.

5398. That particular provision is an important provision?—That provision I quite approve of. I think I have said so. I think it is one of the Questions.

5399. That being so, have you any particular objection taking the unified form of government, one council consisting of Indian members and English members—would you have any particular objection to definite portfolios being assigned to the Indian members?—I thought they would be.

5400. Is there any objection to that being fixed by rule?—I had not contemplated anything else.

5401. I am trying to show that you and I are in essential agreement?—I am very glad of it. I hope we shall get into further agreement.

5402. I am trying to put those points to you which I think are essential?—Yes—examination-in-chief.

5403. You therefore approve of the idea that the Indian portion of the Executive Government should have specific departments or subjects assigned to them to be under their control?—Yes. I had not conceived any other system possible.

5404. And as you have said that the Ministers will be amenable to the Legislature—that is to say, they will not continue to hold office if the majority are against them on important matters—I take it that, having regard to the subjects assigned to the Minister, their resignation will depend upon important differences between themselves and the Legislative Council with regard to their own subjects?—Yes; I suppose so.

5405. At any rate, principally with regard to those subjects?—Yes; they would be responsible chiefly for their own subjects, as a Minister is in England.

Lord *Sinha*—continued.

5406. I would rather not complicate this matter by comparing them with English Ministers, because there is the question of corporate responsibility?—I know.

5407. Therefore, I am trying to take the position of Indian Ministers by itself. Are you aware that that is the scheme of the Bill?—I am sorry, but I have not read the Bill. I did not take the Bill with me and I could not get one till before I started. I wrote for one at once. I could not read it in the train.

5408. If it is in the Bill that the Ministers should be responsible to the Legislature with respect to specific subjects assigned to them, that would meet with your approval?—So far it would. I should like them to be responsible for the whole thing.

5409. You would like the Ministers to be responsible for both their own subjects and——?—Chiefly for their own subjects; but I should like to have, as far as possible, a corporate liability. Whatever you say, I think there will be a corporate liability, and I think there will be an individual liability.

5410. Whether you divide the Executive Government into two, or whether you keep them one, it will be both corporate and individual responsibility?—Of course, if you divide them into two, I do not know what there will be—I cannot imagine.

5411. Because you refuse to contemplate that?—No, I do not; I have been contemplating it as much as I can.

5412. If you have a divided Government, supposing subjects assigned to one portion and other specific subjects assigned to another, both deliberating together, will there be no responsibility, in the sense that you use it, of one portion for the acts of the other?—There will be very great confusion. Practically, the Indians will be able to represent the English Government as responsible for everything that is unpopular and themselves as responsible for the rest.

5413. Are you assuming that everything that is assigned to the Executive Council, or the English portion of the Government—and that will not be entirely English, either—will be unpopular?—Oh, no; not at all. What I am thinking is that the ordinary voter will not think about it; that the extraordinary man—the politically minded man, even—will not have any idea what are reserved and what are transferred subjects.

5414. Do not they have that idea now, because now portfolios are assigned to different members? They know now who is in charge of education?—Yes.

5415. They know who is in charge of the police, do they not?—Do they? Who is in charge of the police in Bengal?

5416. Sir Henry Wheeler, now?—Well, is one of two Englishmen. I do not know enough about the division of work in Bengal to be clear about it.

5417. But there is a system of portfolios assigned to different members now. You know that?—Yes.

5418. Therefore there is nothing objectionable in assigning departments to different Ministers?—No; I cannot conceive working the Government on any other plan.

5419. And, primarily, each member is responsible for his own department?—Yes.

5420. Though as he takes part in the deliberations with regard to all he is responsible for the others also, though not to the same extent?—Yes.

5421. That is the present position?—Yes.

5422. Do you think that it will be very different under the scheme which is embodied in this Bill? Take the report with which you are probably more familiar?—I suppose the report is the same as the Bill in that respect?

5423. Yes?—I have read the report. I have not got the Bill in my mind completely—yes, I think it will be different.

5424. In what respect?—The Ministers will have considerable influence, it is admitted, over reserved subjects, and they will have no responsibility for them. They will be able to do things and will not be responsible for them.

5425. You have already said you would rather not distinguish between influence and power?—Yes.

5426. If they have considerable influence over the reserved department, will they not be held also responsible to some extent for the decisions in those departments?—

Lord *Sinha*—continued.

ments?—No, you have enabled them to get out of that responsibility by your division, by your diarchy. They have power without responsibility, as I say.

5427. Influence?—Well, influence or power; let us say control—whatever it is. They will have that. They will have power without responsibility. That is what it comes to shortly.

5428. Do I understand you to say that in your view they ought to be responsible for those other subjects, too?—To some extent I think they will be. I do not think you could lay down beforehand what their responsibility will be. It will make itself. You may have all these laws and rules. No one will attend to them.

5429. When you have these enlarged Councils you would give them power, would you not, over some subjects, as you have already said?—No, I would not divide the subjects. They would have a certain quantity of power. That power would tell more on some than on others. On the question of public security and peace, and so on, it would not be great. On a subject like education it would be very great indeed. That would be for the skilful Governor. He would give them power in those directions which he thought would be most likely to develop their aptitude.

5430. I have always understood that the opponents of this scheme say that the kind of skilful Governor which you require under this Bill is a superman that England cannot produce?—The Governor whom you require for a State diarchy has not yet been found, because we have no experience of diarchy.

5431. You yourself are talking of skilful men to distinguish between cases in which the will of the Legislature should be given effect to, and cases in which it should not?—That is in a unitary government.

5432. Is the kind of skill to be different in the other?—The Governor in a State of diarchy seems to me to be in a perfectly impossible position. I find it difficult really to imagine what he will do.

5433. Now with regard to finance, would you give the Legislative Council the same kind of power?—May I cry off finance? If I had had longer time I would have gone into the financial proposals. I have studied them pretty carefully, but I have really not been able to get them up sufficiently to meet you.

Lord *Islington*.

5434. Reading your note, which is forcefully drafted, one would say that you disapproved both of the announcement and of the scheme that has emanated from that announcement?—Need I say anything about the announcement?

5435. No, I do not think it is necessary for me to ask you more than to answer that point. You have already said that, I think?—Personally I have said that I disapprove of the principle enunciated in the announcement. What was the other part of the question?

5436. And the scheme which has emanated from the announcement?—Yes, the scheme in the Report.

5437. Would you say that, while you disagree with the announcement and the scheme, the present political position of India not only justifies, but demands an appreciable political advance?—Certainly.

5438. And at a very early date?—As soon as possible.

5439. The scheme which you would prefer of all others is the scheme which has been developed by the Indo-British Association?—Yes. I am open to consider a better one.

5440. But that scheme, if I remember aright—I ask you subject to correction—is quite a different scheme to the one proposed by the Local Governments?—It is pretty much like it. What are the differences?

5441. The scheme of the Indo-British Association, broadly, is to take certain areas in Provinces in India and Indianize them?—I am talking of the scheme put forward the other day on the Bill.

5442. Not the first scheme?—No, not the first scheme; I have nothing to say about that. When I say I adopt the scheme of the Association I mean the scheme which was published the other day, of which you have a copy.

5443. I have not that scheme in my mind at the moment. You say it is more or less on the lines of Local Governments?—Yes.

Lord *Islington*—continued.

5444. You do not agree with that original scheme as a method of political development, taking certain areas?—After the publication of the present Bill the Association has not put that forward.

5445. Now I will come to the point of the dual system which is really the aspect of the scheme which you have the greatest mistrust of—is it not so?—It is the one I have studied most. I mistrust it all.

5446. As regards the dual scheme, you are very anxious to see if development takes place, whatever Government is presiding over a Province should be a unitary Government?—Yes.

5447. A unitary Government both in point of discussion and in point of decision?—Yes.

5448. And you think that discussion and decision of a unitary Government is quite compatible under Indian conditions with the responsibility to a Legislative Council?—Yes.

5449. You said just now that a Governor would have to be a very skilful man to conduct affairs in future?—The Governor of an Indian Province has always wanted a good deal of skill, I think.

5450. And he will have imposed upon him additional burdens whatever happens now which will require that skill to a great degree?—Yes.

5451. Would you be prepared, with a unitary system of government, to give a very wide discretion to the Governor?—Yes.

5452. Would you be prepared to give him a discretion to the extent of ensuring that those subjects which are to be dealt with by Ministers under Indian administration should obtain their end after full discussion and decision in the Government?—Unless it were under Section 50, or something of that kind. It is in the Report itself that the Governor is not a constitutional Governor.

5453. Not even under the diarchic system?—Under the Montagu-Chelmsford Report he is not a constitutional monarch even in transferred subjects.

5454. If questions of law and order come in he can interpose?—And there may be others.

5455. Would you say that if those members of a Government became accustomed to sitting round a table that in probably 99 cases out of 100 they would come to their conclusions by agreement?—Yes.

5456. I suppose you feel that they would be much more likely to come to those conclusions by agreement if they all sat together than if they sat, as it were, in water-tight compartments by themselves?—Certainly.

5457. But there might be that hundredth case of a somewhat vital question of policy, and there you would give the discretion to the Governor, after full discussion, to give the final decision?—Yes.

5458. Would not such a scheme in broad outline realise all that is wanted and all that is aimed at in a diarchic system?—I think it would. I think it would be the best way of achieving the object we all have in view.

5459. When people say that they will not make the Minister responsible to the Legislative Council, would you agree that they are somewhat forgetful for the moment that the Legislative Council is going to undergo a very radical change in that it is going to have two-thirds of an elected membership?—Yes, I think that is so; and I think we have to remember that responsibility on paper is a very different thing indeed from responsibility in fact.

5460. Let us get to the responsibility in fact quite apart from paper—a Legislative Assembly with a two-thirds majority elected—a unified Government with some transferred subjects being decided upon against the wishes of that Council?—It will not be a subject which will be transferred.

5461. I am taking the extreme case of a unified Government making a decision on a transferred subject which did not meet with the agreement of the Legislative Council?—Of course, when you say a transferred subject you mean a subject which would be transferred under the dual Government?

5462. Yes?—Then my answer is yes.

5463. One of the subjects which Lord Sinha put to you would always be in the hands of an Indian Minister probably?—Yes.

5464. Would

Lord *Islington*—continued.

5464. Would you say that a Government composed like that and with a Legislative Council composed like that, in practice the former could continue to resist the latter—that the Government could resist the wishes of the Legislative Council?—Not if those wishes were reasonable; were such to commend themselves, say, to Parliament. If they went quite off the rails I think the Legislative Council would come to grief and lose its power, but if they proceeded on reasonable lines I think it is inevitable that their powers would grow a great deal.

5465. And their decision would prevail?—And their decision would prevail.

5466. You would say to that extent that the Legislative Council, composed as it is, would have a very powerful influence on a unified Government composed as it is under this scheme?—I think it would.

5467. It would have a very potent influence upon a unified Government?—Yes.

5468. Now I will ask you one question about the Secretary of State. You are very apprehensive as regards the powers which are being given to the Secretary of State?—Yes.

5469. What are the particular powers that the Secretary of State is to have over and above what he has enjoyed in the past that you are apprehensive of?—He can limit the powers of Parliament, cannot he? I am speaking from memory.

Sir *J. D. Rees.*

5470. Clause 23?—"The Secretary of State in Council may, notwithstanding anything in the principal Act, by rule regulate and restrict the exercise of the powers of superintendence, direction and control, vested in the Secretary of State, the Secretary of State in Council, and the Governor-General in Council."

Lord *Islington.*

5471. The Secretary of State in Council may do this?—Yes; and the Secretary of State, I understand, in this matter represents Parliament.

5472. The Secretary of State represents Parliament in this Bill, as the Secretary of State has been the intermediary between the Government of India and Parliament in the past?—Yes, but I understand the effect of this Clause 23 is to give the Secretary of State power to limit the powers of Parliament

5473. I do not think that is the case. I will not take you into an examination of that. The Secretary of State has to be the agent of Parliament, just as every other Minister is the agent of Parliament over other Departments. Would you say that the power that has hitherto existed in the hands of the Government of India should remain in the hands of the Government of India rather than in the hands of the Secretary of State, or that they should be in the Secretary of State rather than in the hands of the Government of India?—The outside observer does not know much about the relations between the Secretary of State and the Government of India.

5474. You are not prepared to answer questions upon that?—It is a personal question really. Sometimes it is the Viceroy and sometimes it is the Secretary. Go back over the last ten years and think who were Viceroys and who were Secretaries of State. Was Lord Minto in the same position as Lord Curzon?

5475. I do not ask you with regard to the person occupying office, but from the point of view of the machinery of the Government?—The machinery of the Government comes down to individual questions in cases of that kind.

5476. You would not be prepared to say more than that upon it?—No, I would rather not.

Mr. *Bennett.*

5477. You said from your experience as a judge of the Calcutta High Court that you found that caste entered into every conceivable action. Are you aware whether in the Legislature it would be the same thing—whether caste enters into every conceivable action of the Legislatures in India?—I fancy so. It enters into everything else.

5478. Do you remember any indications of it? Did you hear while you lived in Calcutta that caste entered in any degree into the operations of the Corporation?—Yes.

Mr. *Bennett*—continued.

5479. Do you remember how—in what particular matter?—You are driving me into such personal matters. So-and-So is appointed to such a position because of his caste. Oh, yes, there is no doubt about it.

Major *Ormsby-Gore.*

5480. You have said that the Indo-British Association's recommendations which you support follow closely the lines of the recommendations of the five dissentiate Local Governments, and I think you added of the Government of Bombay?—Yes.

5481. You refer to the late Government of Bombay, not the present Government of Bombay?—The Government that put forward that Report published in the Blue-book that I have.

5482. We have a minute from the present Governor of Bombay saying that he would prefer what he calls an imperfect scheme passed quickly and now to a reopening of the whole question?—I find that I am not quite up-to-date with my knowledge of publications.

5483. You are thinking of Lord Willingdon's original speech?—I am thinking of the Blue-book called a Letter from the Government of India. It is the letter from the Government of Bombay dated 11th November, 1918, which was published about five days before the second reading of the Bill. It was kept back for nearly a year—nine months.

5484. You say under a diarchy you think the personal position of the Governor will be very difficult?—Yes.

5485. Will not the Governor have in his mind that normally on all the proposed transferred subjects he will take the advice of his Ministers, and that normally on the reserved subjects he will take the advice of his Executive Council?—Yes.

5486. And that he would only depart from that advice on either side of the Government for very exceptional reasons?—Yes.

5487. Do you think that that would be a very difficult position for him?—Very.

5488. Why?—Supposing things overlap.

5489. But do they overlap?—Yes, all subjects overlap; that is brought out very fully by the Government of India. They have gone into it very fully, and they are a much greater authority than I am.

5490. Do you think they do overlap to such an extent that in practice it will be necessary to have something approaching a unitary form of government?—Yes.

5491. That is to say, the two Executive Councils, the official side of the Government and the Ministers will in practice have to work together and deliberate together in the Governor's presence and settle any differences among themselves?—I think they will have to agree together.

5492. That is the point I wanted to get. Now you said the political genius of the Indian people still remains to be developed. Is it not your experience that there is a great deal of political talk and political discussion and political thinking in India?—The amount of political talk is overwhelming; the amount of thinking is not so large.

5493. And you would say that that political talk—I will not go into the question whether there is any thought behind it—is developing on Western lines?—It is copying Western lines. I do not think it is developing at all. I think myself it is sterile.

5494. You would prefer to see Indians exploring the history of past Indian civilisations to find models rather than looking around Europe or America to find models for their future political development?—I should like to see some Indians in authority producing some form of government which could be recognised as distinctively Indian.

5495. In fact your point of view is that you would feel inclined to reject anything that an Indian put forward unless it differed from Western examples?—Not at all. It might be distinctively Indian, and also distinctively Western; it might be universal. I do not say that Western methods are necessarily bad for India; they may be in accordance with the genius of India, but at present the genius of India has not had a chance.

5496. Can you help me to get an idea of what you mean by the genius of India?—It is very difficult. It exists I am certain; I have no doubt it exists.

5497. And

Major *Ormsby-Gore*—continued.

5497. And you think that Indian politicians do not give expression to it?—I think they do not.

5498. That is to say that Indian genius is quite inarticulate at present?—As far as I know, quite. What we hear is an echo of what we think.

5499. You say it is difficult to get Indians to originate anything?—Yes. The remark is a commonplace one.

5500. You mean they have no literature of their own, no art of their own, none of the distinctive things by which we recognise a distinct civilisation?—It is rather a wide question. I think I should be inclined to answer it yes without going into detail.

5501. You said it is so difficult to get them to originate anything. It is a very wide statement. I wanted to know what you had in your mind?—I answered your question, Yes.

5502. What do you think is the test of political capacity—do you think literacy is?—Success.

5503. Success in practice?—Yes.

5504. That is the only test?—Well, yes.

5505. And therefore we cannot possibly tell whether Indians will be successful politically until we have tried them?—No, and I would try them. I say I would put every Indian I could into a place; I would put many Indians into places for which they were not really fit in order to try them; I would keep on trying them. I think they should be tried in every way, and I think they are being tried in a good many.

5506. But you would not put them in positions of responsibility?—Yes, certainly, of course I would. I have sat with my colleagues in positions of very great responsibility; I mean their responsibility was as great as mine certainly.

5507. But acting under the orders of the Government of India? You would not put them in positions of political responsibility without that?—Yes I would; I would make them Under-Secretary; I would make them Secretary of State. I thoroughly approve of that.

5508. With regard to caste, you said your experience of India is limited to Bengal?—Yes.

5509. And that your views on caste that you arrived at first hand were not quite the same as the views you got from books?—I did not say that. I think I said caste was much more stringent in other parts of India than in Bengal. I suppose it would be in the United Provinces and in Madras.

5510. You have heard that the question of caste presents less difficulty in Bengal than in other Provinces?—Well, more difficulty in other Provinces than in Bengal. It presents plenty in Bengal. It is always getting in the way.

5511. Do you think that even in Bengal it will be an obstacle to the working of the Legislative Council?—Yes.

5512. And an obstacle to Ministers in their relations to that Legislative Council?—Yes. What high caste man would like to take orders from a low caste one? None!

5513. So you think in practice it will be impossible to appoint as Minister responsible to an Indian Legislative Council any man who is not of high caste?—No, I do not think it will be impossible; I think it will be possible. Personally I am opposed to caste, and I can say so because I think I may say I have always loyally accepted its existence and conditions. Of course, I am opposed to caste. Every Englishman is. As regards the attitude of the Government of India, do you mean to oppose caste or do you not? If you do you will fail.

5514. You left India in 1914 and you have not been there since?—That is so.

5515. Towards the end of your time in India did you notice that political activities were in any way tending to mitigate the rigour of caste distinctions in social relations and in party politics?—No.

Lord *Sydenham*.

5516. The announcement of the 20th August gave a promise of the gradual development of self-governing institutions with a view to progressive realisation of responsible government in India. Do you think that that necessarily means that self-governing institutions and responsible government are to begin and go on *pari passu*?—No, responsible government is the object aimed at.

5517. And might be reached by intermediate stages in which what you call technical responsible government did not exist?—Certainly.

5518. Do you think that that announcement, as I have read it, absolutely demands the Bill as it stands in its present form?—No.

5519. Do you know of any case in which what is technically called responsible government is granted bit by bit?—Of course, that throws one back to the consideration of Colonial Governments, and I do not think I can quite answer the question. I do not remember any such system. In Canada it came straight away, in 1837, what passed for responsible government then. In the case of Jamaica they have always been going backwards and forwards. Nobody has ever known of a diarchic government, of course.

5520. The justification of the diarchy is that it is a convenient mode of giving responsible government in driblets?—Yes.

5521. You say you think diarchy is not workable?—Yes.

5522. Do you think the diarchic form of government contemplated in the Bill gives any real training in responsible government in the Dominions sense?—No.

5523. Is not it a fundamental principle of Cabinet government wherever it has been tried that there should be a shared responsibility, and that a united front should be presented to Parliament?—That is what I have always understood.

5524. And you do not think that the progressive increase of power given to Indians is incompatible with a unitary government?—Oh, no, not at all.

5525. I think you agree that the difficulties of a Governor must be extraordinarily great when his only control over part of his Cabinet resides either in dismissing a Minister or in the exercise of some veto subsequently over what the Minister does?—Yes; it seems to me it puts the Governor in a very difficult position.

5526. Is it not sometimes necessary in India to do things which are not popular among certain classes?—Constantly.

5527. You know well there are defects in the police forces?—Yes.

5528. Due partly to inadequate pay and partly to inadequate supervision. No one knows that better than you do?—That is so.

5529. Do you think that the reforms which may be necessary to remedy those evils, and will cost money, are ever likely to be popular with the elected majority?—No.

5530. Supposing that a popular Minister brings in a Bill of which the Executive strongly disapproves, will not the position of the Executive in that Legislative Assembly be somewhat degrading?—Yes. I think constant difficulties of that kind will occur, because the opposition between Ministers and Councillors will always be a matter of notoriety.

5531. Is the Executive Council in such a State to criticise its own *quasi* colleagues before the Legislative Council, and to be defeated in the end, or ought they to remain silent and say nothing?—The Government of India wishes them to remain silent. I understand the Report wishes the dissentients to say what they do not think and loyally to support that which they do not believe in.

5532. Do not you really think that the effect of the diarchy must be to bring the British element into dislike and contempt?—Yes, I think it will. There will be a constant and growing opposition against them.

5533. And, possibly, a growing dislike, because they might have to do things which would not be popular with the more vocal classes?—They will, no doubt, have all the unpopular things to do.

5534. Do you think that a Legislative Council based on the great new electorates, which are proposed and composed largely of illiterate and extraordinarily credulous people, can for many years really represent the wishes of the people of India?—No.

5535. As regards the Provinces, I understand that you are strongly in favour of a unitary government, which is proposed by the five Provincial Governors?—Yes.

5536. With

Lord *Sydenham*—continued.

5536. With a unitary government there would be no transferred subjects, of course, but Indians would hold portfolios as they have always done from the first?—Yes.

5537. As regards the Government of India, do you agree with Lord Curzon that nothing should be done to weaken its authority at the present moment?—Certainly.

5538. I think you were a member of the Senate of the Calcutta University?—Yes.

5539. Sir Michael Sadler gave us his opinion that all education should be transferred under the diarchic system. Do you accept that view?—No. I find it difficult to say anything about education. My only connection with it was my membership of the Senate, and the part which I attended to was the education in law; and the law education of the young Bengali was grotesquely bad.

5540. Is not Indian influence in the University of Calcutta—as it was in Bombay—very great already?—In my time I think I may say that there was no other. It is entirely Indian.

5541. Is not the law school which you have said was deplorably bad practically controlled entirely by Indians?—Well, I was on a Board, or something; there were two barristers who were Europeans with me; but we did not exercise much influence.

5542. Do you consider that such very great changes as the handing over of very large powers to the Provincial Governments—that is, the decentralisation part—the grant of an elected majority in their Legislative Councils, the large electorates which are to be set up, and the control of all municipalities and local boards by elected members, would make a most substantial advance in the direction of self-government in India?—It seems to me an advance which is alarming, and one to cause considerable anxiety, because it goes so far; but I think it is an advance which, relying on ourselves and our good intentions, and the good intentions of the Indians, should be made. I think it makes a large call on the patriotism both of the Indians and of ourselves; but I think it should be made—that kind of advance.

5543. You regard those great changes to which I have referred as practically the safe limit of orderly government in India at the present moment?—Yes.

5544. With these large Legislative Councils is it not certain that they will exercise great influence on all Government affairs?—Yes; I suppose so. That is the opinion of the Government of India, and still more the opinion of Sir Sankaran Nair.

5545. Would not the Government be most unlikely to take any measures which were opposed by a large majority in the Council, unless it was thought that those measures were demanded in order to keep order, or unless those measures were opposed by a large amount of outside Indian opinion?—I think that is certainly so. They would not undertake any such measures except in cases of urgent necessity.

5546. You are aware that in some cases the opinion in the Legislative Councils of the elected members is not shared and is opposed by Indians outside?—Yes.

5547. And a Governor, therefore, has generally to consider not only the opinion in the Council, but independent Indian opinion from the outside?—Yes.

5548. Do you think that the responsible government system on the Dominion lines, such as is proposed to be established and as demanded within 15 years, would last in India if the British authority were removed?—No, I do not think it would.

5549. And therefore the system we are setting up is being forced upon India by British authority and would have to be maintained, if it is to last, by British authority?—Anything like a Colonial system would.

5550. A responsible government system?—Yes, I think it would.

Sir *J. D. Rees.*

5551. You spoke of your 12 years' service in India as being spent in Bengal. Should I be right in limiting that to Calcutta?—Yes.

5552. Have you had any experience of Indian life either in shooting or in travelling or anything else? Have you sat down in the villages anywhere, and have you any first-hand acquaintance with life in Bengal?—I always tried to when I could. I tried to see all I could of the districts and so on.

5553. Have you sat down in the villages for any purpose?—I have not had any duties to do there. I have gone there for my own pleasure.

5554. May I ask have you spoken at first-hand with the natives of Bengal? Are you familiar with any of their languages?—No.

5555. What exactly do you mean—what is the signification of your statement that you found in India that caste entered into everything. I mean, speaking as a judge in Calcutta without experience of village life or country life, subject to those limitations, what is the meaning of your statement that you found caste in everything?—Even at the distance that I sit from village life it was apparent that caste had the greatest possible influence in everything—everything that I came across.

5556. That is in the cases that came before you—you came to that conclusion?—In the business which I saw transacted of various kinds.

5557. What business does the High Court do other than hearing cases and dealing with its own administrative staff?—It superintends its subordinate Courts.

5558. That is judicial business, I take it?—I should have thought that was administrative.

5559. I am only trying to fix your evidence to these particular points, which you would wish to fix it to as being those with which you are most familiar. I am not quite clear from what you said—is this all-pervading influence, which you learn through the records of cases, all bad?—I do not say it is all bad. It is overwhelmingly bad. I suppose it has got good points.

5560. You have said that the great difficulty in connection with caste was that men of high caste were not willing to take orders from men of low caste. Do you adhere to that statement?—Yes.

5561. Have you ever found that the judgment of a judge belonging to a low caste was impaired in any way or became less binding because he belonged to a particular caste?—It was not so well thought of by some people.

5562. Was it enforced?—Of course it was; but one wants judgments to be accepted.

5563. Can you say that, as a matter of fact, in the conduct of business in the country, it makes the slightest difference what is the caste of the judge who passes the judgment?—Yes.

5564. In what way?—The judgment is not so much respected if it comes from a low-caste judge.

5565. Not so much respected by whom?—By the people whom it affects.

5566. But they have to carry it out? Yes, people have to carry out things which they do not respect, and they have to carry out things which they do not accept.

5567. Is it the function of a judge to pass judgment which has to be respected or a judgment which deals with the points at issue?—The judgment is to proceed according to law, but it is much better that a judgment should be generally accepted than that it should excite hostility.

5568. Arising out of that, may I ask you do you lay it down therefore that judges and persons in authority should invariably be persons of the highest caste?—No.

5569. Can you reconcile your position, which seems to be somewhat inconsistent? What would you do if you were in power and could do these things?—I should appoint the best man.

5570. Irrespective of his caste?—I hope so. Influence, of course, would be brought to bear the other way, I know, and what I should do I do not know. What I ought to do is to appoint the best man.

5571. I leave you on the horns of that dilemma?—Excuse me, I accept one horn—I should appoint the best man.

5572. I suggested the difficulty was rather, upon your premises, in deciding who would be the best man. Now I ask you this as a judge for the moment; I am glad to have the opportunity, because you can give an authoritative answer. It was stated here the other day by a witness that it was necessary—he did absolutely say that it was necessary to the legality of a marriage in his caste, he being a non-Brahmin—that

Sir *J. D. Rees*—continued.

that a Brahmin should be present at the wedding. Is there any such obligation for a legal marriage in India?—I should rather like to hear the question argued before me before giving a decision.

5573. But I ask you does the British law in India makes necessary the presence of any person of any religion at a marriage?—*Curia advisere vult*—I cannot give an offhand opinion.

5574. Then you said just now that the education given in law was extremely bad?—Grotesquely bad, some of it.

5575. May I ask you whether under that system, whatever it is—and I am not competent to criticise it—there have not been turned out all over India a band of extremely capable lawyers?—You will not ask me to criticise members of my own profession, but what I have said is that in some cases the education is grotesquely bad. I do not at all wish to say it all is. If I said it all was I take it back. I say that the great part of it is or was grotesquely bad. I do not say that of all education. Some of it is very good.

5576. Then you do qualify it?—Yes.

5577. Would you say of the people of India, seeing that men have risen from assistant magistrates to be members of the Viceroy's Council, that they generally show an extreme capacity for learning law?—Do not ask me that.

5578. You are familiar with the European community in Calcutta, which is a large and an important commmunty?—Yes.

5579. Would you say that they are all or generally opposed altogether to reforms of the description dealt with in the Bill? Can you speak to that?—I would rather that you asked that of a representative of the Association.

5580. Will you tell me this: What is your opinion of the effect of the Bill, if it becomes law in this form, upon investments in India——upon investments of capital in India? Do you think it would prejudice them?—I should be sorry to give anybody public advice on that matter. I would rather you asked a stockbroker.

Viscount *Midleton.*] Is that a proper question, Lord Selborne?

Sir *J. D. Rees.*] The witness has been speaking generally, and not as a judge upon the effects of this Bill. I submit my question was quite relevant to the case.

Chairman.] I think he is quite entitled not to answer it.

Sir *J. D. Rees.*

5581. (To the *Witness.*) I should like to ask you this: You have criticised the provisions of this Bill, but you have not referred very much to the safeguards which mask or limit the advances made in the direction of responsibility. Are they, in your opinion, generally satisfactory and effective or not?—I am not quite certain what you are referring to.

5582. There are various safeguards which give the power of veto, let us say?—I am in favour of certain provisions. I am in favour of a veto power.

5583. Do you think the safeguards provided are satisfactory against too rapid an advance?—I am not very familiar with the Bill. I am sorry. I explained I have not had an opportunity of getting up the Bill sufficiently to be cross-examined on it. I have come here at very short notice.

5584. In answer to Question 3 you say, "I do not think that members of Provincial Governments should have as much power of controlling the actions and policy of the Executive as the Houses of Parliament have." Do you mean Provincial Governments or Legislatures there?—Legislatures.

5585. In answer to Question 5 you say, "I do not believe that Councillors and Ministers could loyally defend measures of which it is known that they disapproved." Is not that rather a usual incident? Is it not almost inevitable in political life?—I hope not.

5586. Lord Sydenham asked you a question about the police. He attributed their faults to inferior pay and insufficient supervision, and then asked you——

Lord *Sydenham.*] I beg your pardon. I did not attribute all their faults. I said there were defects in the police which were due to those two causes.

Sir *J. D. Rees.*

5587. I do not know that it is exactly and immediately relevant, but you did answer that question?—I have forgotten the question.

5588. He asked you to accept the position that the faults of the police are due?——

Chairman.] I do not think that question was ever asked. It was one of those statements which some of us make.

Sir *J. D. Rees.*] Then if it were not I do not wish to ask any question about it.

The *Witness.*] I do not think I have expressed any opinion about the police themselves.

Sir *J. D. Rees.*

5589. You referred to certain advantages which Brahmins have in pleading cases before the Bench: am I right in supposing that that is what you said?—No.

5590. Can you explain what you said in that behalf exactly. You said something like it?—I think a man would get work because he is a Brahmin. I think it would help him to get work.

5591. To get cases?—Yes.

5592. It would not help him in the conduct of cases before the Bench?—I hope not.

5593. But do you think it would?—Not in my Court, no. Certainly not.

5594. I understood you to say—please correct me if I am wrong—that the Indian political genius was not expressed by the Indian politician at the present time: is that correct?—Yes.

5595. That is so?—Yes.

5596. I mean, that is your statement?—Yes, that is my statement.

5597. Upon that I should like to ask you this: by whom is the political genius of the Indians to be expressed, and who is to judge of the expression? Who is to judge whether it is or is not a proper expression?—I do not know who will express it; I hope somebody will.

5598. But is the suggestion that the expression of Indian political genius is to be a true expression when it is approved by the Indo-British Association or a Judge of the High Court, a European or anybody?—Everybody.

5599. How is it to be judged?—By everybody concerned.

5600. The people themselves are mostly concerned?—Yes.

5601. How do you get at it? How do you decide? If you commit yourself to a statement like that it would be very interesting to know what would be the true expression of Indian opinion, and how you would know when it was true?—By the man attracting Indian support—by the leader attracting and keeping Indian support, which has never yet happened.

5602. Not Mr. Gokhale?—No.

5603. Nor Mr. Banerjea?—Which Mr. Banerjea?

5604. Mr. Sarendranath Banerjea?—No. He has professed every kind of opinion. He has constantly attracted support, but he attracts support by his personality, not by his consistency.

5605. I ventured to suggest to you two of the most prominent Indians?—I consider they are not representative of Indian genius.

5606. Do you know that the provisions of this Bill to which exception is chiefly taken by the extremer section of Indian politicians are the provisions which provide for safeguards in the Bill?—I have not made myself acquainted with the recent expression of opinion of those bodies, because there is no means of doing so. The proceedings before this Committee are not really reported at all. I wish they could be. One cannot get hold of them. I do not know what has been said. I have tried to find out, but I cannot.

5607. I was going to ask you upon that. Upon such knowledge of the Bill as you have—you yourself have expressed some limitations—are you in a position to say that the safeguards existing in it are not sufficient to maintain the essential position of British power in India?

Sir *J. D. Rees*—continued.

India?—Supposing the contents of the Bill to be substantially those of the Report, my answer is that they are not sufficient. The safeguards provided in the Report, are, I consider, insufficient.

5608. Do you know that their existence is considered by the extremer branch of politicians to condemn the whole scheme as not being sufficiently thorough?—Yes.

5609. You have lived in Calcutta for twelve years. You frequented the Bengal Club, for instance?—Yes.

5610. I take that as being characteristic—just as in England one might speak of the Carlton Club. Taking the opinion of the European community of Calcutta, do you think that amongst them there is or is not coming into existence a feeling that some liberalising of the system of government in India is either desirable or inevitable?—Yes

5611. That feeling is growing?—Yes. It is my opinion. Of course, I may see it where it does not exist; but it is my opinion, and I think it is other people's opinion, too.

5612. It is your opinion?—Yes. I am inclined to say so as much as I can.

5613. At the same time, holding that opinion, are you in a position altogether to accept what is known as the Indo-British Scheme?—Yes.

5614. You can do both?—Of course I can. I should not accept that scheme unless I thought it was of that kind; and, what is more, I should not accept it unless I thought it was much more of that kind than the official scheme.

5615. Am I right in supposing that, while you express a desire that the Indo-British Scheme should be accepted, in the course of cross-examination by Lord Sinha you did say that you accepted and approved that division of functions which goes by the name of diarchy?—No. If I said that, it was Lord Sinha's art, and not my intention. It was not my intention to say that. I do not approve of that division.

5616. You say some liberalism is required. Would you hand over all functions, or what would be your way?—I have already said the scheme of the five heads you may take as the basis of it, and the Bombay Government and the Indo-British Association—they are all very much on the same lines. Of course, the Indo-British Association could not speak until it knew the opinions of the local Governors, consequently it could not speak till a very recent period.

Sir *Henry Craik.*

5617. You say you disapprove of dual government?—Yes.

5618. You mentioned, as an alternative to that, a unified government. What do you mean by that? Do you mean the negative of diarchy—that the Government should remain in Civil Service hands?—I mean the sort of Government that we are accustomed to.

5619. It is not an alternative you have; but you do not wish to see the introduction of this new and untried system of dualism?—Yes; I wish to proceed along the road on which we are.

5620. How would you develop the sense of responsibility and greater power of Legislative Councils under this system which is proposed?—Under the system that I propose the Legislative Council, as it acquired knowledge and experience, would find that, when it was really putting aside party contentions and working for the good of the Province, it got its way.

5621. But would you have a certain assignment of the different branches of administration between what may be called the popular and the official element?—I would leave it to the Governor to assign certain portfolios to the different members of his Council, some of whom would be *ex hypothesi* Indians. I would leave it to him.

5622. But you would not assign any branches of the administration to the hands of the popular element?—I think I would not do it by law. I would leave the Governor to distribute the offices as he saw fit, and in that way you might see how Indian ability worked out in various spheres.

5623. Is not that possible at present?—Yes.

5624. Does that involve any change?—Only a very small change; I do not think it does involve a change.

Sir *Henry Craik*—continued.

In Bengal, at all events, the numbers of Indians and Europeans are unequal. There are two English and one Indian.

5625. Would it be possible to develop responsibility by both assigning a certain number of subjects and attaching responsibility so that any unpopularity may be borne by the Minister in charge of it?—That will be done if the Governor makes over a certain portfolio to one of his Ministers, who is responsible for doing that business. He is responsible without any enactment that he is to be.

5626. Do you contemplate that in that way the Ministers would be able to act together as a Cabinet as we understand it?—I think they would learn how to act together.

5627. But how are they to learn? Surely it is not learning any advance in politics to be able to surrender principles which you hold strongly, in order simply that you may bring about agreement in the Cabinet? That is not political advancement?—No, certainly not.

5628. When I hear it said that the Cabinet will learn to be of one opinion and to bring forward some policy, how can we accept that, when we are told that there is a fundamental difference between the popular view and the official view? How are you to bridge that over except by one or the other giving up their principles?—I do not see how you can under a system of diarchy.

5629. Under any system—under a unified system?—Under a unified system I should hope to get the Indians and the Europeans agreeing. That is the end to be aimed at—so to select your officials that they would agree.

5630. That means that you either adopt official Members, who will sink the previous opinions, or that you adopt Indian Members who will submit to the official view. If that difficulty exists is not your path towards political responsibility much more clear and certain, if you assign separate functions and separate responsibility, not under a dual system at all, but by assigning certain Provinces of Government to native control and administration, and try them on a limited sphere and then let that sphere be enlarged? Is not that a fundamentally different path, and is it not a better path than this division which is trying to bring about a semblance of unity which will not exist?—I should like a completely unitary system in which one man might be put to one job and another man to another job.

5631. Even although they fundamentally disagree on broad lines of policy?—If course, it would be for the Governor to try to see they do not disagree and yet retain their individuality.

5632. How can the Governor see that they are to agree? He may tell them to do such and such a thing, but he cannot make them agree?—No; he may point out a compromise; he can point out where they should agree.

5633. Supposing they say: "We do not, will not, and cannot agree." Is it not the only way of giving them the real function of government to say, "This is your sphere; make the best of it you can, and we will keep other spheres for ourselves"?—That is dualism, as I understand it, is it not?

5634. No, it is not. Dualism, as I understand it, means the setting up of a government which is to have two branches which are more or less to run on separate courses, but to be responsible each for the doings of the other. Is it not much better to say how far you are prepared to trust the popular or the Indian element, and give them that limit of independent responsibility and administration?—I think I would not like to tie the Governor's hands beforehand. I should like to see him do his best to get his Indians and his Europeans together. I should like to see him succeed in doing it, and then gradually increase the power of the Indians as far as was practicable. Eventually the administration would become entirely Indian.

5635. You perhaps remember the letter of the Government of India which said there were two methods—a vertical and a horizontal division?—Yes.

5636. And that they wished the vertical instead of the horizontal. You would take the horizontal and give them certain large functions of government? Has it not been the case that responsible government in the West has very much developed from local government being

Sir *Henry Craik*—continued.

being broadened and widened and made more independent?—My knowledge of other countries is not sufficient to enable me to answer that, I am afraid. Arising out of what you have just asked me, you nearly touched the point, but not quite. We talk of representative government, and we used to talk about limited monarchy, and then about representative government, and we have now to talk about responsible government; at different times we speak of government by its characteristic features. A feature which seems to have been overlooked is the existence of party. In England we have always managed to have two parties, and in that way we have been able to make a unitary government on one side or the other. The triumph of English organisation in India would be if we could induce the Indians to form party government on two lines, on leading and sound principles. That is a matter of which there is no notice at all in the Report or elsewhere, but unless the Indians can develop some satisfactory system of party government I think they will fail to establish any representative government.

Lord *Brodrick* (Viscount *Midleton*).

5637. In your last answer but one to Sir Henry Craik you sketched the power of the Governor to try and bring both parties together. Surely you would be then giving exactly what you yourself have objected to—power without responsibility. How will you make the Indian Ministers responsible on a variety of subjects on which they may not have seen eye to eye but are not actually in opposition?—You cannot very well. I think the question of responsibility will settle itself.

5638. Can it settle itself from your point of view except on the lines suggested by Sir Henry Craik, transferring some definte subjects to its Ministers?—Permanently to Indian Ministers? Yes, I think it can. The time would come when the majority of the Legislative Council would say to an Indian Minister, "You have no business to be in this Government, because you are doing something we disapprove of."

5639. Will that time come more quickly if all the subjects are mixed up or if they are given definite subjects to administer?—I do not know.

5640. You recognise that on a division of subjects everything is left very hazy as regards responsibility?—I do not think it is very much use attempting to define responsibility. As I say, I think it will all settle itself. Indians will respond to the pressure of opinion in the Legislative Council, or possibly outside it, or they will not. That depends on the Indians and how much they will respond and how much they will not. I do not know. It remains to be seen. It is one of the things we have to find out.

5641. You have criticised the proposals of the Bill a good deal. There is a certain unrest at present. Do you expect less unrest and friction or more unrest and friction if the Bill is passed in its present form?—I expect unrest and friction for an indefinite period. I think the Bill in its present form will promote it.

5642. In an answer to Lord Islington you discussed Clause 23 of the Bill. You were understood to say before that you regarded that clause as dangerous?—Yes.

5643. I think you used the expression "a bad example, a bad precedent to the Indian Legislative Assemblies"?—Yes.

5644. Is that because the Act is liable to be modified by the rules?—Because the whole law may be modified by the rules. The Secretary of State may, by rule, regulate the exercise of the powers vested in the Secretary of State, the Secretary of State in Council and the Governor-General in Council. That goes outside the limits of this Act; it affects its powers under the Government of India Act.

5645. You think if that system were adopted more generally there might be a tendency in Indian Bills to put in a similar provision, namely, that the Government could do by rule what they ought to do by Statute?—Yes.

5646. Is that done to any large extent in Indian legislation at present?—I am not prepared to answer that question, I am afraid. My natural inclination is to turn for an answer to Lord Sinha. I cannot say how far the process of making laws by rule has proceeded in India.

Lord *Brodrick* (Viscount *Midleton*)—continued.

5647. You would not regard that as a democratic movement? It is rather a return to autocracy, is it not?—It seems to me to be democratic. As far as I understand democracy and from what one sees, the Executive in democracy takes more and more power to itself. Democracy is hostile to liberty.

5648. It is really withdrawing power from Parliament and centreing more power in the Ministry?—Yes, that is democracy itself. We are nowadays democratic, and it is what we are doing and it is what is asked should be done. But, however, whether it is democratic or not, I disapprove of it.

5649. In view of these changes, in whatever form they take place, do you regard the maintenance of the supremacy of the British Parliament under the Secretary of State as being important?—Yes.

5650. More important than at present, or less important owing to the changes?—I cannot say it is more important than at present, I think it is of the first necessity at any time.

5651. We have heard a great deal of the educational value of the franchise; do you attach great importance to that or to the development of other forms of education?—I think that there is much in the Report about political education which is defective and rather imaginary. I have to do with education in other places, and I think we constantly find that we suppose we can teach people anything we like, and as we like, forgetting that people have to learn, and we may very well mean to teach them one thing and they will learn quite a different thing. I think these political devices which are intended to make them adepts at responsible government may very likely, and I think certainly will, have quite a different tendency; I do not know what, but a tendency we can none of us foresee.

5652. Do you think the law courts have a great educational value in India?—I hope so.

5653. They attract great interest and large attendance?—Too much interest.

5654. You would like to transfer to politics some of the interest now centred in the law?—Well——

Chairman.

5655. I want to apologise for the shortness of your notice, but your name was given to us weeks ago as being willing to give evidence, and it never occurred to me that you would not be prepared?—I do not wish to complain. I do wish to excuse myself for not being better prepared, but I did not get the questions till Thursday or Friday last, and I had two half-days only in which to consider them and to answer them.

5656. The questions are not everything. Would you furnish us with the last edition of the views of the Indo-British Association?—Certainly.

5657. I do not think the one you have referred to has been circulated?—It has been circulated to every Member of Parliament, I think.

5658. I have had the original one—more than one copy has been sent to me—but not the last one?—I will certainly inquire. I am afraid we have not dated it. We published one about three or four weeks ago as soon as we had had time to consider the Bill and the opinions.

5659. You will put that in?—Yes, I will send a copy.

5660. I think you have made the foundation of your position perfectly clear, but I should like to repeat it in order to make quite sure that I understand it. The view held by too many Englishmen that their particular form of government is suited to all the nations of the earth is a superstition?—Yes.

5661. Unfortunately the leaders of public thought in India have accepted that superstition at its face value?—Yes.

5662. Consequently, from both English and Indian directions the impetus has been towards the development of self-government in India on Western lines?—Yes.

5663. And

Chairman—continued.

5663. And you regard that as a great misfortune?—It is inevitable; and I do not like saying that what is inevitable is a misfortune; but it gives rise to great difficulty.

5664. You look forward some day that the true genius of India will assert itself, and she will point out for herself that form of government that suits her best?—Yes.

5665. Now what I want to ask you is this: Is the way to that evolution in any way closed by the provisions of the Bill as you see them?—Yes.

5666. Why?—As imposing English ideas on India which will stop the development of Indian ideas.

5667. Can you make a suggestion for leaving the road free where you think it closed?—Yes.

5668. How?—The adoption of the scheme suggested by the Indo-British Association, by the Government of Bombay and by the five heads of Provinces.

5669. Why would that leave the way more free for Indian genius to exert itself than the scheme of the Bill? That is a purely Western conception?—We have to start from a Western conception because there is no other, but that scheme is framed to tie them down to responsible government as we understand it at this moment, or as we did understand it before the war. Things have changed since the beginning of the war. The English Constitution is always changing.

5670. I may be very stupid, but I do not see how this Bill closes the road to India's own evolution any more than the scheme of the five heads of Governments?—We have to accept representative government, have we not, practically? We have to accept it. The Indo-British scheme offers a path which is at all events smoother, less liable to excite improper party feeling and faction, and therefore more likely to lead the Indian to think chiefly of the good administration of his country—the good and unselfish administration of his country.

5671. The scheme of the five Governments and of the Indo-British Association is a scheme for leading Indians to representative government by the road of a unitary Executive?—Yes.

5672. And the scheme of this Bill is to lead to the same goal by the road of a dual Executive?—Yes.

5673. Why does duality close and union open the road for Indian thought?—Because duality gives an opportunity for the rise of faction and the artificial creation of discontent much more than the other. It is a scheme which nobody has ever tried. It has obvious difficulties; it no doubt has a good many unforeseen difficulties.

5674. Those are all objections to the scheme, but they are not an answer to my questions?—Anything which is an obstacle to smooth progress is a difficulty in the way of the realisation of Indian genius.

5675. We must leave it at that, but I cannot pretend to think that you have answered my question?—The smoother the road the more satisfactory the progress. I think you will admit that.

5676. Yes. Of course, it is merely a question of opinion as to which is the smoother road?—Yes.

5677. You have not any concrete suggestion to make, on the assumption that this is the form of the Bill, as to how the road to Indian thought may be left more open than you think it is?—In the Bill, I think in the preamble, it is stated, "the progressive realisation of responsible government," I would not tie the Indians down to that. It is possible that India may find they dislike representative government; they may find something more suited to what I have called the genius of India; they make make a new invention. I hope they will. The realisation of responsible and representative government is an entirely English product, and here in the first lines of the Bill you tie the Indians down to it.

5678. Surely not. A preamble, whether good or bad, only affects the Bill to which it is a preamble?—Yes.

5679. It does not affect any future Bill that the Indian people may evolve for themselves?—The preamble provides very convenient, and I think, justifiable arguments for and against certain courses. You have admitted the principle yourself, and now you refuse to enforce it.

5680. I understand entirely your view, that the form of this Bill gives an unfortunate bias towards a certain form of government?—Yes.

5681. But you cannot point to any clause of the Bill which would prevent India, if she wished it, departing from that form of government in the future?—I can point to a clause which would make it more difficult.

5682. Which?—The clause embodying diarchy.

5683. You think that makes it more difficult?—Yes.

Chairman.] We are very much obliged to you.

(*The Witness is directed to withdraw.*)

(*The Committee sat in camera.*)

Die Jovis, 21° *Augusti*, 1919.

MEMBERS PRESENT:

Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

THE RIGHT HONOURABLE THE Lord CARMICHAEL, G.C.S.I., G.C.I.E., K.C.M.G. (A Member of the House of Lords), is Examined; as follows:—

Chairman.

5684. I think you were in turn Governor of the State of Victoria in the Commonwealth of Australia, and the Presidencies of Madras and Bengal in the Empire of India?—I was.

5685. You are familiar, of course, with the Montagu-Chelmsford Report and of the Provisions of the Draft Bill which we are considering?—I have read them.

Chairman—continued.

5686. You have been good enough to furnish us with answers to certain questions we sent you, which of course we have all read?—Yes.

The questions and answers are as follows:—

Prefatory note by Witness.—I have prepared answers to the questions which were sent to me. I have not made the answers at all full, for I do not think

Chairman—continued.

think members of the Committee can wish to have their time taken up to no real purpose.

My experience of India is very limited. Until towards the end of 1911 I knew very little about India—not more than any ordinary man living at that time must have known, reading newspapers and magazines. I went to Madras as Governor, and was in that Province, except when for some days I was at Delhi for the Durbar, for nearly six months. A Governor necessarily sees things from a different and perhaps more restricted point of view than that from which other people may see them, and unless he is a man of exceptional talents—which I am not—he must often fail to observe the true relations of things; subject to that qualification, I hope I learned as much during those months in Madras as most commonplace men would have done.

On 1st April, 1912, I went as Governor to Bengal, and remained in that Presidency, except for a few short visits to the Viceroy, and once for a few days to Behar, and for a week to the U.P. until the end of March, 1917, when I left India after staying two nights at Bombay.

I think I did learn a good deal while in Bengal about some aspects of Indian administration, and as to the ideas which actuated people, both Europeans and Indians, and I am inclined to think that a good deal of what I learned is of use to me in forming a judgment about other parts of India besides Bengal, though I freely admit that I quite possibly exaggerate this.

To come to the questions:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I would have accepted the proposition even before I left India. My prejudices, no doubt, incline me to do so, but I saw nothing, either in Madras or Bengal, to make me think that responsible government would be impossible or harmful in India. "British India, as an integral part of the Empire," would, I believe, benefit by its realisation. I do not attempt to define the expression "responsible government." To do so at all exhaustively would take up much time; but perhaps I ought to say that I do not see how there can be said to be responsible government under a scheme at all like that contemplated by the Viceroy and the Secretary of State, unless the executive, in whatever way it may be constituted, is subordinate to the legislative council. I, therefore, think its realisation can only be "progressive," in the sense in which, I presume, the word is used in the question. I think, too, that the words in the preamble "as an integral part of the Empire" imply that the authority of the British Parliament must be clearly recognised as supreme by the Governments in India, however seldom they may expect to see that authority asserted. Even if I did not feel that it was in itself desirable, I think that developments since I left India have made it absolutely necessary in the interests of the whole British Empire to initiate, as soon as possible, some scheme of reform which does not depart far from the scheme prepared by the Viceroy and the Secretary of State, and published by the authority of the British Cabinet. I, therefore, not only do generally accept the proposition contained in the preamble, but trust that the Bill may go through with the essential features which the Secretary of State proposes in it.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in provincial legislatures of a substantial elected majority (Clause 6)?—Certainly, I think it does.

3. Do you think that the non-official members of the provincial legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present?—Yes. They did not appear to me to possess such power in Madras; perhaps I was not sufficiently observant to see it if they did—but even if they did possess it, it can only have been in a very rudimentary form. In

Chairman—continued.

Bengal they had rather more of such power than they themselves realised (especially the Indian members). They could, however, only exercise it in an indirect manner. I often wished that the non-official members—both Indian and European—had more of this power, and had it in a way which would have been clear to themselves. If they had had it I feel sure there would have been more contentment of a kind which no one responsible for government in the presidency would have felt any desire to disturb; and there would certainly have been a better understanding of each other by both English and Indians. I think, too, it would have lessened the feeling of dislike of officials by Indians, and the want of appreciation of them by Europeans, which it seems to me far too often deprives the honest work of officials of the good success which it deserves.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Yes. There are, certainly, such matters at present, and I believe there always will be such unless Provincial Governments are deprived of powers which I think they are better qualified to possess than any other Governments are, at any rate, for a long time.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I daresay that some other form could be devised quite as good, if not better, but it will, to my mind, be very unwise to try and adopt any other unless—which I do not gather is the case—the peoples of India who have, I hope, just now much real respect for the office of Viceroy, and considerable, though vague, respect for that of Secretary of State, desire some other system to be adopted, and these two high officers are willing to accept it.

6. If you have any other method to suggest, does it (i.) provide possibilities of advance by stages, and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? and (ii.), does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the legislature and those who represent it in the Executive?—In view of my last answer this needs no reply from me.

7, 8, 9, 10. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest? 8. In particular, do you think: (i.) that Ministers should hold office "during pleasure," *i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the legislature? (Clause 3 (1)). (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3 (3)). (iii.) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian? (Clause 4). (iv.) That the Governor should have power to dissolve his Legislative Council? (Clause 7 (4))? 9. Referring back to Questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)? 10. In particular: (i.) Do you think that the legislature

Chairman—continued.

lature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—These four questions may, perhaps, be conveniently grouped together; and the best answer which I can give briefly to them is to say that I thoroughly endorse the views set forth by Professor Berriedale Keith under the heading "B Provincial Subjects" on pp. 44-47 in the Report of the Commission to inquire into the Home Administration of Indian Affairs. Of all the documents connected with the Bill which I have read, Professor Berriedale Keith's is that with which I, personally, am most in agreement. I know that it cannot appeal to people who have only Indian experience—whether they are Indians or Europeans—as it does to me. I think this arises in great part from what seems to me one of Professor Keith's merits. He, more I think than anyone else, has kept in mind that the Empire as a whole is really the most important asset for both Indians and Englishmen alike; and he lays stress on things which are not now much heeded in India, but which will, I feel sure, be thought important some day. Sir Sankaran Nair, I am glad to notice, has, better than most others, recognised these matters. But since, as I hope I have already made clear, I think the most-needed thing is to depart no further than we can help from Indian public opinion—such as it is (and I believe that one can fairly say there is Indian public opinion, though it is not so large in volume nor so determined as it will very soon be). I am prepared not to expect that any of Professor Keith's points, which would jeopardise the passing of the Bill should be insisted on. In this view, it will be seen that I differ from Professor Keith, who is not an opportunist.

11. Do you accept the position adopted in the Bill (Part II.), that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Personally, I believe that similar control, though probably in a less degree, might with advantage be established; but I believe this would be to go further than the Indians, most likely to speak wisely, think necessary; so I have no objection to the position adopted in the Bill.

12, 13, 14, 15. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)? 13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)? 14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities? 15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I agree to question 12. But with regard to questions 11 to 15 I do not feel qualified to speak. I have no experience except as a Governor, and that did not directly teach me anything about the Indian Legislature. While I was in India there seemed to be no likelihood of the Governor-General's Council, or the Indian Legislature, being altered, and so I never studied them in consultation with my officers or with non-officials whose views on them would be worth considering. My feeling is that in regard to them, too, Professor Keith's advice is likely to be sound. What I think ought to be kept most in mind is that nothing which weakens, and as little as possible which even seems to weaken,

Chairman—continued.

the prestige of the Viceroy should be done. I am, I hope, as careful as anyone with experience can be for the position of a Provincial Governor, but I know that the prestige of the Viceroy is barely less important than that of the King-Emperor, and I cannot help feeling that a risk of lessening this has, probably unavoidably and perhaps even wisely and deliberately, been incurred when the change of capital was made. My experience in Australia, as well as in Calcutta, makes me feel more anxious perhaps than others are to keep this risk as small as possible.

16. Do you think that the development of Provincial autonomy on the one hand and of self-government in the Provinces on the other involves any modification of the provisions of sections 2, 33, and 45 of the Government of India Act (Clause 23)?—The modifications suggested in Clause 23 are probably necessary in the view of men far better qualified than I am to judge. I do not think my views, which could only be purely academic, can be of any use even as tentative suggestions to the Committee.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I think there ought to be examinations from time to time; but great care should be taken not to take away responsibility from the British Parliament. It seems to me that in that responsibility we have the surest guarantee that progress will be real.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I can make no suggestion founded on personal conviction, so refrain from making any.

19. Have you any observations to offer on the reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—No. The Committee have better means than I have of judging as to the reports of Lord Southborough's Committees which got the evidence on which alone sound conclusions can be based; as I have said before, in my judgment, for what it is worth, Professor Keith's Minority Report seems to me to put forward very sound advice. I prefer it to the Report of the Committee from which he differed.

I have now answered as well as I can the questions which were sent to me.

There are one or two points to which I would like to refer. My experence, as a Governor, of three different Indians as members of my Executive Council convinced me of the great value of an Indian on my Council who could have access, and as a fact did whenever he wished have access, to all papers and files equally with the official European members.

This value showed itself in two ways; (a) The administration had the benefit of the criticism by an Indian of Indian administration; (b) It made it surer than it might otherwise have been that the non-Indian members would consider the matter they dealt with from an Indian point of view, and would take care to meet the possible criticism of their Indian colleague by giving their reasons for action in the way most likely to convince him that their proposed course was the best under the existing circumstances.

I know, from personal experience, how often trouble and suspicion arise if there is any idea that the Indian members of Council are not allowed to see Executive Council files. It may possibly at times be necessary for the Governor to forbid his doing so, and the Governor ought, I think, to have it in his power to do so at his own discretion; but I don't think a Governor—at least, not one of ordinary intellectual calibre—would be wise in forbidding if he can at all help it.

This consideration has, I fancy, some bearing on the question of the separation of Ministerial and Executive government in the provinces. My own belief is that Minister and Executive Councillors alike will be great losers if they are deprived of each other's advice, as, apparently, the Government of India propose they should be.

I may

Chairman—continued.

I may be wrong, of course, but I feel convinced that success will be far more likely if the two "Governments" in a province work together, and if Ministers and Councillors both have the same facilities as Executive Councillors now have to criticise the entire administration, and ordinarily deliberate as one body.

I never knew any instance of my Indian member interfering with his colleagues in a way which could be called meddlesome, though I know some persons without experience have thought it likely he might.

I would like also to express the hope that it may be made possible for a Governor to have at times a non-official European Minister or Councillor. What I should have liked in Bengal was an Executive Council of four members, not more than two of whom might at any time be officials, and that not fewer than two of whom might be Indians. I know it would be even harder at present to find good, non-official Europeans willing to serve than it is to find good non-official Indians; but this may change.

Co-operation between different races in India—including Europeans—is most desirable. I much regret the hostile attitude so often taken up by Indians towards the Civil Service; though I must admit I have heard as harsh and much less excusable criticism of the I.C.S. from Europeans who belong to other Services as I ever heard from Indians. The non-official Englishman could do much to alter this attitude. That is one thing in which a Governor, who is not a member of the I.C.S., has a pull over any I.C.S. man. I have a very high opinion of the I.C.S. as a whole, but I feel sure that members of that Service would, just now, be handicapped as men much less experienced and much less clever, who do not belong to it, would not be if acting as head of a province, such as Bengal; and I am inclined to think the handicap may extend to other provinces. I felt this in India, and I feel it even more in London, when I talk to Englishmen who have spent their lives in India, though not in the Civil Service.

5687. Would you wish to make any statement in supplement of those answers?—There are several things I could say.

5688. Say exactly what is in your mind, and we will ask any questions which occur to us?—Perhaps I ought to say a little more strongly than I did in the answers, that I feel that whatever may be the most perfect scheme theoretically, and I daresay I should have drawn up one which I should have thought better—perhaps nobody else would—but whatever schemes are proposed it seems to me very dangerous to go far away from the one which has been proposed by the Viceroy and the Secretary of State. I would like to dwell on that, because I think the fact that those two gentlemen have put forward a scheme, and that that scheme has been put forward without the British Cabinet objecting to its being put forward, at any rate has created a situation which is of very great importance and which has this element of danger in it, that if you depart very far from that scheme I think there is a risk, which would be a very serious one, of people in India saying that you have flouted the Secretary of State and the Viceroy, especially saying that you have flouted the Viceroy. I think that would be a most dangerous impression to be allowed to grow up in India, and to tell you the truth there is one point I have not stated, but it seems to me it is all the worse because Lord Curzon is in the present administration. I know people who have very advanced views. One particular gentleman I am thinking of wrote to me and said: "Here is a scheme put forward which surprises me"—and he thought probably would surprise myself — "by the Viceroy and the Secretary of State, the two people that we Indians have always been told we ought to think the greatest men in the world and those whose will ought to prevail; and not only that, but it is put forward and apparently blessed by a Government which contains Lord Curzon himself, who, more than any man, I have hitherto thought, and persons who are not as advanced as I am have thought, was an authority on what must be done or ought to be done in India." His view was that if you go far from that it would be unfortunate, though, mind you, it

Chairman—continued.

was not the line on which he would have gone. He and I had discussed these things in India, and so I know what he thought. He said, "What are we to think? Is England going to throw over the Viceroy? Is England going to throw over the Secretary of State? and is England, above all, going to throw over Lord Curzon?" I think that would be a very unfortunate position for the administration to find itself in in India. That is the great argument with me for not altering the Bill more than can be helped.

Another point I would like to say—I do not know that I put it in my evidence—is that I think the less we have rules of what might be said to be of a cast-iron nature the better. I cannot conceive that this scheme is perfect, even if it is much more perfect than I think it is; I cannot conceive that any scheme would be perfect. It is such a change that within a few years, very likely long before ten years are over, we will want to have modifications—everybody will, Indians and Englishmen equally—and I think the less we do to hamper it the better. Just as an example of that, I may say that I have read what has been said about the Joint Purse and the Separate Purse. I appreciate the points put by Sir James Meston; they are points which I do feel very much, but for all that I should like to see a Joint Purse because I think nothing would give a more cast-iron tendency than to give a separate Purse. I think you would be probably going a long way to check any improvements which we may all feel are needed very soon.

I should like to say on education, personally I hope they will not separate the administration of elementary education from that of higher education. I know what can be said against giving higher education to the Ministers whose power is based on the Legislative Council, but I think that has to be done. I do think that to separate them would be a very unfortunate thing in the interests of education in India. I had perhaps more experience than anyone else that I know of of one aspect, which has a bearing—it is not, of course, the point, but it has a bearing upon this: I was in Madras, where the University was under the Local Government as far as it is under any Government, and I was in Bengal, where it was not—where it was under the Government of India—and I feel perfectly certain that it was a most unfortunate thing for Bengal that that was so. If the University is under one Government, then for goodness sake let all the rest of education be under that Government too. If they are under one Government I do not know that it will always be easy to do the right thing; there are difficulties, of course, financial and other, but I certainly do not think that education gains from a separation, and I think it would gain even less if you separated it and had elementary education under the Ministers, whose power is based on the Legislative Council, and the higher education under the control of the officials. There are things to be said in favour of each, but on purely political grounds I would like to see it under the Ministers. I was struck by what Sir Claud Hill said about that, and I quite endorse it. I do not know that there is anything else I have to say. I quite see that the position of the Governor—perhaps I am entitled to say this——

5689. I think that is a most important point. With your experience, will you tell us how you see the position of the Governor under the proposed scheme?—I think it would be a much more difficult position, I admit, and I think he would have to exercise his own responsibility more than he does at present. He would not rely as much on his advisers, because after all the Governor has very great powers at the present time if necessary, and I think he would have to exercise his powers more in future than he does at present. I am not at all enamoured of the system as proposed of the Grand Committee; I am inclined to think that, if not at once, very soon, Indians will begin to think they see through it. That would be my own attitude to it. It is rather taking a responsibility off the Governor and putting it on other people, who are not perhaps as well fitted to bear the responsibility as the Governor is. I do think that in India—and mind you I have been a Governor in Australia also—though you may say the things are perfectly different—I do think that in India, just because the Indians have not had so much responsibility themselves, they are prepared

Chairman—continued.

prepared to see a Governor doing what they do not like and to think that very likely he is right to an extent which certainly the Australians would not be.

5690. I should like to follow that out a little. By the scheme the Governor remains personally responsible to Parliament for what are known as the reserved subjects?—Yes.

5691. And because he is personally responsible he is given the power, on his own motion, to replace into the Budget any sum which he considers essential for the efficiency of the reserved services?—Yes.

5692. Similarly, when it comes to legislation that he considers to be essential for the fulfilment of his responsibilities, machinery is provided which is known as the process of certification. If a Governor certifies that a certain measure is necessary for the fulfilment of his responsibility—I am not pretending to quote the exact words, but I am putting the sense—he has the power to certify and to carry the consideration of that matter from the Legislative Council to the Grand Committee. For the moment, only examining that particular plan, do you consider that the Grand Committee, as proposed to be composed, gives him the security which, *ex hypothesi*, is necessary for him in the fulfilment of his responsibility?—I do not think it does. I can conceive measures in which the Governor would not get his own way in the Grand Committee. If there was an Act, such as has been spoken of as the Rowlatt Act, the Governor may have his officials, but he is not the least certain of the nominated members. It seems to me it is just on the most dangerous occasions when the Governor would be in his weakest position there. Do not you think so? It is not for me to ask you.

5693. Do I understand you to mean that as the scheme stands in the Report, you would not, as Governor, feel yourself sufficiently equipped for the fulfilment, in every case, of the responsibility which Parliament continues to lay upon you?—No; I do not think so.

5694. Have you any suggestion to make to the Committee, from your experience as Governor, of a better plan for enabling you to fulfil your responsibility?—I should leave it entirely to the Governor—let him do it off his own bat, so to speak.

5695. Subject to the control of the Secretary of State?—Yes; I believe it would be a sounder method. I know some people might say that I personally, if I had been Governor, would have been intimidated by Lord Sinha, or by other Bengalis, when they come and spoke to me. I do not think I should have been. I should have listened to all they said, and should have argued with them, and if I had disagreed with them I do not think I should have been afraid in the least to do what they did not approve of, and I do not think they would have been unduly angry with me if I had. I do think that perhaps it is more necessary to be careful whom you appoint as Governor.

5696. You would lay great stress on that, that the utmost care should be exercised by His Majesty's Government (because really it is a responsibility, not only of the Secretary of State, but of the Prime Minister too) to give such advice to His Majesty that only the most fit persons were appointed as Governors?—I certainly think so. I am not claiming that I am the one they would appoint, but I do think so. I certainly think they ought to be very careful in the appointment.

5697. Having exercised that care in the appointment, would you hold the Governor responsible, and let him be judged by his conduct, always under the control of the Secretary of State?—I should. It may not be a very pleasant position for him, but I think it is one in which he must take the responsibility, and I think you would always find men who would.

5698. The real responsibility rests with the Governor. But I understand you to say that the plan of the scheme is to conceal that responsibility, not to give him full power to exercise it?—That is the way it looks to me. I do not think we should conceal the responsibility.

5699. This bears on the same point. In paragraph 236 of the Joint Report, under the heading of "Control of Business," it says this: "Bearing in mind the facts that the Legislative Councils will in future be larger bodies, and will contain a certain number of

Chairman—continued.

members unversed in discussion, we feel the importance of maintaining such standards of business as will prevent any lowering of the Council's repute. The conduct of business in a large deliberative body is a task that calls for experience which cannot be looked for at the outset in an elected member. We consider, therefore, that the Governor should remain the President of the Legislative Council; but inasmuch as it is not desirable that he should always preside, he should retain the power to appoint a vice-president. He should not be formally limited in his selection, but we suggest that for some time to come it will be expedient that the vice-president should be chosen from the official members." The scheme there is that the Governor should himself be President of the Legislative Council, but with power to appoint a vice-president sometimes to take his place, and that that vice-president should also be an official. What do you think of that?—I know the sort of arguments which would be used in its favour, but they do not appeal to me; and personally I would much rather that the Governor did not preside too often in his Council. I, of course, presided in my Council myself, both in Madras and Bengal. I do not think that in Madras I ever was absent when there was a sitting, when I was in the city. In Bengal I sometimes was, and of set purpose. The Vice-President was a member of my Council, and an official, and I think he did it very well. But I have, on one occasion at any rate, deliberately absented myself from a Council in order that the Indian Member of Council might be in the chair. He was an official in the sense that he was a member of my Council, but was not a member of the I.C.S.

5700. Considering the new and the increased responsibility which is going to be put upon the Governor, do you think he ought to be President of the Council at all?—Personally I think not. I think it would be better if he was not.

5701. Do you think any official ought to be?—I would rather it was a non-official myself. I think it would eventually, at any rate, be very much better that it should be, and I would risk it at the beginning. At this moment I am only thinking of Bengal. I believe you would find men in Bengal who would be perfectly competent to do it.

5702. Admitting the truth that experience in acting as Speaker cannot be looked for at the outset in an elected member, would you still give the council the power to choose its own Speaker?—I would. I do not know that that is found in a Governor when he first goes there.

5703. He has probably sat in one House of Parliament or the other?—I suppose he has. Had Sir Arthur Lawley ever sat in Parliament when he went to Madras?

5704. He had presided over the council in the Transvaal?—Yes. You have me there, but he had never sat here. But I never looked upon it as a necessary thing that the Governor should have sat in one House or the other. That point was never put to me, and I never knew that that was the idea. I certainly have met men who have told me—they may have been speaking incorrectly—that they had been offered Governorships, who certainly had not been in either House of Parliament.

5705. Do you wish to say anything about communal representation in Madras, or about the position of the Indian Civil Service under the scheme?—Communal representation in Madras is not a thing which I ever heard discussed when I was in India. I have heard a good deal about it since I came back. I was rather surprised to find that there was so much strong feeling about it. I met my friend, I think I have a right to call him my friend, who is now dead, Dr. Nair, and he talked to me a good deal about it, and I was impressed with a very great deal that he said. I knew Dr. Nair in former days. He and I have been on political Committees in this country a long time ago, and he was one of the first Indians who came to see me when I went to Madras. We often talked of matters, but he never talked to me in a way which led me to think he would lay so much stress upon it, when he was in Madras. Probably no one had thought of that then, and there was no particular reason why he should. I talked to him here, and I confess I was a little puzzled. I was not without hope that Dr. Nair felt that perhaps

the

Chairman—continued.

the time would come when even those who are keenest for it now would not be anxious to have it, but I never thought the matter out, and I have really nothing to say about it. I saw no traces of the idea that it was absolutely necessary in Madras. I daresay at the beginning it would be a little difficult for the non-Brahmin communities, perhaps, to find candidates as easily as it would be for the Brahmins, though I cannot quite see why they should not when I look back in Madras. I had various friends who, I do not think, were Brahmins, and who certainly seemed to have a good deal of following among Madrasses, both Brahmin and non-Brahmin, who really thought about politics, and who, I should think, would be the persons who would have most weight in determining what way an election was going. Dr. Nair himself was not a Brahmin, Sir Sankaran Nair was not a Brahmin. I should have thought he would not have a difficulty in getting into the Legislative council—and I can remember others. I think people in this district find rather a difficulty in realising what the feeling of a Brahmin is, and the feeling towards Brahmins. I am not an ethnologist and do not pretend to be learned, but it always seems to me that there is a good deal of what is racial in caste, more than a great many people think. I am rather inclined to think that the feeling of the Bramhins, at any rate those who are friends of mine, and who, I think, were some of the best educated among them, about Brahmins is very much my own feeling about Scotsmen. I do not say that Scotsmen are any better than Englishmen or Irishmen. We do inter-marry, perhaps more than the Brahmins do. I am an Irishman on the wife's side myself. But the Scotsmen does not think there is anything wrong when a Scotsman becomes Prime Minister, or when there is an excess of Scotch representation in the Cabinet, as there sometimes is; and I am glad to say that I have never found that my English friends seemed to think there is any very great danger in it. They may try to get an Englishman in rather than a Scotsman, and if they can, well, let them. I think that is rather the feeling that the Brahmin has. He is not sorry if a Brahmin comes up. If he does he thinks it is due to some superior quality, perhaps, in his race. Perhaps he is not as modest as Scotsmen are, and therefore would not put it in that way. But he cannot complain if a person who is not a Brahmin comes up. But then, of course, my experience was greater in Bengal than anywhere else, and I am sure there was no feeling against non-Brahmins in Bengal. When I look at my own Legislative Council in Madras I remember a non-Brahmin who was listened to certainly, and as Governor it seemed to me that his fellow-members listened to him as much as to any Brahmin. That was Mr. Kesava Pillai. So that I do not feel that so strongly. But I do know there was a distinct difference between them. I do think the non-caste Indians, perhaps, were treated there as they were all over India some time ago by the Brahmins. But from what I heard I am inclined to think that the caste non-Brahmins in Madras were just as much aloof from, and just as likely to disregard the feelings of, the non-caste people as anyone.

Lord *Sinha.*

5706. The Panchamas, as they call them?—Yes. I do not expect that a non-caste Madrasee has any greater love for a Panchama than a Madras Brahmin has. In fact, when I look back I think about one charity—I suppose you may call it a charity—which rather interested me in Madras for providing wells for Panchamas where they could drink the water. It naturally appealed to me to think there could be people in my Presidency who must not draw water from wells where others were able to draw it. Certainly the Indians who spoke to me most strongly about this, and urged that there was an evil in that state, and hoped that I would do what I could to mitigate it, were Brahmins.

Mr. *Bennett.*

5707. From your knowledge of the Madras Presidency, would you say that non-Brahmins could protect their interests adequately by taking their places in general electoral communities?—I must begin by telling you my knowledge of the Madras Presidency is very limited—only six months—and before I had been in any other part of India, and while I was really learning from other people, and I was never told that they could not. I should have thought that they did from the fact that there were such people as Sir Sankaran Nair or Dr. Nair or Mr. Kesava Pillai and others whom I could mention that certainly did not make me think they could not.

5708. You have seen abundant evidence of capacity for taking their part in public life in those communities, have you not?—Sir Sankaran Nair is a member of the Government of India: he must be a person who is capable. Dr. Nair, I thought, was a person who was capable.

Major *Ormsby-Gore.*

5709. You talk of the attitude of popular opinion in India towards the Governors. Did I understand you to say that you think that the Indian people are more ready to take an ordinance—because that is what it comes to—from the Governor than they would take it from a Grand Committee in which the official element predominated?—I think they would. I do not think it is because of any feeling against the officials, but they believe, and I should think with a certain amount of rightness, that any order of that sort does come from the Governor; and personally I think it ought to come from the Governor. If a Governor is worth his salt it would not be what he disapproved of entirely, and I think, therefore, he ought to have the responsibiliy clearly, and it would be a good thing if the people clearly recognised that it came from him. I say there was no ill-feeling towards the officials—there may be something of that, too—but they do think the Governor comes with a fresh and open mind.

5710. Then, in that case, you are speaking only of the Governors who are appointed by the Crown from England?—Yes; they are the only Governors I know of.

5711. But in the future all the eight Provinces are to have Governors?—I do not quite know what is going to be. I hope they will. Personally, I think they all ought to be appointed from here. I think you will throw away a very good chance of doing good if they are not.

5712. Do you think the attitude to a Governor exercising these powers which you advocate, would be different if he came from a British Parliament than if he were an Indian Civil Servant?—I am perfectly certain it would—perfectly certain of it.

5713. Assuming this plan of ordinance, that is to say, of the Governor taking the responsibility, I think you said he should do it with the assent of the Secretary of State—that when he took this action on his own authority and responsibiilty that should carry with him the assent of the Secretary of State?—I think he should.

Chairman.

5714. I think you said, "subject to the control of the Secretary of State"?—Yes.

Major *Ormsby-Gore.*

5715. I want to know what you mean by that control—do you mean previous sanction?—Not necessarily. You must leave him discretion to act very quickly; but there is a telegraph and he can telegraph if he thinks fit. But let him act, and recall him if he does not do what the Secretary of State approves.

5716. Would you allow a Governor to have direct communication with the Secretary of State?—I would.

5717. The proposal is that in every case the Governor should go through the Government in India?—Yes.

5718. And you think that is a bad plan?—Yes.

5719. In your statement you have referred a good deal to the Report of the Crewe Committee, and particularly to Professor Berriedale Keith's Minute of Dissent?—I referred generally to it. I read it.

5720. You say Professor Berriedale Keith's Minute of Dissent is framed on Colonial Office lines?—I think it probably is. He was at the Colonial Office, and had a great deal of experience.

5721. He wants to make the relation between the Secretary of State and India something almost exactly

Major *Ormsby-Gore*—continued.

the same as the relation between the Secretary of State for the Colonies and the Dominions?—I have never been a Secretary of State, and there are many things which you do not know if you have not been. Nor have I been a Colonial Office official. I expect it is getting nearer to those lines. I suppose it is whatever Professor Berriedale Keith thinks is the best line, and I agree with him as far as I am capable of judging.

5722. Would you like to give any view on the Council of India here? Do you think the Council of India should be retained or abolished?—I have never gone into the matter at all.

5723. Have you any views you would like to submit on the financial relations of the Provinces to the Government of India?—No; because I never went into that. I want to see them as free from the control of the Government of India as possible.

5724. And you want to see them more free than they are at present from control in matters of finance?—Yes; I think so—at any rate, able to act more quickly. At present something is desired, and it may be years before it can be done. You may be congratulated in Whitehall for at last having determined to do something which your Provinces have wished for for many years. I should like that delay to be shortened.

5725. With regard to the Franchise, do you think that the recommendations of the Southborough Committee in regard to the Franchise are sufficiently wide to secure an effective vote from the Indian villages in the rural districts?—I have not gone in detail into that. The Southborough Committee have, and have had evidence which I have not seen. Therefore, I think they are more likely to be right than I should be where I differ from them; and I am inclined to think that on certain points on which I possibly would have differed from them, at any rate at first, they might have convinced me. I was struck by reading the Government of Bengal's note about it. I was Governor of Bengal, and we did talk of that sort of thing a bit while I was there. Their proposals are not exactly those that they would have put forward at the time I was there, but this scheme had not been thought of.

5726. There is no point in that connection that you wish to press on the Committee?—No. I quite believe points will come up a few years hence. I would rather wait till they arise.

Lord *Islington.*

5727. If you were Governor, do you feel that you could work the dual system, as proposed by the Joint Committee?—I would try.

5728. Do you think your efforts would be successful?—Yes, I think so; it is difficult, but I think we have to have it. There are lots of things which seem difficult, but if you try them you can do them, and I think you could do it. I do not see why you should not.

5729. I see in your note you are very much in favour of a free united discussion between the two branches of the Government?—I am, very.

5730. You would carry that through for both transferred and reserved subjects?—Yes, I would.

5731. Would you think if that became the practice that you could mitigate some of the evils of duality?—I think you would. It seems to me the only way in which you will.

5732. Then I gather from your replies to the Chairman that you would give the final authority almost exclusively to the Governor?—I would.

5733. And you would get rid of all this machinery which is suggested, by which an attempt is made to obtain his will and to carry out his wish?—I think so. I think the more clearly he feels his own responsibility the better.

5734. You do not think that by imposing that responsibility on him, as he would have to discharge somewhat unpopular tasks from time to time, it would make his position difficult?—His position would be difficult.

5735. But you do not think it would be any more so?—No, and I think it would help things forward if the Indian people realised the difficulty of his position. I think the very fact that they knew the Governor was in that personal position would go a long way to stop needless friction.

Lord *Islington*—continued.

5736. Would you say from your experience as a Governor that if free discussion is given as between both parties to the questions at issue, a very large amount of difference of opinion will be got rid of?—I think so, especially if the Governor can command his own temper.

5737. And that of his colleagues?—Yes—well, interfere at the right moment.

5738. Just one other question. In your note, as Major Ormsby-Gore has already put to you, you refer constantly to Professor Keith's Report in the India Office Committee?—Yes.

5739. Am I right in inferring from what you say that you would prefer to see some of the authority, which at present the Government of India possesses over a local government, transferred to the Secretary of State?—Yes, I would myself.

5740. Could you specify at all some of the powers which you would like to see transferred?—No, I would rather not, because I have not gone into it fully.

5741. I will not press you on this point if you would not like to answer it, but could you tell us at all what influences you in coming to that opinion from your past experience?—Well, a Governor may take a different view from that of the Viceroy—that is quite natural. If he is to be put under the Viceroy, well and good, I would have no objection to it at all. If you are going to alter the status of the Governor, and have the Governor an official, who is entirely under the Viceroy, let him be so; but if he is independent of the Viceroy, he may write to the Secretary of State about points, especially he may write private letters.

5742. Professor Keith suggests a good deal more than writing?—Yes.

5743. It means that on certain important decisions the confirming authority will be here instead of in Simla?—Yes, personally I should be glad if it was. I think India is such a big place from the Viceroy's point of view. I never was a Viceroy, but I think a Viceroy would be in a better position if it was so.

5744. Would you desire to see, if that were carried out, a reform in the India Office?—I have never gone into how it should be done, but I presume there would have to be a reform in the India Office.

5745. You have not gone into it?—No.

5746. You are not prepared to say whether there should be a council, or an advisory committee, of the Secretary of State?—No.

5747. One question as to finance. Have you any views to give us with regard to the proposals for Provincial finance, as to whether it should be a joint or a separate purse?—I said before you came into the room that I think there ought to be a joint purse. I can see objections to it, but I think there ought to be a joint purse.

Lord *Sinha.*

5748. I understand that in this dual form of government, your idea is that all matters should be jointly deliberated upon by both sections of the Government, the decisions with regard to reserved departments being arrived at by the Executive Council, and the decisions with regard to transferred departments being arrived at by the Ministers?—I think that would have to be so, on the lines of the Report.

5749. You place great importance on both sections discussing all matters with each other?—Yes, I will not say every little detail, but any matter on which there is likely to be any difference of opinion.

5750. You would not be afraid, yourself, of the Ministers having too great influence, by reason of such discussion with regard to reserved departments?—The Ministry having too great an influence? No, I do not think it would.

5751. On the contrary, you consider that to be beneficial, if I read your answers correctly?—I think they would then have a beneficial influence. A Governor always is influenced in these things; he cannot help it. I cannot conceive any Governor not thinking at all times: "Now, how will that or this affect Indian opinion?" He is not going to be an ordinary man if he does not talk to his Indian Ministers sometimes about things which are not in their portfolios. He may go into his Council primed up, so to speak, with information which he has got from his Indian members, and when he talks to them there, he thinks it is

Lord *Sinha*—continued.

prejudice if they take the other line. Now, if that is discussed between them, he soon finds out, or fairly soon finds out, what is wrong. I have known that happen.

5752. And as a matter of fact, in your time in Bengal, I think the rule was that the Indian member of the Executive Council should have all papers in all departments open to him?—Yes, that he should be treated exactly as the non-Indian members were.

5753. Did you consider that to be of benefit to the other departments concerned?—I think it was of benefit all round.

5754. You have had experience of Indian members of the Executive Council, both in Bombay and Madras. You have had to deal with a larger number, probably, than other Governors?—I cannot say that. I think two in Madras and one in Bengal.

5755. None of them were men who had training in administration before they joined the Executive Council?—No.

5756. Did that render them unwilling to be influenced by, or to be advised by, the permanent heads of the departments over which they presided?—I should say certainly not. I think the danger is rather the other way.

5757. Did you find them always willing to listen to civilian secretaries so far as they offered advice or suggestions?—So far as I know I think they did listen. I think they are more willing to listen to their secretary than an official is. I do not see how they can help it.

5758. Did you find any spirit of hostility or antagonism on the part of an Indian member of the Council to the permanent heads of departments like secretaries or directors of public instruction?—No, I never heard of it.

5759. And you found no friction, by reason of the Indian member of the Council presiding over the department having to do with the English members of the Civil Service or the higher service serving in that department?—No, no real friction. I have heard complaints that he took a little longer to make up his mind than an Englishman would, because he did not know some facts, and I have also had it stated to me that it was a little difficu't to explain the thing to him.

5760. Because of his previous want of knowledge?—Yes. And, of course, after all, officials in India, to my mind, have too much to do, and they have not time to——

Chairman.

5761. To think?—I hope they have time to think, but not as much time as I should like. But they find it difficult to have time to explain to a Governor, because he has not had previous experience.

Lord *Sinha.*

5762. Do you think, when an Indian is a Minister instead of a member of the Executive Council, there would be a great difference in that respect?—I should not think so. I should think he would want to be a success, and if he is a man who is fairly intelligent at any rate, he will know that his best chance of making a success of his job is to listen to those who can give him good advice.

5763. And to benefit from the experience of officials?—Yes. I think Indians would be very apt to do that. As I say, there is a little danger in it.

5764. So far as Bengal is concerned, did you find that there was any very great reverence for Brahmins?—I never found it

5765. Or that the fact of a man not being a Brahmin stood in the way of his advancement, either in official life or in professional life?—Well, did you ever find it stand in your way?

5766. I put it to you, because others have said so?—I have never heard it even suggested and I never heard anybody say that you or many others that I could mention had had any difficulty. Take the big landlords, like Cassim Bazar or Digha Patia, I have heard some of them say that a lawyer had too much power; but a lawyer may be a Brahmin or a non-Brahmin. I know two big landlords told me they were going to make their sons go to the Bar, so that they would be able to hold their own.

Lord *Sinha*—continued.

5767. That has nothing to do with the question as between Brahmins and non-Brahmins?—No, they were non-Brahmins, but it was not because they were non-Brahmins that they felt that difficulty.

5768. Did you ever hear of any social difficulties in the way of non-Brahmins who had risen high, either as barristers, or pleaders, or judges, or high officials—did you ever hear there was any social difficulty in their way?—I never heard it, but of course it might exist, and they did not tell me of it.

5769. As regards education, am I right in understanding your evidence to be that it is your view that education, primary and secondary, as well as higher education, ought to be treated as one unit, and to be placed under the transferred departments in charge of Ministers?—I think they ought to be treated as one unit, I must say. They are so wrapped up together, and especially where people have so much to do as they have in India, I think they should be kept together, and I think on the whole they should be under the transferred departments.

5770. They should go to the Ministers?—Yes.

Lord *Brodrick* (Viscount *Midleton*).

5771. With regard to the position of the Secretary of State, I do not quite clearly understand. You do not propose that the Secretary of State for India should stand to India in the same relation as the Secretary of State for the Colonies stands to the Colonies?—No, I do not think he should, but I have not thought the thing out thoroughly.

5772. Speaking generally, the Secretary of State and Parliament have been considered to have a considerable position in India as guarantees for good government and good appointments?—Yes.

5773. With regard to the position of a Governor, I take it from your evidence that you desire that he should be as much apart from politics as he can be?—I think he should be.

5774. Do you consider that, in the case of the Provinces the interposition of a Grand Committee, and in the case of the Government of India the inter-position of the Council of State, in cases in which ultimately the Governor may have to act himself, is of great value? Do you consider that a sort of buffer state between the Assembly and him is of value?—I do not think it of great value. I think in very many cases it does not matter very much one way or the other, and in the cases where there is strong feeling I think it is a pity to have anything which seems to lessen the responsibility of the Governor. What I have always felt in India is, who is responsible? I am thinking of small matters which would never come to you probably when you were Secretary of State, but there are often little things happen in your Province—necessarily so. Something is done which is not quite what ought to have been done. It is far too often excused as being the fault of someone who did not understand you, or of somebody above you, who told you?

5775. Do you think the increase of opportunities of discussion on subjects on which it is obvious that the Governor will ultimately have to act, is of value?—Yes, I think it is.

5776. Even though ultimately it is clear the Governor will have to act?—Yes, I think so.

Chairman.

5777. You are speaking of discussion in Council?—Yes.

5778. Not in the Grand Committee?—No. You are right. It has just struck me that I ought to explain this.

Lord *Brodrick* (Viscount *Midleton*).

5779. I want to put it quite clearly. Take a case in which it is clear in the Legislative Council originally from the opposition of all the official members that ultimately the Governor will have to act, is there any great advantage in them re-discussing the whole question before the Grand Committee?—No, I do not think there is.

Mr. *Montagu.*

5780. You began by saying that it was very dangerous to depart too far from a scheme which had been agreed between the Secretary of State and the Viceroy?—Yes.

5781. Do

Mr. *Montagu*—continued.

5781. Do not you approve of the publication of a constitutional reform of this kind for criticism?—Oh, yes, I do, certainly, but I think in India the impression has been formed—it may be wrong—that both the Viceroy and the Secretary of State want this. The Viceroy and the Secretary of State are the two people, especially the Viceroy, whom Indians have been taught as they think by us to revere. If anybody's word is to be accepted, simply because it is the word of a man, it is their word; and I think it cannot be discussed, especially it cannot be departed from very far, without Indians thinking that those two gentlemen are not after all such powers as they have always believed they were.

5782. Even if their scheme is put forward for opinion?—I think so.

Chairman.

5783. Surely you are speaking of the principle, not of the details?—Yes, of the principle, not of every detail, oh dear no. I was thinking at the moment really of the diarchy which, it seems to me, underlies your report.

Mr. *Montagu.*

5784. Now I want to ask you several questions about this Grand Committee point, which strikes me as being a very important one?—I quite believe it is, but I have not studied it very carefully; I never thought of it before, till your scheme came out.

5785. I think in answer to some questions you suggested that rather than have the process of Grand Committee, the Governor should do it himself. That means an ordinance?—Yes, I presume it would be.

5786. Would you publish that ordinance after discussion in the Legislative Council, or without discussion in the Legislative Council?—After. There may be occasions on which you would have to do it without discussion in some emergency.

5787. That gives the Governor absolute power, if he wishes, to give his own will the force of law?—It does.

5788. He has not got that power at the moment, has he?—No; if he has, it is to a limited extent. I think he has. He can do some things. I never tried.

5789. But he cannot pass a law except through the Council?—No.

5790. And in Bengal, am I not right in saying that he could, at any rate in theory, be beaten in his Legislative Council?—Yes, he could.

5791. I am not talking about the Governor-General, but I am talking about a Province only. In your opinion do you think it wise to give the Governor, under this reform scheme, greater power than he had before?—Yes, I think you will have to. I think it is the only way you can get out of bad friction occasionally. I do not think he will exercise that power. The more seldom he exercises it the better probably, but I think he ought to have it. I differ from anybody else whose opinion I have reead.

5792. Forgive me for pressing this, because it is so important. What exactly is the reason why the Governor should be more autocratic in the future than he has been in the past?—Because this is a transition period I think, at present, at any rate. Eventually the power will lie more with the people. I am hardly bold enough to think you will go the whole hog——

5793. Is it transitional from autocracy to democracy to go further in the direction of autocracy?—Not theoretically.

5794. But it might be in practice?—It might be.

5795. I am not now talking of administration, but only of legislation: Do you think that in a Province it is wise or necessary to give to the Governor an absolute right to pass a law, which not even six out of the non-official members of his Legislative Council will support?—Yes, I think it is, because if he is a man who would do it wrongly, he ought not to be there.

Chairman.

5796. He ought to be recalled?—Yes.

Mr. *Montagu.*

5797. And you think there are occasions upon which he ought to pass a law in a Province that no non-official member will support?—I think it is quite possible.

5798. The last question on that subject, I want to ask you this: You said that Indians will see through the Grand Committee procedure. What did you mean exactly by that?—They would never believe that the Grand Committee was anything but a body which was going to carry out the will of the Governor. They know the officials would, or they believe they would; and they would also think that the nominated non-officials would. They think so in the existing councils, and they would think so still more in the Grand Committee, I think; and I think they would be right.

5799. Is that consistent with your other argument? You say the Grand Committee does not give you sufficiently autocratic powers, and you want to pass an ordinance?—It is perfectly consistent. There are many things in which we can take either of two different lines. I think there are two lines. You might go entirely on the democratic line.

5800. Your objection to the Grand Committee is, that there might be occasions when a Governor could not get through the Grand Committee the legislation which he wants?—That is not my only objection.

5801. That was one objection?—Yes, but my greatest objection is that he would get things through the Grand Committee, which it would be very much better he should get on his own authority.

5802. At one moment you tell us that he might not be able to get, through his Grand Committee, legislation that he ought to have, and at the other moment you say that Indians would see in the Grand Committee, only machinery for registering the will of the Governor?—The Indians would only see that, I quite believe that. That is the only aspect in which they would look at it. It is not the only aspect.

5803. I am still rather puzzled?—They look upon the existing legislative councils, on the official *bloc*, as only to secure the will of the Governor. I do not think it necessarily does at all. I think it sometimes goes against the Governor's own prejudices, so to speak.

5804. With regard to the Council, you suggested that there should be a non-official elected President?—Yes. I never thought it out very carefully, but I do not see why there should not be.

5805. Elected by the Council?—Yes.

5806. Would you devise any machinery by which the Governor could address his Legislative Council if he wished to make a speech to them?—Yes, I should like to have that.

5807. How would you do that?—I have never thought it out, but I do not think that would be at all a difficult thing to do. As far as I am concerned I should very seldom want to make a speech, but if I had wanted to make a speech when I was Governor, I think the Council would have liked to hear it. I think that could be done.

5808. In answer to Lord Islington, you felt that it would be right that the control of the Provinces should be more directly in the hands of the Secretary of State in Council than in the hands of the Viceroy?—I believe it would be.

5809. Is it not necessary that the Viceroy should at least be informed of what is going on in a Province?—Certainly. I do not mind who is informed. Certainly, the Viceroy ought to be informed.

5810. You would suggest that there ought to be direct communication between the Governors and the Secretary of State, and copies of the correspondence given to the Viceroy. That is the sort of thing?—Yes; I think the closer the Governors are in touch with the Viceroy the better. Nothing will help things on better than that they should be.

Sir *Henry Craik.*

5811. I think you said that it would be better to swallow the scheme as a whole. You did not, of course, intend in saying that to withdraw the discretion from Parliament?—Oh, no.

5812. How far do you think that that discretion might be exercised without the injurious effects which you foresee?—I have not thought that out, I confess. I think people in India could answer that better than I can. It is purely policy. I do not think Parliament wants

Sir *Henry Craik*—continued.

wants to do anything which would create a very difficult position in India, and I think Parliament ought to realise that there will be a difficult position in India if it departs very far from the scheme.

5813. You said you would not mind some alterations of detail?—Of course, it is not my scheme, and as I said if I were a member of Parliament I could develop another scheme——

5814. Do not you think that you yourself, in your criticisms and dissensions from the scheme, have led us on certain lines which are not entirely to be described as details?—Yes, certainly I have.

5815. First of all, you do not agree with the machinery of the Grand Committee?—That is so.

5816. Secondly, you want greater power placed in the hands of the Governor. Thirdly, you want the nominated President of the Legislative Council to be done away with, and an elected one put in his place. Fourthly, you wish that the Governors should have direct access to the Secretary of State, although you are good enough to allow that the Viceroy should be allowed the privilege of seeing the correspondence, but not affecting it?—If he see it I think he can affect it.

5817. But it might all be settled?—It might.

5818. These four points are rather more than matters of detail?—Quite; but I am giving you my personal view.

Chairman.] They are not principles.

Sir *Henry Craik.*

5819. I question that?—I do not think that matters, because I am giving them to you as my personal opinions. I do not know what other people think, and it may be possible that those are all points which could be modified without much danger. That you will learn from persons who are familiar with India.

5820. With regard to the impossibility of separating the two branches of education, has it not been very largely the idea with regard to Universities, as it is at home, to leave them as far as possible to a free expansion?—I would leave them as free as possible.

5821. Do not these two administrations differ? The one tends to leave Universities to go on their own course as far as possible, and develop on their own lines. Is that what you want in regard to primary education?—I suppose I ought not to ask a question, but my feeling is that the official Government would not leave the Universities free enough.

5822. Would it not be rather startling to us at home here if any Minister proposed to take the whole of the University education and join it with primary education?—Yes, I think it would be. It would shock me.

5823. Why should not India object to that just as much?—India would object to it, but, I think, not quite as much; what I think India objects to is that the University—at least what I object to is that the University—should be put under an official government who are thinking of many other things, I am afraid. I may be wrong, but my opinion is that the treatment of Universities in India is not always based on a desire for the good of the University.

5824. If it were made a transferred subject, and handed over to the charge of a Minister who was also in charge of primary education, do you think he would be likely to leave the Universities greater freedom?—I believe he would.

5825. Do you think the same thing would happen in England?—No, I do not.

5826. Why should it differ?—Because we in England have considered these matters very much more, and the Minister who is in charge of primary education here probably has all sorts of theories about primary education and about the Universities. I do not think in India they have.

5827. You think that the Indian mind would be so large that, although a Minister here is not capable of doing it, a Minister there might embrace the whole?—I think the Indian has a higher regard, perhaps a more superstitious regard, for the University than our officials have.

5828. There is another point which arises out of your own notes. You say you regret the hostile attitude so often taken up by Indians towards the Civil Service?—I do.

Sir *Henry Craik*—continued.

5829. You yourself do recognise, I presume, very fully the help and assistance which you have received?—Yes, I do; I cannot speak too highly of it.

5830. And you say that you have found as hearty and less excusable criticism from the Civil Service of the powers belonging to others?—Yes.

5831. And, I presume, the mercantile community?—Yes. They may not mean them, but I have heard it. I think it is a thousand pities. It is one of the things I regret very much. English people like myself——

Chairman.

5832. English?—Well, Scotch, English, Irish, European are not careful enough what we say to each other before Indians. Over and over again Indians, when talking about the Civil Service, have quoted to me things which Mr. So-and-so said.

Sir *Henry Craik.*

5833. If I may venture to say so, I have found myself very much the same experience, and have been roused to great indignation?—I have been much struck by it since I came back to London.

5834. I found it both in India and here. But I want to ask you this: Supposing you were asked in which section of the English community there exists the greatest interest in the Indians, and the greatest desire to raise them, and do anything that may benefit them, where would you say it existed?—Taken all round I would say the Service. Of course I could find you individuals.

5835. As a general rule it is far more developed in the Indian Civil Service than it is either amongst the military or the commercial classes?—Certainly I think it is. I think the others may have an interest, but it is only in a section of the Indian people. But I do not think the Indians know that.

5836. So far as you have seen, are you prepared to agree that if they were convinced, and so far as they were convinced, that this plan was for the good of Indians, it would have the strong support of the great mass of the Civil Service?—I believe that, certainly.

Sir *J. D. Rees.*

5837. When you were Governor in Madras you made great efforts to get into personal communication with people of all classes, did you not?—I think so.

5838. Are you aware you have been credited with that?—Well, I have been credited with some things which were not the case; but I did try to get in touch.

5839. Did they meet you more than half-way?—Certainly.

5840. Do you think you got at public Hindoo and Mohammedan opinion to some extent?—Well, of course, one can never speak for certain, but I think I got at it to some extent.

5841. You made some statements regarding the position of the Governor, and you said how much the people in India prefer a Governor with Parliamentary experience?—I say they prefer a Governor—I do not know necessarily with Parliamentary experience. I think they like somebody who has come out from this country.

5842. Somebody from public life?—I think so.

5843. Is not that feeling extremely strong?—It seemed to me that it was—unduly strong, I thought But I think they had it.

5844. Do you think it is the case that they not only accept, but welcome, a comparatively young and inexperienced man if he has had some public life experience?—Well, I do not think I ever heard of a Governor whom they did not welcome.

5845. Do not they attach very great importance to getting a man from that particular kind of plane? For instance, in the case of civil servant who retired and was reincarnated in public life, let us say, would they ever regard him as purged of original sin—a pukka Parliamentarian of the same kind as a man who started in Parliamentary life?—It would be a long time before they did, and I doubt if they ever would. Certainly they would be handicapped. But there may be exceptional cases. I have heard men mentioned to me.

5846. At the present time, seeing what the duties to be imposed upon the Governor are, in addition to those he has previously had to perform, is it not enough to tax

Sir *J. D. Rees*—continued.

tax the strength and resources of quite a young man?—I think it is. I wish I had been younger when I went to India, or more active.

5847. Something was said about the correspondence with the Secretary of State, and the Government of India saw no necessity for giving all Governors—that is, in future, Lieutenant-Governors—the right of corresponding directly with the Secretary of State on matters in regard to which the Presidency Governors enjoy this traditional privilege I should like to ask you whether, in point of fact, that privilege is not almost worthless, and that correspondence does not extend merely to matters of trifling importance, under custom?—I do not know how far I should answer.

5848. If it is not desirable to answer it, do not?—I was going to say if Mr. Montagu would pull me up.

5849. I will put it in another way. Speaking as an ex-Presidency Governor, is there any written or unwritten rule that all matters of importance should be transacted through the Government of India, and not directly with the Secretary of State?—No. Most of them, certainly, are through the Government of India; but there certainly are some matters which were of importance—they may not have been of very great importance, but were of importance.

5850. Do you think it is important that traditional privilege should be preserved and extended to all Governors?—I think so. I can conceive doing it the other way, but if it is not extended to the others, it should be taken away from the Presidency Governors.

5851. Was not some change in the position of the Presidency Governor long overdue? Was not the position of a Presidency Governor such that unless he is a man of exceptional individuality, he would most likely appear to be overborne by his civilian colleagues?—I have often heard people say so.

5852. Will not the position be greatly improved in that respect under this scheme?—People might think he was freer; I do not know that he really would be. I think the general impression would be so.

5853. Do you think the general impression would be right?—I think it is six of one and half-a-dozen of the other. It depends rather on the individual Governor.

5854. You say in your memorandum: "I do not attempt to define the expression 'responsible government'; to do so at all exhaustively would take up much time; but perhaps I ought to say that I do not see how there can be said to be 'responsible government' under a scheme at all like that contemplated by the Viceroy and the Secretary of State, unless the executive in whatever way it may be constituted is subordinate to the Legislative Council." Do you mean to some extent subordinate or wholly subordinate?—I do not see how there can be said to be responsible government under such a scheme unless the Executive is subordinate to the Legislative Council.

5855. Complete subordination?—Yes, subject to the control of Parliament.

5856. Is it the case that formerly Bengal was regarded as an uneasy, and Madras as an easy, throne?—I used to be told so.

5857. Is it the case whether or not Bengal has become easier, that Madras has become less easy?—I cannot say that from personal experience. When I was talking to Lord Willingdon the other day, I gathered that from what he had heard before he went out there he did not think Madras was as easy as it used to be. Bengal, I hope, is easier. It certainly became easier, to my mind, while I was there, but that was perhaps because I was getting more accustomed to it.

5858. Do you think, if that is so, that the change in Madras is due to the fact that there is a strong feeling there, amongst the articulate Indians, that they want to have a part in the Government, and want to liberalise its character?—I do not know whether the change is due to that, but I fancy the feeling exists, and I suppose it has grown. It has grown everywhere, I think.

5859. With your experience of Madras, do you think they are less anxious there to liberalise their administration and to participate in it, than they are in other parts of India—Bengal, for instance?—Do you mean the Madrasees are?

5860. Do you think they are less anxious than they are in other parts of India?—I do not know now, and as I say, I was only in Madras when I first went there. My feeling is that the Madrasee wants it quite as much as the Bengali. They did not put it in quite as strong language.

5861. Would you say there is rather a passion for education in Madras, almost Scotch or Welsh, rather English in its intensity?—I think there was a passion for education in Madras.

5862. That is not compatible with remaining behind?—I should not have thought so.

5863. Since you have left Madras you have, no doubt, been interested in its attitude towards this scheme, but if it is permissible, Lord Selborne, and relevant, as I think it is, I should like to ask Lord Carmichael whether he agrees in the attitude of Lord Pentland and his Government, the attitude of criticism and not of voluntary adoption of this scheme in the Bill? Can you answer that or not?

Chairman.] Lord Carmichael can tell us his own opinion of the scheme in the Bill, and anyone can make what contrast he likes.

The *Witness.*] I can hardly criticise it.

Sir *J. D. Rees.*

5864. I will not ask it. Would the adoption of Lord Pentland's Government's proposals, which in this behalf, have been accepted by the Government of India, as regards communal representation, mark off Madras rather conspicuously from the rest of India?—Madras people are rather proud of being different from the rest of India.

Chairman.] I do not think it is correct to say that the Government of India have accepted all the opinions of the Madras Government.

Sir *J. D. Rees.*] I did not say so.

The *Witness.*] I was going on to say that both before I went to Madras, and after I left Madras, I was always being told that Madras was a benighted Presidency. Perhaps I should continue to be told so with more reason if they did not treat this question differently.

Sir *J. D. Rees.*] I said the Government of India adopted the recommendation of the Madras Government in respect of communal representation. They do practically, do they not?

Chairman.] No.

Sir *J. D. Rees.*

5865. I thought they did. Then I am wrong. (*To the Witness.*) You remember the States of Travancore and Cochin?—I never visited either.

5866. But they were in political relations with your Government?—Yes.

5867. Do you think it is a good thing that they should be placed in political relations with the Government of India, as recommended by the report?—I have never really considered that matter. My own feeling is that they are better with the Government which is near them—the Local Government.

5868. Considering that Travancore is the fourth native state in India, if you take the population and revenue combined——

Chairman.] That does not come into the Bill.

Sir *J. D. Rees.*] No; but so many things have been touched upon which are in the Report, and not in the Bill.

Chairman.] I hope we will only deal with matters in the Report which affect the Bill.

Sir *J. D. Rees.*

5869. For instance, I want to ask Lord Carmichael a question arising immediately out of his evidence, but I confess it is not in the Bill. (*To the Witness.*) You spoke of the position of the Civil Service in India?—Yes

5870. And of the unduly and undesirably harsh judgments passed upon it by Indians in some quarters, and by Europeans in some quarters. As regards the judgment by Indians, do you think they are due to any extent, and if so, to what extent, to the fact that the Indian Civil Servants are not sufficiently competent scholars

Sir *J. D. Rees*—continued.

scholars in the vernacular to hold conversations at first hand freely with the natives of the country?—I cannot say from personal experience whether they can hold such conversations. Some of them can. I know some cannot; they have told me so; and I do not see how they can. It certainly is unfortunate that they cannot. It must be a handicap, but I do not know that that is what it is due to. The Indian, who is a native of India, does not know enough about the Civil Servant. He cannot. The Civil Servant is far too busy, I think, if he is doing his duty. I will give you what seems to be one example. There was a question in Bengal, when I was there, about dividing certain administrative units, in which Indian opinion was different from the opinion of the Civil Service as a rule, and certainly was different from my opinion. Various individual Civil Servants expressed one view strongly; others expressed another view not so strongly, but it was more the Indians' point of view, and the Indians naturally used to quote the opinion of the Civil Servant whose view was most like their own, opposed to the view which I certainly most fully adopted, that these units were too big, and that the Indian Civil Servant in them, owing to the size of those units, could not do his work properly. I could not help feeling that if the Indians who expressed the view had known more about Civil Servants, and known what I, at any rate, think they ought to try to do, they would have agreed with the men who said that the units were too big. And from what I could see of the individual men who expressed the views, I think they must have been rather ignorant. It is not their fault; it is the fault of the system. They have not time to get into touch with each other, as I should like to see them get into touch. I think I said in the evidence that I wrote that one use of the Governor from home is that he can help to modify the dislike, if I may use the word, of the Civil Servant by the Indian. I say that because I know many Indians who said to me, and I have had letters from them since I left India, saying that I was the first person who pointed out to them that there was more to be said for the civilian than they thought. I was the first person to point out to them certain facts which the natives of India—I am using "native" in the sense of people born and living in India, whether of Indian or European blood—probably think they know, but do not know; they have never been before them.

Mr. *Spoor.*

5871. I would like to ask a question on the point that you raised in opening this morning. The Secretary of State and Sir Henry Craik have already asked one or two questions about it, and that is your reference to the extreme danger of any vital departure from the scheme. I take it you mean by that, danger in the direction of weakening the proposals that the scheme put forward, which are in a measure embodied in the Bill?—Yes.

5872. Assuming that there is a change in another direction, if the Bill went a little further, should we get a more desirable result in the other direction?—I think there would be less danger certainly, provided the Viceroy and the Secretary of State both wanted to go further in that direction.

5873. Assume that this Committee decided to strengthen this Bill, and to give a wider electorate than Lord Southborough's Committee suggested, to give perhaps a full transference of functions as suggested by the Functions Committee, to give perhaps a measure of responsibility in the Central Government, would steps like that not only reduce the danger to which you refer, but be a positive benefit to the position of Britain in India?—It seems to me there are two different points in your question. As far as the danger I referred to is concerned, it would certainly lessen the danger.

5874. If the Bill is strengthened?—Yes, because you would not then have the hostility of those who want to see it rather greater, but I would not do it unless I knew that both the Viceroy and the Secretary of State were willing to do it.

5875. I was on the question of Indian public opinion, and what Indian public opinion is really expecting?—

Mr. *Spoor*—continued.

I think Indian public opinion now must be expecting, at any rate, all that was in the Report.

5876. In your memorandum you say: "Even if I did not feel that it was in itself desirable, I think developments since I left India make it absolutely necessary in the interests of the whole British Empire to initiate as soon as possible some scheme of reform." And so on, as to the developments since you left. Do you refer to the disturbances which have taken place in India, or public opinion?—No, I was referring mainly to Mr. Montagu's visit to India, and to the publication of that Report by the Viceroy, and the discussion on it based on that Report. I did not refer to the disturbances at all.

5877. You refer to the growth of interest throughout India on the whole question of self-government?—Certainly there is that growth; that has something to do with it.

5878. We have had a lot of evidence here that probably you may have read indicating a very extraordinary development in that direction?—I am sure there is a great development.

5879. You believe yourself that that is a general development, quite a spontaneous one? I mean it is not something engineered by two or three individuals and affecting only a few people?—As far as Madras is concerned I cannot say. As far as Bengal is concerned I must say that I think that nobody could be there without being struck by the growth of that development during the five years I was there unless I underrated it very much when I went there. I may have done that. I will take one thing which I think people do not seem to realise sufficiently. I have been told in India, and told out of India, that the ordinary ryot—the ordinary agricultural labourer—takes no particular interest in politics. I have said so to myself. I often rode about in Bengal and walked about in parts, where I dare say a great many of the people did not know I was the Governor. Over and over again I came across men reading the newspaper to a large number of Indians. Very often, when they saw me, they hid the newspaper and were attending to other business.

5880. That is extremely interesting?—It was not always easy for me, because I did not speak their languages as I should have liked to have spoken them, and so it was not always easy for me to find out what they were reading. If they had been a number of colliers in a constituency that I used to sit for in Midlothian, and I found them reading a newspaper, I would have asked them what they were reading, whether it was football, or what. Generally, all I could do was to find out what newspaper it was they were having read to them. It must have been politics. It may have been good politics or bad politics, but men do not sit down to a man reading the newspaper if they have not some slight interest, and I believe there is far more interest than I used to think there was. I believe there was more of that interest in the last year I was in Bengal than there was—I am not going to say in the first year I was there, because in the first year I may not have known it, but in the second year, when I began to realise there was such interest, and when I used to talk to people who are very much abused very often—police officers. I certainly gathered that they thought so.

5881. Generally, as the result of that observation that you made during the recent years, you believe that will continue to grow? You think the people will become increasingly interested in this question, and therefore you ask for elasticity in this scheme?—I cannot help thinking they must.

5882. And that is really why you ask for elasticity in this scheme, so that it will be possible to adapt it to changing conditions and to political growth?—Yes; I am very anxious that there should be elasticity for that reason and other reasons.

5883. I have a question now which relates to the statement as to the hostile attitude of Indians towards the Civil Service, as contrasted with the criticism of the I.C.S. from Europeans. You say that you have heard as harsh criticism from Europeans, and much less excusable. I would like to ask you, had the Indians good grounds for their criticisms?—No. I did not mean it in that way. I meant that harsh criticism

Mr. *Spoor*—continued.

criticism must come, I think, a great deal from ignorance, and I think it is least excusable that there should be that ignorance on the part of Europeans. There is sometimes ground for criticisms. I have often said it to them, "Criticise the Governor as much as you like; there may be very good grounds for the criticism."

5884. We have had evidence of the existence of a certain amount of misunderstanding between Indians and the I.C.S., which may be due to a variety of causes. I have heard it suggested that it is partly due to the exclusive attitude adopted by some I.C.S. people. I know it is said to be a characteristic of the British people. But do you believe it obtains rather dangerously in India?—I would not go so far as to say that, but I do think there is an element of danger in it. I wish there was less of it.

Lord *Sydenham.*

5885. I daresay you know the Legislative Council in Bombay had an Indian majority of 12, and a non-official majority of 22 in a Ministry of 46, but in Bengal I understand your Council had a bare elected majority?—Yes.

5886. In a Council like that it is grossly inaccurate to speak of an official *bloc*, is it not?—I never talk of an official *bloc* myself. It does not exist.

5887. Did you ever issue a whip, either to your officials or to your nominated members?—No, never.

5888. Did you expect every nominated member to vote exactly in accordance with his conscience?—Well, I remember more than one case in which it was suggested to me that I might ask the nominated members to support the Government, and I discussed it with my Executive Council, and we came to the conclusion that we would leave it entirely to them. No nominated members asked me if I would like that they should vote with me. I remember one particular case in which two men came and told me that they would be quite willing to go out if I would rather that they did. I told them certainly I would like them to vote as they thought right. I think they appreciated that, and I believe that is the line that every Governor should take.

5889. You said you thought the Council in Bengal did not thoroughly realise their power, and that is what has often struck me very much. Do you think the reason is that these public deliberative assemblies are somewhat new to India, and, therefore, time is required, and perhaps a good many years, before they are thoroughly acclimatised?—Yes, I think time is required. I do not think they do thoroughly realise their power.

5890. Have not these Councils got some advantages which are not possessed by Parliament here?—I think they have.

5891. Is not every Bill in Bengal published in advance for public examination and criticism?—I fancy every one is. Certainly, I should expect it is.

5892. It is not possible in an Indian Province that a Bill should be received in the morning and Second Reading asked for in the afternoon, as has happened in the House of Lords?—Certainly not.

5893. Has not every private member a right to move a resolution?—Yes.

5894. Which must be debated?—Yes. I think the Governor can refuse, but a member can certainly move a resolution otherwise.

5895. Is it not an exceedingly rare thing for a Governor to refuse the introduction of a resolution?—Very rare.

5896. He would only do it if it were opposed to the public interest, as he thought?—Yes, I think I may say that on one occasion I refused one on a somewhat odd ground. I should say that it was in the public interest that I refused it, but what appealed to me most at the moment was that I thought it might make the mover and those who supported him look rather foolish. I knew what the result would be.

5897. That is very rare?—Yes.

5898. Do private members of the House of Commons enjoy such extreme facilities as that?—No.

5899. Has not the real disability of these Councils in the past arisen from the fact that their field of action

Lord *Sydenham*—continued.

was so rigidly circumscribed by the extraordinarily centralised system we have allowed to grow up in India?—Yes.

5900. And also you found, as I did, an extraordinary amount of interference with their Bills by the Government of India?—Yes.

5901. So that those two points have been really the great disabilities under which these Morley-Minto Councils have laboured?—They have been very great disabilities.

5902. If the large decentralisation now contemplated is carried out greatly increased powers will automatically accrue to those Councils?—Yes

5903. Therefore their position and powers will be greatly increased?—Yes

5904. Have you seen the proposals of the Franchise Committee and do you approve of them?—I have just read them but not very carefully. I have not gone into the evidence.

5905. You have seen the criticism as regards the practical difficulty of polling 70,000 people?—Yes, I have.

5906. Do you agree with that criticism?—I was struck by finding that the Government of Bengal thought they could poll their people. I saw, for instance, that Bakerganj was quoted. I do not know whether I gathered it from what I read there, or from what a Bengal official told me in a letter, that the local Government think that that difficulty has been exaggerated. I should say it had been, from what I remember. But I do feel the difficulty. I think the local Government is the body that could pronounce on that.

5907. In your time, you say, there was no movement towards communal representation in Madras?—Not that I know of. There may have been.

5908. Was not the whole situation very greatly changed when the new proposals were made public?—Of course it was.

5909. You would not definitely tell us that you consider that any alarm on the part of non-Brahmins is quite unjustified?—No; I do not know. I am surprised it is as great as it is—and that I did not know more about it if it is justified, and I expect there is a good deal of justification.

5910. You found your Indian Member of Council was a great help and support to you?—Yes, I felt so.

5911. Your Government in those days always faced the Legislative Council as a united body?—Yes.

5912. From your Indian Member you got support on the Council?—Yes.

5913. His support was often of extreme value?—Yes

5914. Under the proposals of the Bill, what is the position of a Government if one part of it is opposed to the other in the Legislative Council?—I see that difficulty well.

5915. How do you get over it?—It is very difficult, I admit that. I mean, I may say without hesitation, that diarchy does not seem to me perfect by any means. I wish there was not diarchy; but it has been suggested and accepted by so many people.

5916. Do you think it is a practical measure that two sections of a Government should confront the Legislative Council with opposite views, one opposing the other?—I think it is very difficult indeed.

5917. Is it thinkable?—Yes, because you have put it to me. But I think it is very difficult to see how it is going to work out. I think it will make a great deal of difficulty for the Governor.

5918. You said in your Answers that your desire is that there should be two officials in your Executive Council, and that there shall not be less than two Indians?—That was my view. Perhaps I did not put it very rightly, but that was the line I was always advocating.

5919. You think that a Council of four would meet your requirements?—I do not know that they would now. I think if I had been given a Council of four, of which two at least were Indians, and certainly not more than two were officials, it would have gone a long way; we could have got a great deal more done.

5920. You think it is necessary that the Governor should have sufficient expert advice, especially when he comes out fresh from England?—Yes; he wants expert advice.

Lord *Sydenham*—continued.

5921. I did not quite understand what you thought of the Grand Committee. The Grand Committee, as we understand it, is one on which it is engineered that the Government shall have a majority of one in order to enable the Executive Council to pass a Bill. Do you not think that that very precarious majority must put a premium on political intrigue?—I do not like it altogether, and one of the reasons why I do not like it is that I think it will help to increase the risk of political intrigue.

5922. In fact, would you go so far as to say that a majority of one is not really a safe majority?—I do not think a majority of one is a safe majority.

5923. But if you have not a safe majority, what is the use of a Grand Committee?—I think it is no use for this purpose.

5924. Would it not be much better if, say, two-thirds of the elected members of Council rejected a Bill, frankly to drop it and throw the responsibility on the Council for rejecting it?—I think generally it would be better to drop it, but it might be a Bill which was absolutely essential.

5925. In what sense essential?—Perhaps nothing is essential, but it might be one which the Governor thought was absolutely essential. You have been a Governor, like myself, and you can conceive that there might be some agitation, and some inhabitants of your Presidency, English or Indian, might think that the way in which you or I felt we must treat with the matter for the safety of the Province was wrong. I referred a little while ago to the Rowlatt Acts. I am not going to say whether they were necessary or not, but I take it all the non-officials were against them, were they not?

5926. Indian officials?—I cannot be sure. I did not go into the figures accurately. But I can imagine that I might have thought that the only way to deal with a situation was by passing some Bill which none of my non-officials would be willing to pass.

Lord *Sydenham*—continued.

5927. But in a Provincial Council you are not likely to wish to pass Rowlatt Bills?—I do not think I should have been anxious. I may say here, because in this I differ from many people, that I believe that sort of thing could be dealt with in the Provincial Council with a greater hope of success than in the Government of India.

5928. On the whole, you think it would be best, if the Government cannot persuade, say, two-thirds of the elected members of Council to pass a Bill, to let it drop?—On the whole, certainly. I should say ninety-nine times out of a hundred, and perhaps nine hundred and ninety-nine times out of a thousand.

5929. I see you strongly support direct communication between Provincial Governors and the Secretary of State?—Yes.

5930. Do you think, if that is not permitted, a great deal of the decentralisation which is proposed will be in practice nullified?—I think so. I think one of the dangers is this. It leads to too much being done, so to speak, by private letters.

5931. Do you think it is really possible to forecast the result of this Bill, when such an immense number of important points are left to be determined by Rules?—I think it is impossible to forecast them.

5932. As there is no experience of a diarchy system in any Government in the world, must not any opinion given on that subject really be in the nature of a guess?—Yes.

5933. And must not that apply also to the Bill unless we know the Rules which are to be made under it?—Yes, I think so. I think we ought to know the Rules which are to be made under it.

Chairman.] We are very much obliged to you.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

THE RIGHT HONOURABLE EDWIN S. MONTAGU IN THE CHAIR.

SIR ALEXANDER CARDEW, K.C.S.I., called in; and Examined, as follows:—

Mr. *Montagu.*

5934. Sir Alexander, I think I ought to express Lord Selborne's apologies to you for his inability to be present this afternoon, and also the regrets of the Committee that you were called, I think, earlier than was convenient to you. The Chairman feels, however, that you will probably be in a position to give the Committee the information which it requires from an official witness from Madras. I understand that you were a member of the Executive Council of Madras until quite recently?—Yes, I was for five years, from about 10th April, 1914, until about a corresponding date in 1919.

5935. Would you care to say anything in amplification of the statement which you have handed in in reply to questions which have been sent to you?—It is rather difficult to make a general statement. I have not been conversant with this matter for some months, and I am afraid I have not followed the discussions which have occurred since I left India, and I have hardly had time to read the papers which I obtained from the India Office. So that, so far as recent developments of the discussion are concerned, I feel hardly in the position to make any lengthy general statement.

The questions and answers referred to are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you, generally, accept the proposition contained in the Preamble?—I am unable to accept the proposition as stated in Question 1 for two reasons. In the first place I cannot accept it because it seems to be something different from the declaration of the 20th August, 1917, which spoke of "the *gradual* development of self-governing institutions with a view to the progressive realisation

Mr. *Montagu*—continued.

of responsible government." The first portion of this sentence has been omitted from the proposition as stated in Question 1, with the result that the gradual character which the development should possess is obscured or obliterated. I accept the declaration of the 20th August, 1917, but I do not accept the proposition that responsible government is to be introduced except gradually. In the second place I cannot accept the proposition in Question 1 because it is apparently intended to lead up to the acceptance of the draft Bill, and I am unable to ascertain from that Bill how far it is in accordance with the declaration of the 20th August, 1917, and how far it is intended to depart from that declaration. The draft Bill consists largely of a power to frame rules; but it is not accompanied by a draft of the rules proposed to be framed under it, and it is therefore impossible to learn from it whether the stage which the Bill represents can reasonably be described as a gradual development of self-governing institutions. It would not, for instance, be, in my opinion, a reasonable interpretation of the declaration of the 20th August to confer at once 95 per cent. of full responsible government and to reserve only 5 per cent. for grant at a later stage, and I should prefer not to accept a proposition which, while apparently resembling the declaration of 20th August, 1917, differs in certain terms from it until I am unable to ascertain that the Bill proposed to be founded on that proposition is really in accordance with the declaration and not in contravention of it.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—I agree that the establishment in Provincial Legislatures of a substantial elected majority is essential to the full realisation of responsible government; but as the policy of His Majesty's

Mr. *Montagu*—continued.

Majesty's Government, as declared on the 20th August, 1917, appears to have been contemplated, not the immediate introduction of full responsible government but the gradual development of self-governing institutions with a view to the progressive realisation of responsible government which is to be achieved only by successive stages. I do not think that the creation of substantial elected majorities in the Provincial Legislatures is an immediate consequence of the acceptance of the policy laid down in the declaration of the 20th August, 1917.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—I do not think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive, if the terms of this question are to be accepted as general and complete. They do not possess such power at present, and the grant of such power would seem to me to be equivalent to the grant of full responsible government which, according to the declaration of the 20th August, 1917, was to be granted by gradual development of self-governing institutions and by successive stages.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must, therefore, be in a position to enforce its wishes?—I accept this proposition, though a definition of the words "certain matters" is required in order to make the meaning of the proposition clear.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—As regards the dual form of government embodied in the Bill, it is impossible to form an accurate judgment as to the scope and effect of the measure unless a draft of the rules proposed to be made under the Bill is available. The Bill consists largely of a power to make rules, and it seems to me to be essential that the draft Bill and the draft rules shall be considered together.

6. If you have any other method to suggest, does it (i.) provide possibilities of advances by stages and facilitate the "progressive realisation of responsible government"; and, if it does, in what way? (Clause 2, 3, etc.) And (ii.), does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—The suggestion which I support for giving effect to the policy laid down in the declaration of 20th August, 1917, is that contained in the Letter No. 59, dated 17th January, 1918, from the Government of Madras to the Government of India. That Letter has apparently not been laid before the Committee, as the scheme of Sub-Provincial Councils which it advocates was noticed and rejected in paragraphs 245 and 246 of the Joint Report, though the scheme there mentioned emanated from a different source and therefore probably differed in some features. I believe that the Madras Government's scheme, which would have made over complete branches of the administration to Sub-Provincial Councils based, where possible, on linguistic divisions, while reserving legislation and the power of the purse to a unified Provincial Government, would have possessed many advantages over the system of dualism contemplated in the Bill.

7, 8. If you consider a dual form of government acceptable in principle, are there any points of detail the modifications of which you regard as necessary? If so, what are those points, and what modifications would you suggest? In particular, do you think (i.) that Ministers should hold office "during pleasure"? — *i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the Legislature? (Clause 3 (1)). (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3 (3)). (iii.) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian? (Clause 4.) (iv.) That the Governor should have power to dissolve his Legislative Council? (Clause 7 (4))?—Having thus endeavoured to make it clear that I am unable to accept the propositions laid down in Questions 1 to 3, because they seem to me to go beyond the declaration of the 20th August, 1917, and that I am unable to approve the scheme of government which is embodied in the Bill without knowing what the Rules proposed to be made thereunder will contain, I propose to refer to such points of detail as can be ascertained from the draft Bill and as seem to me most to require modification, as follows:—(1) Referring to Question 8 (1) it appears to me that if the Governor is not invested with power to dismiss a Minister of whose conduct he disapproves, as at present provided in Clause 3 (1) of the Bill, the practical effect will be that the Minister will have power to dismiss the Governor, for one of the two must go if a deadlock is to be avoided. (2) In Clause 3 (1) of the Bill it appears to me to be desirable, in the interests of the Governor, if for no other reason, to fix in the Bill both the maximum number of Ministers and their rate of pay in order that the Governor may not be exposed to pressure to create fresh ministerial appointments, and that he may not be required to deal with inflated demands for salary. (3) Referring to Question 8 (ii), in the absence of the Rules proposed to be made under Clause 1 (i) (d) of the Bill and of the draft of His Majesty's instructions, it is impossible to judge what the respective position of the Governor and Minister will be in regard to transferred subjects or on whom responsibility is to rest. If it is desired, as suggested in Question 6, to afford to the electors and to the Statutory Commission of 1930 the means of judging of the success or failure of the scheme, then the Governor should not, I think, have the power to disregard the opinion of his Ministers and to require action to be taken against their advice. If, however, the interests of the country, and not of the experiment are to be considered, then I think the Governor should have the power to prevent irreparable mistakes by requiring action to be taken contrary to their opinions. (4) It seems to be proposed, from Question 8 (iii), that the Executive Council should in all Provinces normally include only one official. If so, I think the proposal is to be deprecated. Having just completed five years as member of a Provincial Government, I can speak with knowledge as to the overwhelming burden of work at present, and as to the need for more men to do it. As the number of Ministers intended to be appointed under the Bill is unfixed and as the departments proposed to be transferred to Ministers are not determined, it is impossible to judge what work will remain with the Council after the transfer. But the fact that the Ministers will be without experience cannot be ignored. The Joint Report itself speaks of "the immense burden of government in India being transferred to comparatively inexperienced hands," but even this hardly brings out adequately the fact that the future Minister may be entirely without training either in administration or in business. A Minister may be, and indeed probably will often be, a High Court vakil who has never even served on a local Council and has never had to manage any establishment beyond his own clerk and assistant. Experience in the last ten years has proved that such men are at a great disadvantage, and will need all the assistance they can get from the trained officials who are to deliberate jointly with them. The less thoughtful and more prejudiced section of Indian opinion may object to the retention of more than one official in the Govern-

Mr. *Montagu*—continued.

ment, but in the interests of the country, as well as of what the Government of India calls "this vast experiment in constitutional change," it is in my opinion very necessary, for the present at least, to keep two members of Council who will be officials of experience and to delete the first five lines of Clause 4 of the Bill. (5) Referring to Question 8 (iv.), the necessity for providing some power to dissolve the Legislative Council is presumably not questioned. Each Minister will apparently be separately appointed and will be separately responsible for his own Department, so that individual Ministers could not be invested with power to dissolve, and the Bill does not contain any provision for the appointment of a Prime Minister. Moreover, each Minister holds office at the pleasure of the Governor, and it hardly seems appropriate that the power of dissolution should vest in a Minister occupying such a position. In the result the power to dissolve must, it seems to me, be conferred on the Governor and no one else.

9, 10. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed, generally, by Clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9). In particular, (i.) do you think that the Legislature should have power with whatever limitations to vote Supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—As my answers to Questions 2 and 4 are not in the affirmative, it is perhaps hardly necessary for me to answer these inquiries, but I would venture to suggest (1) that to invest the Legislature with absolute power over the Budget for transferred subjects may prove, if the subjects to be transferred are numerous or important, to constitute so sudden and extreme a step in advance as to be in conflict with the declaration of the 20th August, 1917; (2) that the device of a Grand Committee will probably be found in practice to fail to give the Government the power, as desired, to secure essential legislation.

11, 12, 13, 14, 15, 16. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments? Do you agree that it is advisable, none the less, to provide for a substantial elective majority in the Indian Legislature (Clause 16)? Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)? Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities? Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest? Do you think that the development of Provincial autonomy, on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33, and 45 of the Government of India Act (Clause 23?—All these questions affect the Government of India, with which I am but little acquainted.

Mr. *Montagu*—continued.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I am not sure whether this attempt to tie the hands of future Governments and to prevent an inquiry from being held at an earlier or later date than 10 years is legitimate.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—The number of members of the Executive Council is fixed by definite provision in Clause 4 of the Bill, while the number of Ministers is not fixed in any way. I think both should be fixed in the Bill. Again, the number of members of the various Legislative Councils is fixed by definite provision in the Bill (Clause 6 and Schedule 1), but the franchise by which they are to be elected and other matters connected with their nomination or election are left to be dealt with by rules. I think that Schedule 1 should be omitted, and the question it covers left to be dealt with by rules under the Act, as is the case under the existing law.

Sir *J. D. Rees.*

5936. May I ask you with reference to your Memorandum. You say that the proposition stated in Question 1 you cannot accept, because it seems to be something different from the Declaration of the 20th August, 1917, which spoke of a gradual development. Do you not gather that if the British Government has to set the pace it also has to decide what is gradual and what is not? Are not they the same thing?—The British Government, no doubt, has to decide the pace.

5937. Would not that cover your objection here? Can you retain it in the face of that?—I thought that the Declaration of the 20th August declared that the progress would be gradual.

5938. Would you call this present change precipitate?—Very—decidedly.

5939. You say: "I am unable to ascertain that the Bill proposed to be founded on the proposition is really in accordance with the Declaration of 20th August." But you have the Bill?—I have the Bill.

5940. The Bill, I presume, is a draftsman's job; it is drafted on the Report, is it not?—The Bill gives power to make rules to a great extent. The rules I have not yet seen, and I do not know whether they are before the Committee.

5941. I ask you, as one familiar with the subject: No rules can ever be legal unless they are within the purview of the Bill. Rules cannot get outside the sections—they must be within the sections of the Bill?—No doubt, but the section gives a very wide discretion as to the form the rules are to take.

5942. In answer to Question 5, you say: "As regards the dual form of Government embodied in the Bill, it is impossible to form an accurate judgment as to the scope and effect of the measure, unless a draft of the rules proposed to be made under the Bill is available"; did you have the Report of the Franchise and Functions Committee?—I did not understand that they were referred to in the Bill.

5943. I do not say that they are, but is it not inferable that they are to be the basis—the text?—Without reference to the Government of India's criticisms thereon?

5944. That, I could not tell you?—I do not know myself, of course.

5945. You say, in answer to Questions 9 and 10: "As my answers to Questions 2 and 4," in which you say, "I accept this proposition," which leaves me in some doubt as to what these answers mean?—Yes, I should have left out "4" in that answer to 9, and said: "As my answers to Questions 2 and 3," I think; 4 is merely the question of decentralisation, I understand; as far as I understand the question, it is a matter which refers only to decentralisation or to responsibility, and I should have left out 4 in the answer to 9.

5946. Upon number 2—I take the same answers to questions 9 and 10—you say: "I would venture to suggest that to invest the Legislature with absolute power over the Budget for transferred subjects, may constitute

Sir *J. D. Rees*—continued.

constitute too sudden and extreme a step," and you object to it, but may I ask if you hold that the Legislature is invested with absolute power over the Budget for the transferred subjects?—Under the Bill?

5947. Yes. Absolute power, I take it, cannot be compatible with the right of re-entry or veto, can it?—If you will forgive me while I look at the Bill.

Mr. *Montagu.*

5948. It is Clause 9, I think?—That seems to be a point based on the word "absolute," and apart from the power to dissolve, I do not see any power to deal with the decisions of the Legislative Council relating to transferred subjects.

Sir *J. D. Rees.*

5949. You do not understand that to be given?—I do not see any power to deal with votes of the Legislative Council which relate to transferred subjects on the Budget.

5950. Is it not practically in the power of the Governor to deal with that, supposing he is willing to exercise his power? He has power, has he not, under the Bill?—By dismissing the Minister.

5951. Without doing that, I understand; I may be wrong, but if you will give me your answer I do not propose to go through the Bill now?—I am unable to find any power beyond that dealing with the Minister under the provisions which exist dealing with that matter. I should say to you and to the Chairman that I only had a few hours in which to consider these matters.

5952. I would like to ask you, arising out of evidence given by others here, have you seen any evidence in Madras of a determination on the part of the Civil Service to wreck the scheme?—No.

5953. Or of wholesale retirement on proportionate pension?—Not wholesale, I think; some will retire, no doubt.

5954. You have written a Memorandum, which has formed the subject of frequent questions and answers, which is attached to the other Blue Book—do you remember it—about caste?—Yes.

5955. At what time did you observe a strong anti-high caste or anti-Brahmin movement commencing—two years ago?—My own personal observation really only dates from the time when Mrs. Besant started her Home Rule propaganda. It is a matter of the last four years or something of that sort.

5956. In your early days, did you serve in the districts?—To some extent—not very lengthy.

5957. In those days, when you lived in the districts and met the villagers, did you see anything of it?—I should say that there was always a great deal of jealousy of the Brahmins on the part of the non-Brahmins, but it did not crystallise into anything like a political movement at that date.

5958. A jealousy of their getting the appointments?—Yes.

5959. Or of their position as leaders of the Hindoo people?—I should say of their getting the large share they possess of Government patronage and appointments.

5960. Are not the Hindoos a remarkably tolerant people, religiously speaking?—I think so. I think toleration is a mark of all polytheistic religions, and of the Hindoo temperament.

5961. I propose to ask a question or two when you are by yourself subsequently, if the Chairman allows, upon this subject; now I leave that for the moment and ask whether there were not friendly feelings between the Indian and the English merchants in Madras, and are there not still?—I think so; I think there was and is friendly feeling.

5962. Has the support of these reforms by the more articulate portion of the people in Madras led to any sort of antagonism between them and the others? Has it developed an antagonistic sort of feeling which did not exist before?—Probably, on the Indian side to some extent, yes; I think we have seen evidences of it. For instance, the Hindoo newspaper has clearly shown antagonistic feeling to British capital and enterprise, but I should think the English merchant does not feel anything of the kind.

Sir *J. D. Rees*—continued.

5963. Do you think that the fact that the larger proportion of the revenue levied in Madras is spent in other Provinces has any connection with that? It was suggested here that that amounted to the negation of self-government. I understand, but I do not know if I do understand it clearly. What do you think of that? Is Madras very unjustly treated in connection with financial matters?—I am afraid it is. I must say that I think clearly that the financial arrangements proposed in the Report, which are based upon schemes put forward by the financial department of the Government of India, do serious injustice to Madras, and will be keenly resented by the popular leaders in Madras. It is an iniquitous proposal to saddle Madras with such a large share.

5964. Do you realise that it is stated in the Report that it will be a temporary arrangement, to be redressed as soon as possible?—Yes. If it were to take the shape of a loan from Madras without interest, to be repaid when the rearrangement is carried out, I have no doubt that the Madras people, who are essentially a reasonable people, would not object; but if it is to be a permanent subvention from Madras to other wealthy Provinces—much wealthier Provinces, such as Bombay and Bengal—it will cause extremely strong feeling.

5965. Will not this scheme be the means of redressing a difficulty which existed and which you feel has existed during your service?—I do not know whether it will provide means of redressing it.

5966. It has existed for a long time, has it not?—It has; but the difficulties of discovering the true financial position before it was worked out for the Provinces by the financial department of the Government of India were really insuperable. The Government could not find out how far they were being taxed for the benefit of other Provinces. A clear statement showing how many lakhs of rupees are taken from each Province was never available, and when the Madras Government made representations saying, "We think that we ought to have more help or more profitable revenues made over to us," they were always met by the reply that other Provinces had their grievances, and that the thing had to be taken as a whole, and we could not get the detailed information.

5967. May I take you to the letter of the 10th December, 1918, in which I notice the Government of Madras said that dualism has not been welcomed by any of the political parties among the Indians. Do you adhere to that personally?—I do not know where it is to be found.

5968. It is the letter of the 10th December, 1918, to the Government of India, on page 166 of Command Paper 123. The part of the letter to which I am referring is at the top of page 167. It is the letter of your own Government?—Yes, I think that statement is correct. I do not know that any political party amongst the Indians has welcomed this scheme of dualism.

5969. As an individual, do you think you can say that no party in Madras is in favour of the scheme of this Bill?—That is not the wording; the wording is that this part of the proposal has not been welcomed by any political party.

5970. Dualism has been accepted as an essential ingredient in the scheme of reform?—It is essential, because it seemed to be the only way reform could be got through, and a political party which advocates a very large measure of reform would rather take it plus dualism than have no reforms at all and reject dualism, but I do not think the representatives of the most advanced section want dualism. They would like to have entire self-government immediately.

5971. I take it that you think this letter is an extreme statement of the case?—No, I am inclined to think that that statement is substantially correct. That is my impression.

5972. Take page 175 of the Blue Book you have there; at the bottom of the page there is another letter from the Governmennt of Madras which says: "Although under the various Provincial settlements the Provincial Governments are nominally given the control of certain heads of revenue, the fact is that under the restrictions laid down by the Government of India and the Secretary of State, the powers of the

Sir *J. D. Rees*—continued.

the Local Government in regard to the expenditure of these revenues are so restricted as to deprive them of all real independence." I am not contesting that at all, but upon that I ask whether the position of the Local Government in that important matter of finance will not be immensely improved if those proposals become law?—My impression is that that is at present entirely unascertainable from the papers. I imagine that there will be a large measure of decentralisation, but I am not aware that anything definite has been settled yet which enables one to assert definitely that there will be larger powers. I presume larger powers must be given, but the degree of control of the India Office remains, I think, unsettled. I am not, perhaps, fully conversant with the subject, but I do not know that the control which the India Office is to exercise in future has been defined. For instance, if you take those illustrations that are given in that paragraph, no scheme which exceeds 50,000 rupees can be sanctioned by the Local Government without the previous sanction of the Secretary of State. I am not aware of any declaration which will prove clearly that that limit will be increased. The Madras Government proposed either to remove the limit altogether or to increase it tenfold.

5973. I was not talking about that particular string on the page you are now referring to, but I was asking you whether, on the whole, the position of Madras and other Provincial Governments will not be financially far more independent if this scheme is adopted than it is now. It cannot be much worse, according to your own showing, because you say that there is no independence at all. Will it not be much better?—I can only say, as a pious hope, that I hope so.

5974. Will you take the Blue Book, Command Paper 141, which contains your Memorandum, to which we have so often been referred?—I am sorry, I have not got it. (*The Blue Book is laid before the Witness.*)

5975. Without waiting for it, there is a reference here: "In view of the large volume of illiteracy, it would be vain to hope that any general electorate could be framed." I should like to ask whether you think the average ryot in Madras is not a sensible person, and very capable of voting for the person he thinks most likely to serve his interests in the election?—I should think the answer to that should be emphatically no, because you couple the question as to his being a sensible person with the power to vote for the person most likely to serve his interests.

5976. I said "the person he thinks most likely"?—He is a fairly shrewd fellow on his crops and agriculture, but I should doubt his having much capacity of judging between one candidate and another. I should doubt it extremely.

5977. Do you think that the representation of European commerce that is proposed under the scheme is sufficient?—They are to have five votes in 120. It hardly seems adequate to me, five in 120.

5978. I should like to ask a few questions, if I may, on your note on page 124 of Command Paper 141. You say that you accept the policy of the declaration of the 20th August, 1917, and then you say that you desire to see a gradual advance towards democracy, but having examined the question in this Memorandum you come to the conclusion that India is unfitted for any democratic advance. Am I mistaken in gathering that?—I think that under present conditions any large introduction of democratic principles would be premature.

5979. I put it to you that if the religious belief of the people which you analyse and explain is such as you describe, would you postpone any democratic advance until they had entirely abandoned the Hindu religion?—Religion, it seems to me, is susceptible of modification without abandonment. No doubt the fact that caste has its centre and basis in religion raises a great difficulty in the way of the advance of democratic feeling. I would not postpone all progress until the religion of the people has been changed. I think that gradually political ideas will tend to dissever religion from this basis on which caste at present rests.

5980. Do you foresee any time in your mind now or can you say how long a time it would be before any advance of this character could be carried out, because I do not follow it from your memorandum?—

Sir *J. D. Rees*—continued.

I really would not like to commit myself to a date at which such an advance as this would be in accordance with the best interests of the people.

5981. I did not ask you for a date?—I should like to wait and see the progress of the next ten years. It is only during the last ten years that we have had the present Constitution; it has not been worked out, and education has really made very small impression on the masses of the people. The difficulties, it seems to me, of such a scheme as this at present, if the interests of the people are to be considered, are insuperable.

5982. You say in your Memorandum: "A man born a Brahmin cannot be other than a Brahmin, and a man born a Pariah can never be other than a Pariah. Equality of opportunity is impossible under such conditions." May not the Pariah live to employ the Brahmin as a cook? Is there anything in the system to prevent a Pariah becoming rich and important and employing the Brahmin as his servant?—I should say there was the greatest possible difficulty in such a position, but I would suggest your putting that question to a Brahmin.

5983. I will not put it to you, Sir Alexander, if you do not desire to answer?—I am not in a position to say whether a Brahmin can become the servant of a Pariah; it would be with great difficulty, I take it.

5984. You refer to the undisputed superiority in intellect of the Brahmin as being one of the most remarkable features of the situation in Southern India. Do you not think that is a good ground for having the majority of the appointments and having the greatest voice in the government of the people, to have an undisputed superiority in intellect?—It is the ground why the Brahmin has the greatest share in the appointments.

5985. Is it a proper ground, I ask, if I may?—I really think it is not a proper ground to give one small section of the people a right of governing the whole mass of the population.

5986. I should like to ask you another question. You say, not as of your own knowledge, but quoting the Imperial Gazetteer, that the Pariah pollutes at a distance of 64 feet, and so on. May I ask if you have had any experience of that yourself in British India?—On the West Coast I think it is undoubtedly so still.

5987. In the Malabar district, or the native states?—In the Malabar district. You see people running away into the paddy fields as the high-caste people come along the road.

5988. Are you aware that what you quote, presumably with acceptance, is only quoted in the Imperial Gazetteer from a report from the native state of Cochin?—There is no doubt, of course, that in Cochin it is very much more definite.

5989. I asked whether you were, in referring to it in your Memorandum, aware of the fact I have just stated. You are the representative here of the Madras Presidency and a member of the Madras Executive?—No, I was not aware of that fact.

5990. Have you ever seen it yourself in British India?—Yes, I have. Last August I paid a visit to Kollengode, and I was struck there by the way in which the people bolted off the road as the Raja came along the road.

5991. Is that because he drives furiously?—No.

5992. You refer next to the Pariah as being commonly excluded from the schools used by the higher castes, and you instanced Pachaiyappas College, Madras. Is it not the case that that is a private endowment, and cannot the founders of endowed schools make any rules they like as to the class of people to enjoy them?—That is no doubt held under a trust deed.

5993. Is it not a private endowment?—Certainly.

5994. Is it characteristic of the Madras schools that there should be a school in which the Pariah is not admitted?—Yes. I made mention of the four chief high schools in Madras, I think, if you will give me the paragraph number.

5995. You do go on to say, "It is stated that there is not a single Pariah boy in the four chief Hindoo educational institutions in Madras City," but do you suggest from that that they are not allowed to go there by any special rules or by the Government?—

They

Sir *J. D. Rees*—continued.

They are not allowed by the management. They would not take a Pariah boy in for the simple reason that no one else would go if they did.

5996. Is it not because the school would empty if a Pariah boy went?—Yes.

5997. What is it that does that? Is it public opinion or not?—It is entirely the feeling of the higher castes, who will not mix with the Pariah.

5998. I put it to you whether the statement in your Memorandum would not rather give the impression that in the Province of Madras, in British territory, there was some such regulation?—I hope not. The Madras Government sent out a circular last December or January asking for information as to whether Pariah boys were admitted into the schools of the various local bodies in the Presidency, and if the Committee want the information it is to be found in the replies to that reference. I think the replies largely show that the Pariah boys were not admitted to Board schools.

5999. Is it not the fact that this absence of the lower castes from those schools is due to the others exercising a sort of passive resistance if they do go there, and it is not the fault of the British administration?—It is due, no doubt, to the social system of the country.

6000. You refer to the Pariahs being fined for entering a temple, and I want to ask you whether that is not in pursuance of the ordinary law of trespass, by which strangers are not admitted to places without the leave of the owners?—I think certainly not. At the Tanjore Temple I have myself seen a notice written up, "No Pariahs admitted." I am told that in the same district at some other temple it is written up, "Pariahs and Europeans not admitted." In the Note which I have sent to the Right Honourable the Secretary of State I quoted the High Court, Justice Sadasiva Ayyar, who, in the Indian Law Reports, 40 Madras, page 561, says, in a recent judgment, "Most Hindoo public temples do not allow entrance of members of the depressed classes, and they" (the temples) "do not, in my opinion, fall out of the category of public places in that connection." That was the point, whether they were public places.

6001. In the case of those temples from which Pariahs or other equally low classes are excluded, would not an Englishman have been equally excluded, and would not you, as a member of the Madras Government, have been excluded in a like manner?—No, I entered the Tanjore Temple.

6002. That was by special favour; but would not an ordinary Englishman be excluded?—The ordinary globe trotter invariably enters the Tanjore Temple, and there is no exclusion of the European, even though he goes in with his boots on.

6003. You say the emigration from the south of India to the Straits Settlements and Ceylon is to escape the state of servitude in the south; but is it not to enjoy the better conditions offered across the water? I am taking this from your Memorandum, which has been repeatedly in evidence?—No doubt it is to enjoy better conditions, which include escape from the servile position that they occupy in their own villages. It is to escape from those conditions, which are certainly of a very miserable character.

6004. As compared with?—As compared with that of the landowning class, Brahmin or non-Brahmin, The Madras Government appointed a special officer about a year ago to try to put these unfortunate Pariahs in a better position by acquiring their house sites and making them over to them so that they might own their own huts and not be under a chronic threat of eviction if they did anything unpalatable to their employers. That step is in gradual progress, but it created a great deal of opposition, both among non-Brahmin and Brahmin landowners.

6005. You do not think they go away to better themselves?—I do think they do go away to better themselves.

6006. Why do you put it on to the other classes if they are so ill-treated in the Madras Presidency?—One means of bettering themselves is to escape from the servile position they are in.

6007. If they are in a servile position now, would not the Madras Government, of which you were a member, be, to some extent, to blame?—It is difficult to see how you can prevent people from submitting to these conditions, but I agree that to some extent the Madras Government are to blame. As long ago as 1892 the then Collector of Chingleput in a very lengthy Memorandum on the position of the Pariah, brought to notice the position of those depressed people in Chingleput, and I do not think adequate steps were taken then to rectify it. I agree that sufficient steps were not taken then, and the conditions remain very bad.

6008. The Collector was Mr. Tremenheere?—Yes, in 1892.

6009. I should like to ask, are you satisfied that the Government, of which you were a member, expressed the feelings of the articulate portion, at any rate, of the Madras Presidency in adopting a *non possumus* attitude as regards the reforms to which this Bill gives expression?—Your question is, does the Madras Government's attitude represent that of the articulate classes in the Madras Presidency?

6010. Are you satisfied that you were expressing their views in taking that line?—No.

6011. You are not satisfied?—No; I do not think they did.

6012. Are you satisfied, then, that the Madras Government should be in the position of not being satisfied with regard to such a point?—The Madras Government expressed its own views—not those of the articulate classes.

6013. With regard to a matter like this, which, of course, is a great popular movement, I will not ask you whether you approve of it or not, but with regard to a great popular movement, would the Madras Government be right in standing entirely against it without making the sort of reservation or admission which you have just made and which I do not find in their letters on the subject?—I do not know. I cannot recall that the Madras Government was asked to express the opinion of the politically minded classes; it was asked for its own opinion and gave it.

Lord *Sydenham.*

6014. I understand you regard this scheme as it stands as not implicitly demanded by the terms of the announcement?—Yes; I certainly do not construe the announcement as implying necessarily this scheme. I notice that the five Lieutenant-Governors said the same thing, that the scheme went a great deal further than the announcement suggested. I do not know whether that is to be found somewhere in the papers, but that is very much my view.

6015. In your opinion the scheme does not so much mark a gradual movement towards responsible government as a somewhat revolutionary change?—I am afraid that the answer must be, yes, to that; I think it is a revolution.

6016. I think you were in India at the inception of the Morley-Minto Reforms in 1909?—Yes. I was on leave at the time, but I remember something about it.

6017. Is it not correct to say that the reception was almost universally favourable?—I believe so—I think it was, but I happened to be absent from India during those six months.

6018. Is there any organised body in India which accepts whole-heartedly the system embodied in this Bill?—I am afraid I cannot answer that—I can only speak for Madras, and I do not even know whether in Madras there is anybody who accepts it whole-heartedly.

6019. You have not come across any body of opinion which accepts this scheme whole-heartedly in Madras?—The position is fairly plain. The extreme party would like to go further, and the non-Brahmin party object to the want of protection which they think they see in the Bill. The submerged classes are entirely inarticulate and do not know what the Bill means, and in fact they do not know anything about the Bill. It may be that there is no party which accepts it whole-heartedly, but I really would not like to make an assertion on that point.

6020. At least you would say that you had never discovered any enthusiasm for the Bill, as it stands, anywhere?—I do not feel any enthusiasm for it, and I should prefer to keep to my own opinions.

6021. You had some troubles in Madras last year: were they spontaneous on the part of people with grievances,

Lord *Sydenham*—continued.

grievances, or were they engineered from outside?—What troubles do you refer to particularly?

6022. I do not know; you had considerable troubles in Madras last year—you had troubles in Madras itself?—The reference is possibly to the grain rioting which occurred as an epidemic all through the Madras Presidency in July and August of last year. That was entirely an economic matter. The people were very much irritated at the prices being put up against them, and they broke out into the looting of shops, because they thought that the Government was too feeble to prevent it. I think it was economic in origin.

6023. Was it not the fact (I have seen a Memorandum by your Government stating this) that the Madras Government have been subject to very violent attacks which had the effect of weakening its authority in the eyes of the people?—Yes, to weaken what you might call its prestige in the eyes of the people.

6024. You have seen the Franchise Committee's Report: do you agree with it generally as regards Madras?—No, I do not agree with it.

6025. The Madras Government is said to be backward, because it has not accepted proportionately so large an electorate as other Provinces have; do you think the electorate that has been laid down is as large as the Madras Government can manage?—Our objection, when I was a member of the Government, was largely to the enormous mass of illiteracy the electorate would include, and illiteracy is a tremendous drawback, not only in that people are not themselves able to judge of a question put before them, but also there is the difficulty and danger of personation and fraud of all kinds. Those are the points which will make an illiterate constituency so difficult.

6026. As the most of those voters will be illiterate, do you expect difficulty in managing these electorates?—Yes. I drew, or the Madras Government drew attention to the experience in Pondicherry, and the experience there has been, I believe, of the most serious character. There they found that a European official watched one of the polling booths; I have forgotten how many they polled; but I think they polled 800 or 1,100, and only nine men went in and out. There was a great deal of evidence in that connection to show that——

6027. Do you think the Madras Government can count upon applying sufficient supervision to prevent fraudulent returns being made at these Parliamentary elections?—I think it would be a difficult matter to deal with and to prevent fraud—it must be very difficult. The voters are about half-a-million, I think.

6028. More—540,000; it must be difficult, must it not?—It must be difficult.

6029. The Joint Report says that 70 per cent. of the seats in general constituencies were occupied by lawyers; do you expect the same result under the new Franchise arrangement?—I am afraid so; I do not know any class that will be able to compete with the lawyers. That is the difficulty in Madras. I only speak of Madras, and of no other place. There is no commercial class. There is no large business community. There is only this educated class of lawyers; they are the only people that are known, and I doubt very much whether the local landowner, who is generally very little educated, will have any chance against the local Vakil. I am afraid there is very little chance; I wish I could give a different answer.

6030. Is it not the case that it sometimes happens that lawyers are not well suited to be the guardians of the interests of the rural population?—The lawyer as a rule is a town man; he necessarily is not very well suited to be the guardian of agricultural interests, although, I ought to add, that he does generally own land, and owning land, he is interested in agrarian questions.

6031. Is it not his interest sometimes to get land from the original owners?—I doubt that.

6032. Speaking broadly, do you think in those new Councils the rural taxpayers will have their interests adequately represented?—I am inclined to fear they will not have their real interests adequately represented.

6033. You seem to have made a study of the low and depressed classes in Madras, and you say that in the villages the rigidity of caste remains little changed?—That, I think, is an undoubted fact.

Lord *Sydenham*—continued.

6034. Of course, you know well that the Government would order Panchamas to be admitted to every school in the Presidency, only they could not do so in defiance of public opinion?—It would empty the schools.

6035. That is not in any way the fault of the Government; we should all have done it long ago, but we could not do it?—It is undoubted that the Government certainly would not have permitted exclusion if they thought they could have avoided it.

6036. Do you consider that Communal Representation is necessary to safeguard the non-Brahmin interests in the Madras Presidency?—Yes, I think so, because the influence of the Brahmin is so extraordinarily powerful; it is difficult to bring it home to anyone who is not conversant with India, but the Brahmin holds all the cards; he is in possession of all the major appointments. Anybody who is admitted to an office must either toe the line and get on with the Brahmin, or be subjected to the collective hostility of the whole caste. The Brahmin also holds all the cards outside Government service; 70 per cent. of the graduates are Brahmins, and 74 per cent. of the lawyers are Brahmins. If you are a landlord and you own a piece of land, and you have a dispute, you must have a Brahmin Vakil to conduct your case. I think that the power of the Brahmin caste in the south is really so great and the non-Brahmins are such poor creatures, that they will never manage to stand up against them without some form of communal representation.

6037. They are only poor creatures in the sense that they have no moral courage; they have been accustomed to this form of depression, and cannot shake it off?—It is a very difficult position to be in to be a non-Brahmin, I think; probably, if I was a non-Brahmin, I should submit too, rather than face the disagreeables of fighting against the very powerful organisation all round me. It is a very difficult position to be a non-Brahmin on that account, although they are numerically so very superior.

6038. In any case, the Brahmin would have a very considerable advantage when it comes to a General Election?—An enormous advantage.

6039. For the benefit of the non-Brahmins, your Government proposed, did it not, or preferred that there should be a limitation of Brahmin seats; that was your remedy?—Yes, very regretfully, but we did propose it.

6040. Do you consider that it would be possible to work the diarchical system in Madras?—I do not know.

6041. Your Government, with the other four Governments, wishes to make a unitary Government throughout the Provinces?—Yes, I think everyone is agreed, including the authors of the Report, that the diarchic system involves very great difficulty. Nobody doubts it, I think, and if you could avoid it, I think it should be avoided.

6042. That led you to the unitary system that the five Governments have been unanimous upon?—Yes.

6043. May I take it that the Madras Government feels that reforms of many kinds are necessary, but it objects to the system which is embodied in the Bill?—The Madras Government has not seen the Bill, or had not when I was a member of it. I quite realise the difficulties of the position—for instance the difficulty of finding any scheme which involves progress without going too far. The Madras scheme was put forward in that letter I have referred to in my answer, and I think that scheme would not have satisfied the political classes, but I think it really would have been the best in the interests of the whole population. That shows that the Madras Government would like to see progress; they do not want to absolutely stand still.

6044. The Madras Government does want to see progress, and does regard reforms as necessary, but objects to the form in which the Bill is drawn?—I think that is right.

6045. One last question: Do you think that the passing of this Bill as it stands will produce tranquillity in India?—No, I am afraid it will not; it will only be regarded as a stepping-stone to further agitation.

6046. The probability is that it will not?—It will not, I think.

Sir *Henry Craik.*

6047. In the sixth paragraph of your Memorandum, which you laid before us, you refer to the letter of the 17th

Sir *Henry Craik*—continued.

17th January, 1918, from the Government of Madras to the Government of India, and to the scheme therein mentioned. Can you give me an idea (it is really for my own information) explaining as shortly and as generally as you can what you consider to be the distinct features of that scheme put forward by the Government of Madras in that letter?—I have not seen that letter for a year or two. Unfortunately, I was unable to get a copy of it in the India Office. But the general idea, I think, was that the control of the legislation, which is one of the great cruxes of the whole matter, and of the Budget, should be retained by the Central Reformed Provincial Government, but that this dual arrangement——

6048. What do you mean by this Central Reformed Provincial Government?—I mean by that the Provincial Government.

6049. You introduced the word "Central"?—Yes, it is central in the sense of being central in the Presidency; but the dual arrangement which is adopted in the Joint Report, instead of being applied to the Central Provincial Government, should be applied to sub-Provincial Councils. For instnce, in the Telugu country it would have its own Council, and to that Council certain branches of the Administration should be entirely made over in the same way as the Report proposes, and the Act proposes that certain subjects should be transferred.

6050. The essential object of that scheme was the sub-division of Provinces, and within these smaller sub-divisions giving considerable independent administrative power?—Yes, that was so.

6051. That was the feature?—Yes.

6052. The alternative was a dual system of government; but in these smaller districts there would have been considerable independence, which might have grown and expanded without this difficulty of a possible divergence of aim between the members of a dual government?—Yes, it would have enabled local men to come to the front more; the lawyers would not have been so important. You would have had smaller constituencies, and the local men would have been known in their own locality.

6053. And you would have had administration in smaller areas, which you think might well have been entrusted to popular agencies?—That was the idea we started from.

6054. Did that find considerable support elsewhere besides in the Government of Madras?—I believe that there was some support in Calcutta, but we proceeded entirely on our own views. My colleague, the Honourable Mr. Rajagopala Achariyar, wrote the most admirable note as an addendum to the letter, which brought out much better than I could have brought out the merits of the scheme.

6055. To a certain extent it had certain points of resemblance to the scheme put forward by the Joint Conference at Calcutta of Europeans and Indians?—I believe so.

6056. That obtained considerable support amongst Indians as well as Europeans?—Yes.

6057. Amongst others Mr. Surendranath Banerjea signed that?—Did he? That is beyond my own knowledge. I quite accept it that he did.

6058. Could you tell me if there were any points of divergence between the Calcutta Conference scheme and that put forward by your Government?—I do not know.

6059. That scheme put forward by the Joint meeting at Calcutta of Europeans and Indians was dealt with in the Joint Report, I think?—It was.

6060. It is dealt with in paragraphs 245 and 246 of the Joint Report?—Yes.

6061. Although I understand the authors of the Joint Report found considerable difficulties with regard to that scheme, they saw at the same time very considerable advantages in it?—Yes.

6062. Do you think the sub-division of these Provinces would lead to considerable difficulties and objections?—Not in Madras. They would have made a demand for a separate Province. It would have been welcomed to a great extent by the Telugu country as giving them a semi-independent existence.

6063. Do you agree with this passage in the Joint Report: "In spite of the evidence which has reached us of the existence in parts of India of distinct areas

Sir *Henry Craik*—continued.

or communities which are anxious to secede from the larger administrative units of which they now form part, we feel sure that any general scheme of geographical partition would evoke such strong opposition as would be fatal to the whole plan"?—I can only speak for Madras.

6064. You do not think it would?—I do not think it would in Madras, because it so happens that the Telegu people are very anxious to have a separate position.

6065. Has your attention been called to the concluding words of the same paragraph of the Joint Report which anticipates possible objection, and they go on: "But we are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed Provincial Governments to test Provincial opinion upon schemes directed to this end. In Orisso and Berar, at all events, it seems to us that the possibility of instituting sub-provinces need not be excluded from consideration at a very early date." Now you agree with that, that such sub-division would be very desirable?—Whether as a separate problem or a problem of reform?

6066. No; I understand this points to the fact that whether the reform comes or not, this separation would be desirable in many respects, and I understood you rather to agree with that?—I think I ought to say a word there. I do not think the Madras Government anticipated an entire separation, we will say, of the Telugu Province from the Tamil Provinces.

6067. A sub-division?—A sub-division means the creation of some form of organised government subject to the Provincial Government?

6068. Yes?—That would be very costly, unless it is to gain something—the mere creation of a fresh Sub-Provincial Government. The idea here was to provide legislative——.

6069. I do not think you have quite followed my point. I understood, from your own description of it, that the scheme you put forward on the part of the Madras Government approached in certain leading features to that put forward by the Joint Committee of Indians and Europeans at Calcutta, and that an essential feature of both was a sub-division of Provinces which would be accompanied by administrative responsibility delegated to the popular element?—It was not intended that Madras should sub-divide the Province so as to make two Provinces. It was intended to create Sub-Provincial Councils which would be subordinate to the main Council at Madras.

6070. What was your object? I thought you gave it just now; what was the object of your scheme? What were the features of your scheme?—The object of the scheme was to enable certain branches of administration to be made over to popular control within these Sub-Provincial Councils.

6071. Certainly; then that involved a division into Sub-Provincial Councils?—Yes.

6072. Then surely you follow the next step I ask: As that involved a division in Sub-Provincial Councils, it had a very strong family likeness to the scheme put forward by the joint meeting of Indians and Europeans at Calcutta?—Yes.

6073. That is right?—I think it had a family likeness, yes.

6074. The argument put forward in paragraphs 245 and 246 of the Joint Report, favouring to a certain extent certain features in that scheme of the Joint Committee at Calcutta would also apply to your scheme?—Yes, quite so.

6075. And, therefore, we may take it that even from the point of view of the Joint Report there were certain commendable features, both in the Calcutta scheme and in your scheme?—Yes.

Lord *Brodrick* (Viscount *Midleton*).

6076. Before I returned to the room I do not know whether your attention was invited to the statement in your reply to questions, "It would not in my opinion be a reasonable interpretation of the declaration of the 20th of August to confer at once 95 per cent. of full

 responsible

Lord *Brodrick* (Viscount *Midleton*)—continued.

responsible government and to reserve only 5 per cent. for grant at a later stage." You do not suggest that that is done by this Bill, do you?—No, I give that as an illustration of what would be an unreasonable interpretation.

6077. I gather, speaking generally, that you consider it is proposed to transfer too large a percentage?—I am afraid so, but the rules are not framed yet.

6078. Would you tell the Committee in a few words how the finance of Madras is managed at this moment? You have no Finance Minister of Madras as distinguished from other Ministers?—No; the Financial Member, or the member in charge of finance, has got other Departments. I had finance in addition to portions of the Revenue Department, for instance—the Land Revenue Department, which includes Land Revenue and Land Administration generally.

6079. That under the present conditions has worked very well, no doubt, but supposing the scheme of the Bill were carried and that you had Ministers and Executive Councils, each drawing, either from the same purse or from different revenues, would you not require some Finance Minister who had no other Portfolio and who could co-ordinate their demands and be impartial?—I have long thought that there should be a Finance Member for nothing else, because every Finance Member has got his own additional Departments, which are invariably spending departments. Naturally, he finds the money for his own Departments before he finds it for other Departments. It is as if the Treasury had charge of the War Office or some other Department.

6080. Would you say that a great number of questions on which there might be differences of opinion in the future, if this scheme were adopted, might turn on finance?—Yes, of course; they are bound to.

6081. I gather from your evidence, so far as I have heard it, that you think there is great danger of the Governor being overtaxed under these new conditions?—I think it is absolutely certain that he will be overwhelmed; he is the *deux ex machina*, who is called in to do everything; it is the weakest point of all that he has to do just everything, and unless he is a man of super-human power I think he will be snowed under. That is my personal opinion.

6082. If a large number of questions are going to turn on finance, is it not desirable that somebody other than the Governor should have the task of bringing the different Ministers together, and arguing a question out, and that he should remain rather as an umpire?—Much better, I think.

6083. Even apart from this great change, do you think a Finance Minister of some sort not in charge of a Department would be valuable?—I think so; I am quite of that view.

Mr. *Montagu.*

6084. What would be your view of the pronouncement of the 20th of August? You now accept it, but did you welcome it or think it was a mistake?—I thought at the time it would have been wiser not to have made the pronouncement when we were in the middle of the war.

6085. You referred in your evidence to the Brahmin organisation; is there such a thing as a Brahmin organisation?—Could you give me the context?

6086. I may have misunderstood you, but when you were talking to Lord Sydenham about the non-Brahmins being what you called poor creatures. You then explained what you meant, and you said that if you were a non-Brahmin surrounded by Brahmin organisations you would probably do the same?—It is very difficult, of course, to convey what I mean. Brahmins at present hold 70 per cent. of all the qualifications which admit to Government offices and the learned professions of all kinds; they are at the top everywhere. They have the command of funds which enable them to educate their children and give them a good start, and the clever ones among them can rise and take the leading posts. With the non-Brahmin, on the other hand, it is a very difficult thing to get entry, and when he has entered he is likely to knock himself against the Brahmin feeling or combination. Perhaps "organisation" was a misleading word.

Mr. *Montagu*—continued.

6087. Have you heard the result of the Madras election?—No, I should be interested to hear it.

6088. Would you be surprised to learn that the non-Brahmins have gained more seats than the Brahmins?—Really! I should be surprised. Is that so?

6089. I suppose it is what you would call Brahmin non-Brahmins who have had that success?—No, I am quite open to conviction. I do not know what has happened. I only saw that one seat had fallen to a Brahmin on the West Coast. I have no part in the matter.

6090. I did not mean that you had a part in the matter; but there has been described to us a person who has been called a Brahmin non-Brahmin?—I do not know who has said that.

6091. Under your sub-provincial scheme you would have, I gather, a Minister in each of your sub-provinces charged with such subjects as local self-government?—Yes.

6092. But you would have a Central Madras Provincial Government, with power over that sub-provincial area on other subjects?—On other subjects, yes. That is the idea.

6093. But the two Governments, situated in different places, would issue orders to the Civil Service, and never meet?—They would not be sitting in the same place; they might meet, no doubt.

6094. You would have your diarchy?—Yes.

6095. Would not there be more friction if they never saw one another rather than less?—I think so; but, of course, both are experiments.

6096. In answer to Lord Sydenham I think you said that you thought this Bill did too much; it was revolutionary; and you also were afraid that it would not produce a pacific peaceful India. Would you have a better chance of producing a peaceful India if you did less?—No.

Lord *Sinha.*

6097. The rajah you mentioned is a non-Brahmin, is he not?—Yes.

6098. Therefore the people bolting at his approcah is not quite tantamount to bolting at the approach of a Brahmin. You gave that instance of people bolting when the rajah was on the scene. That was not a case of Brahmin ascendency. It was a case of rajah ascendency?—He is a Nayar, a caste which possesses a special position in Western India.

6099. He is almost as exclusive as the Brahmin?—Just so. I think all the ladies of the family are married to Brahmins.

6100. I think you put in your Memorandum that the Brahmins as well as the caste of non-Brahmin Hindoos are both equally exclusive so far as the Panchamas are concerned?—Yes.

6101. And if there is a charge of oppression it may be levelled against both equally?—Quite; that is my opinion.

6102. As regards the non-Brahmin castes, they are themselves mutually exclusive and antagonistic. You would not call them a homogeneous community, all those 150 odd castes?—It is a difficult question to answer, not belonging to the communities, but my impression is that they are much less antagonistic to one another than they are to Brahmins.

6103. I am just endeavouring to get from your Minute the passage which I had in my mind with regard to this. It is at page 125 of the Parliamentary Paper. The Minute commences on page 124, but I am referring to paragraph 7: "Next to the Brahmin *sed longo intervallo* comes the great group of Hindoo castes, some higher, some lower, generally grouped together as non-Brahmins, but all equally exclusive, and largely antagonistic to one another"?—That is true.

6104. You believe that to be a correct representation of the facts?—I think so.

6105. "It is notorious that if a member of one of these castes attains to a position of influence he fills the offices in his gift with his fellow-caste men." That is not confined to Brahmins?—No, it is not; it is part of the whole system.

6106. Do you think you could group together all these equally exclusive and largely antagonistic castes as one community for the purpose of elections?—Well, I admit the difficulty; but the people concerned will not be satisfied unless it is done, and if you are going

Lord *Sinha*—continued.

going to give this new scheme a fair trial I think it is better to start it with a contented non-Brahmin community than with a discontented one. I admit the difficulties of grouping Chettys and Pillais all together, but all these communities themselves claim it. They ask for it, and from that point of view it seems better to give your scheme a chance.

6107. There is a division of opinion amongst them, too, is not there?—Yes, but I doubt its being very real.

6108. At any rate, I do not suppose they would like the Panchamas to be classed with them?—No.

6109. Because we had a non-Brahmin gentleman claiming that Panchamas were being treated as sons to themselves. They are like sons, he said. That is not the kind of treatment you find in Madras, do you?—No, quite untrue of Madras, and I do think that unless some steps are taken in this Bill to protect the outcasts—greater steps than are embodied in the Bill—it will be a very grave reproach against the Bill and against the Government that passes it.

6110. By that you mean the Panchamas?—The Panchamas—seven, eight or nine millions in Madras.

6111. So far as they are concerned I suppose it is almost impossible to give them direct representation by their class, is it not?—It is very difficult; two seats in 120 is absolutely inadequate.

6112. You mean the number?—Yes.

6113. But so far as representation is concerned, I suppose for some little time the representation will have to be through missionaries or social service workers and people of that class, if they are taking any intelligent interest in the working of the Council?—To a great extent, yes, but I think a certain number of Panchamas could be found, and I really would appeal very strongly on behalf of those people that this Committee will see that their interests are protected to some extent.

6114. You would have their representation, I take it, by nomination?—I think so; I am afraid there are no other means possible.

6115. I want to draw your attention to the document to which Sir Henry Craik referred as well as your own document, which I am afraid you did not have before you, the letter of 1918. If Sir Henry Craik will pardon my saying so, I think he has put to you facts which are rather misleading. I can only get the substance of it from the Report itself. You have got the Joint Report before you?—I have had it. (*The document is handed to the witness.*)

6116. Will you please look at paragraphs 242 and 243?—Yes.

6117. Taking paragraph 243 first: "In their less pretentious form of expression these ideas are embodied in a scheme which has been placed before us for the establishment of divisional councils"?—Yes.

6118. "These bodies would have jurisdiction over a revenue division, and would deal with all questions of local self-government and certain other matters delegated to them, such as excise, agricultural farms, provincial roads, and some branches of education. They would have definite revenues of their own, and also power to increase their income by local taxation" and so on. That is the substance of the sub-provincial scheme which you referred to, is it not?—The words "revenue division" are not clear to me; I do not know what it means exactly.

6119. Apart from the area?—Yes; otherwise it is the idea of the scheme.

6120. Please run your eyes over the whole paragraph: "As regards the matters made over to the divisional councils the provincial council would retain certain powers of legislation, taxation and of sanctioning rules; but as regards all other subjects, its powers would be only those of deliberation and criticism unless the Government referred a particular question to it for decision." That is the substance of the Madras scheme?—That was, I think, very much the substance of the Madras scheme.

6121. That involved a diarchy, did it not?—Yes.

6122. Division of functions?—Yes.

6123. Plus division of areas—a sub-division of the whole Province into different and smaller areas?—Smaller areas.

6124. Is so far as there are difficulties in a diarchy, they would be multiplied by the time that there were

Lord *Sinha*—continued.

Sub-Provinces; the difficulties would be multiplied by reason of the sub-division, would they not?—But they would also diminish.

6125. By reason of the diminution of the area?—Yes.

6126. Quite. But the difficulty said to be inherent to diarchy would be quite as inherent to the system advocated or recommended by the Madras Government?—I doubt it.

6127. Certain functions are reserved to the Sub-Provincial Council; certain others in the area are reserved to the Central or Provincial Government?—Just as certain powers are reserved now to the Provincial Government of Madras and other powers in the same area are reserved to the Government of India; the clash is not greater.

6128. I would rather not take in the Government of India here. I will take only the Sub-Province and the Provincial Government of Madras. In the Sub-Province there will be two authorities. As regards certain functions, it is the Sub-Provincial Council and the Minister presiding over those Councils?—Yes.

6129. Or a president, or whatever we call him?—Yes.

6130. With regard to the same area, there would be the Central or Provincial Government, having its authority in all other subjects?—Yes.

6131. That has certain functions transferred to the Sub-Provincial Council, and certain functions reserved to the Madras Provincial Government; that is diarchy. Therefore, it is not diarchy as a principle that the Madras Government objected to or objects to now?—I think, speaking for myself, that it would have been a very, very different position. As I said a moment ago, the Government of India now has certain functions and power over the whole of the Provincial areas; similarly that may be said to involve diarchy from your analogy. The Government of India and the Provincial Government both have powers over the same area; that may be described as diarchy.

Mr. *Montagu.*

6132. May I put to you that what you mean to say to Lord Sinha is that the relations between a Provincial Government and a Sub-Provincial Government would be similar to, and just as amicable, as the relations between a Provincial Government and the Government of India?—Yes, that is the idea that I meant to convey.

Lord *Sinha.*

6133. That is to say, your idea is that wherever there is popular control, there must be the relation of superior and inferior. It is only that which would distinguish the Sub-Provincial Council and the Provincial scheme from the present scheme. Under Mr. Montagu's scheme the two Governments are co-ordinate; neither of them is subordinate to the other; under your scheme there is diarchy, but one portion of the Government is subordinate to the other; that is the only difference. And that would enable the Declaration of the 20th August, 1917, to be complied with, but that is a matter of opinion, if I may venture to say so?—Yes.

6134. I am only trying to picture to myself, and if possible to present that picture to the Committee, what your scheme, which you still advocate, involves; and that is why I put to you that, according to your scheme—or, rather, the Madras Government scheme—in that letter it is an essential part to divide the functions of government between the Provincial Government and the Sub-Provincial Government. But it is equally essential that the Sub-Provincial Government should be subordinate to the Provincial Government. There is the division, but a division as between a superior and an inferior. Am I correct?—I think that is correct. I think that is not an unfair statement of the effect. It would reserve legislation and the Budget to the Provincial Government.

6135. And the Sub-Provincial Council would have nothing whatsoever to do with either legislation or finance?—That probably is rather an over-statement of the position.

6136. Will you look at the paragraph?—I am not tied to the paragraph. It seems to me conceivable that the Sub-Provincial Government would have limited powers of legislation within the sphere of its influence, and that it would have powers of finance within the sphere of its influence. I think that was

Lord *Sinha*—continued.

certainly contemplated. Unfortunately, I have not got the Madras scheme.

6137. However, you think paragraph 243 substantially represents that scheme. Then there is another matter to which Sir Henry Craik drew your attention; but I rather think Sir Henry Craik did not himself read it quite correctly.

Sir *Henry Craik.*] We must not argue it just now, but I cannot quite accept that.

Mr. *Montagu.*] There is promise of an interesting debate here.

Lord *Sinha.*

6138. Inasmuch as Sir Henry Craik has referred to this paper, I feel bound to refer to it myself, because I think Sir Alexander rather too readily accepted Sir Henry's statement as regards the effect of that letter. You were told that Surendranath Banerjea accepted the scheme which is set out there. You remember Sir Henry Craik pointing that out to you?—Yes, I do not know whether it is correct.

6139. If you will look at page 207, at the end of Appendix III., which is before the signatures, you see it is stated: "With regard to the details of the scheme outlined above we think that it is desirable that everyone should reserve full liberty of judgment. Our agreement relates only to the following specific points," and then twelve specific points are set out. So that Surendranath Banerjea, when he signed that, agreed only to the twelve specific points, and reserves full liberty with regard to the rest of the statements in that address. You rather took it for granted that this was the same as the Madras Sub-Provincial scheme.

Sir *Henry Craik.*] I only asked if that was so.

Lord *Sinha.*] He, not having either of the documents before him, rather readily assented to that.

Sir *Henry Craik.*] I did not know the Madras scheme, because I had never seen it.

Lord *Sinha.*] As a matter of fact, it differs *toto cœlo.*

Sir *Henry Craik.*] I do not wish to argue, but just look at the beginning of paragraph 245. That is what led me to identify the two.

Lord *Sinha.*] That is the substance of the joint address.

Sir *Henry Craik.*] That is what led me to identify the Madras scheme with the other scheme, and to think that there must be a similarity between them.

Lord *Sinha.*] But these, you see, are separate Governments, having no relationship of subordination, at any rate, one with the other.

Sir *Henry Craik.*] Oh, yes.

Lord *Sinha.*] If you will look at paragraph 242 and also paragraph 245, I think you will agree with me that neither of those schemes has any similarity to the Madras scheme. It is only because I wanted to rectify what I considered was probably inaccurate.

Sir *Henry Craik.*] My inference was drawn from paragraph 6 of Sir Alexander Cardew.

Lord *Sinha.*] The Sub-Provincial Council; but he had not developed that at all.

Sir *Henry Craik.*] He said at the beginning of page 3 that the scheme of Provincial Councils was noticed and rejected in paragraphs 245 and 246. As these deal with the joint European and Indian meeting, I thought they must be identical.

The *Witness.*] I am very sorry if I misled you; I may have misled you.

Mr. *Montagu.*] He goes on to say that the scheme there mentioned emanated from a different source, and therefore probably differed in some features.

Sir *Henry Craik.*] In some features, but I thought there seemed to be general agreement.

Lord *Sinha.*] In fact, my information is that Surendranath Banerjea did not sign even this document at all.

Sir *Henry Craik.*] Did not he?. His name is there.

Lord *Sinha.*

6140. I do not find his name here. He was asked to sign, and he did not sign. Sir Henry Craik, I think, was misled by another name here, No. 37, S. N. Banerjee, who I know is a young gentleman belonging to the Bar, and not Mr. Surendranath Banerjea. (To the *Witness.*) However, as I say, the schemes are different. I only drew attention to them because when the Committee considers it they will have to consider that. Coming back to your answers, if I may for a minute, do you make any difference between progressive and gradual, because I find that the Preamble of the Bill which you object to begins by saying: "With the view to the progressive realisation." Of course, it is not my language, but if, as I understand it, "progressive" necessarily means "gradual," I do not suppose you would quarrel with that?—Would you look at the question here referred to—not the Bill—"Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India?"

Lord *Sinha*—continued.

6141. That is taken from the Preamble, of course?—If they had followed the terms of the Declaration I should have supposed that it was intended to mean the same thing, but there is a difference in terms, and I do not know what the effect of that difference may be or what the intention of the difference was.

6142. I take it you understand by "progressive" the same as I do, namely, "gradual"?—I would like to see the terms of the Declaration adhered to.

6143. That is a matter of drafting, if you will pardon my saying so; the question is what is the substance of it? Do you not agree that "progressive" means "gradual"?—I do not think it does. I am not dealing with the drafting of the Bill; I am dealing with the question which was put to me.

6144. Very well. One of your complaints is that the rules which are to be framed under the Act when it is passed were not before you, and therefore you are not prepared to give any opinion on the Bill?—A difficulty, not a complaint.

6145. But you have read what are suggested as being the rules both in the Franchise Committee's Report, in the Functions Committee's Report, and the Government of India Despatches upon them?—I have read those documents.

6146. Assuming that the rules are more or less on the lines of those documents, have you not got materials enough to be able to come to some kind of judgment upon the Bill and the rules to be framed under it? I put it to you for this reason: having regard to those Reports, is there any justification for saying if 95 per cent. of functions are transferred now and 5 per cent. only reserved, that would be progressive and gradual realisation of self-government? Having regard to the documents that I drew your attention to, would you say that the division is 95 per cent. and 5 per cent., or anything like that?

Mr. *Montagu.*

6147. I think Sir Alexander has already explained that he only used those figures 95 per cent. and 5 per cent. as an illustration?—Quite.

Lord *Sinha.*

6148. I am putting it to him as to whether there is any foundation for any of the exaggerated statements of that kind, having regard to what the rules are proposed to be; they are extremely moderate?—There, I am afraid, I am unable to agree with Lord Sinha.

6149. You mean that if the rules are framed on the lines either of the Reports of the two Committees, or as modified by the Government of India or suggested to be modified, even then they would be extravagant?—I think they would be excessive, yes.

6150. Am I right in understanding that you are against substantial elected majorities in the Provincial Councils?—Yes.

6151. You say that you cannot answer one of the questions, Question 4: "Do you think that there are certain matters or functions of the Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and to Parliament, and must therefore be in a position to enforce its wishes?" Your answer to that, I think, is that, not knowing what is going to be reserved, you cannot answer?—I have not got my answers, but I think I said I accept this proposition, though the exact meaning of the words "certain matters or functions" might need further definition.

Lord *Sinha*—continued.

6152. I suppose what you would like would be to keep as many matters as possible under the control of the Secretary of State, that is, of the Local Government, subject to the control of the Secretary of State?—The question I was asked was: "Do you think there are certain matters in which at present the Provincial Executive must remain responsible to the Secretary of State, and must therefore be in a position to enforce its wishes?" To that I replied yes; but I think as to the number of those certain matters there may be a difference of opinion.

6153. That is to say, the volume or number of matters there may be a difference of opinion upon?—Yes. I am asked a certain number of questions, and I have to safeguard myself to some extent in my replies.

6154. You referred, I think, to the scheme of the five heads of Local Government; not in your answers?—No. I read it for the first time in these papers.

6155. I am not going into the particulars of that, so unless you want to you need not trouble to refer. You have, I believe, read also what is called the Bombay Government scheme—Lord Willingdon's despatch?—I did read it some months ago.

6156. Then you have your own scheme—the Madras Government scheme of Sub-Provincial Councils—and you have got the Bill and the scheme of the Report embodied in the Bill. To which of them, if you had to consider all those as alternatives, would you give the preference now after all the discussions that have passed?—Personally I still think that the Sub-Provincial Councils' scheme is the best. Though it might not give satisfaction to the political classes, I think it would be the best in the interests of the country. I think it would enable practical experience in government to be obtained in an easier way.

6157. As between the others have you any preference?—No.

6158. It is all the same?—I have not really considered the others from that point of view.

6159. The Bill, the scheme of the Lieutenant-Governor, or the Bombay one, you have no preference?—I have been away from these matters for many months, and I have not followed it. I have only had a few hours to look at these papers.

6160. I think you already said to the Secretary of State—at least, so I understood—that you considered democracy, or a democratic form of government, in India was, so far as you can contemplate, impossible?—I have said that in my note, I think—that at present the democracy is foreign to the underlying ideas of India.

6161. By reason of the doctrine of Karma and the institution of caste. I think you point out that those beliefs and institutions have existed, probably, for thousands of years, and I suppose it will take some other thousands of years before these disappear, if they ever do?—Do you think so?

6162. Well, I am asking you?—Oh, no, I do not adopt that statement at all.

6163. Quite. That is why I am asking you. Do you think that those beliefs and those institutions are disappearing?—Weakening, undoubtedly.

6164. Considerably?—I think considerably in the educated classes. You have got, shall we say, 10 per cent. of educated. Multiply your percentage, and you will weaken all that right through.

6165. Supposing they were the only people in the country, then there would be no difficulty?—No difficulty, I think; no.

6166. In having a democratic form of government?—To a great extent, yes.

6167. To the extent that that class increases the difficulty would decrease?—It will decrease, yes.

6168. Therefore the advent of democracy depends on the expansion of education of the same kind as the educated classes have had?—Very largely I think, yes. Give time to this unfortunate country—that is what I say.

6169. Do you think there is anything inherently wrong in the educated classes taking the lead in a country in politics?—In a country in which education does not convey sympathy with the uneducated I think there is something very wrong. How are you going to

Lord *Sinha*—continued.

hand over these down-trodden outcasts to the mercies of the upper classes; you cannot do it without injustice.

6170. Has their education enabled them to get over the superstition and prejudices of the ages with regard to the lower classes or down-trodden classes?—I am afraid not; that is the worst of it. If it had there would be no difficulty in this question.

6171. Have these down-trodden classes been much better off after, say, 150 years of British rule than they were at the beginning?—They are undoubtedly better off. They are no longer slaves. They were slaves tied to the land. They are not slaves now. They can emigrate so long as they are allowed to emigrate; that alone gives them freedom.

6172. As you have mentioned emigration, may I draw your attention to another fact in which I think you are not quite fair, perhaps, to the classes who agitate against emigration from India, if I may say so with all respect? Is not it possible that the conditions under which the emigrants live in the Colonies to which they emigrate may be at least a portion of the reasons for which there is this outcry against emigration—Fiji, for instance?—I have not been to Fiji.

6173. South Africa—Canada?—I have always understood in South Africa that substantially the position is very favourable, except for the political difficulties. They are enormously better off than in their own villages; they are healthy.

6174. Is it your opinion that there are no others except political difficulties in South Africa—refusal of licences to trade, and to gain the means of livelihood?—Far greater exist in their own villages, where they are unable to do anything.

6175. I am not suggesting that there are not difficulties in one's own country. There are in every country. I am suggesting to you that the difficulties under which these people labour in the Colonies to which they emigrate may be one, at any rate, of the reasons for which people like Mr. Gokhale and others took up the cry against emigration from India—indentured labour?—Yes, I quite accept that statement—one of the reasons.

Major *Ormsby-Gore.*

6176. Have you been in South Africa and seen the Indians there?—No.

6177. Have you heard that the conditions in a place like Johannesburg are appalling?—No; I never heard that word applied to them.

6178. From what I saw of them they were?—Have you been in India?

6179. No. I have only been in South Africa. You said that you had been into the temple at Tanjore?—Yes, into the large enclosure inside the main gates where this notice is hung up.

6180. You would not be allowed in a mosque in India, would you?—Yes, I think so. I have been in the Jama Masjid, in Delhi; I have been in the Great Square.

6181. An objection to people going into places of worship is that they do not belong to the religion of that temple?—I do not know; but in this case the Hindoo does belong to that religion.

6182. The outcast Hindoo is regarded as belonging to the Hindoo religion?—I think so, yes.

6183. There is one thing in your Minute about the conditions of caste which I should like to ask you about. You say, "The Brahmin's claim to supremacy is based not only on race and intellect, but also on the injunctions of religion. The sanctity of a Brahmin's person, and the religious merit to be obtained by feeding him, paying for his education, providing money for the marriage of his daughters, endowing him with land, and so on, has been an established belief in India for centuries." Does that still go on?—I think so, yes.

6184. That is to say, the non-Brahmins have to pay for the Brahmin's education and provide dowries for his daughters?—No, merit is the point. The man will pay money towards the dowry of a Brahmin girl or towards the education of a Brahmin boy because doing so gives him religious merit.

6185. But he is not a Brahmin himself?—No.

6186. Could

Mr. *Montagu*

6186. Could you give me from your memory quite roughly the average number of resolutions that were disallowed for discussion in the Madras Legislative Council per year? Was it tens or twenties, or less?—I am afraid I cannot.

Mr. *Montagu*—continued.

6187. It was a considerable number?—It was a considerable number. I should say thirty.

Mr. *Montagu.*] We are very much obliged to you for giving us this evidence.

(*The Witness is directed to withdraw.*)

Die Veneris, 22° Augusti 1919.

MEMBERS PRESENT:

Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.

Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE LORD BRODRICK (VISCOUNT MIDLETON), AND AFTERWARDS THE RIGHT HONOURABLE E. S. MONTAGU, IN THE CHAIR.

MR. A. J. PUGH, is called in; and Examined as follows:—

Lord *Brodrick* (Viscount *Midleton*).

6188. Can you tell us how long your experience is of India?—Just thirty years.

6189. You have been good enough to answer the questions we have submitted to you?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—(a) Yes. (b) A government responsible to the electors. (c) Yes.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in provincial Legislatures of a substantial elected majority (Clause 6)?—Yes.

3. Do you think that the non-official members of the provincial Legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present?—(a) Yes, in transferred subjects. (b) No, except by criticism.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Yes.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I prefer the scheme suggested in the "Joint Address," under which work of the Ministers would not be liable to be judged by their attitude to the reserved subjects.

6. If you have any other method to suggest, does it (i.) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.); and (ii.) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the executive?—The scheme suggested in the "Joint Address" has these qualifications.

7. If you consider a dual form of government acceptable in principle, are there any points of detail

Lord *Brodrick* (Viscount *Midleton*).—continued.

the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—I accept the principle of dual Government, but desire that European representation should be placed upon a sounder and more permanent footing. I will deal with this matter in more detail when I have answered the set of questions.

8. In particular, do you think (i.) that Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of the Legislature? (Clause 3 (1).) (ii) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3 (3).) (iii) That the executive council should in all provinces normally consist of one official European and one non-official Indian? (Clause 4.) (iv.) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4).)?—(i.) Yes. (ii.) Yes. (iii.) Yes, though a non-official European should be qualified for the unofficial seat provided he is elected by a general electorate. (iv.) Yes.

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I regard the provisions of Clause 9 as suitable provided the cases which may be specially referred to the Grand Committee under sub-section (3) are only those relating to "reserved" subjects as indicated in sub-section (4).

10. In particular, (i.) do you think that the Legislature should have power with whatever limitations to vote supplies? (Clause 9 (2).) (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council?—If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—See answer to Question 9.

Lord *Brodrick* (Viscount *Midleton*).—continued.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to provincial Legislative Councils over provincial governments?—Yes.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—No. The Central Government should remain unaltered until the reforms have proved successful in the provinces.

13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—I do not desire to offer any further opinion with regard to the Central Government. It obviously requires alteration, but its reconstitution should not be taken in hand until the constitution of the provinces has been placed upon a satisfactory basis and proved workable.

14, 15. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature? (Clause 20 (3) and (4).) Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities? Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—See answer to 13.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of sections 2, 33 and 45 of the Government of India Act (Clause 23)?—This is a matter for the legal advisers of the Government.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Yes.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—No.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I have not had the opportunity of perusing the Report of the Committee on the Home Administration of Indian Affairs. As regards the reforms I desire to say that they should be approached in a generous spirit; there should be no "whittling down," and they should be introduced at the very earliest opportunity. Trust in the "word" of the Government of India has undoubtedly weakened in late years in the opinion of Indians generally, and an effort should be made to restore confidence. The British in India are personally satisfied with the present form of government, but many of us recognise that the present system cannot last. It has done its work, and done it satisfactorily, but it cannot go on. Power to criticise without responsibility only leads to discontent. The future welfare of India is dependent on the co-operation of British and Indians in politics, commerce, industries and agriculture. We recognise that reforms must come, and provided that the British interests are adequately represented on the new Councils we welcome Indians being given the opportunity of taking a responsible and active part in the government of the country in which they live. By adequate representation of European interests I do not mean to suggest a majority, but it is necessary to consider what the proportion should be. I suggest that the Southborough Committee and the Governments in India have not approached this question in a proper light.

The importance of the interests which Europeans represent are mainly the following:—(a) Interests of the British Empire, that the British connection may

Lord *Brodrick* (Viscount *Midleton*).—continued.

be secured and the British character of the administration may be maintained. (b) Interests of British capital already invested, and which will be invested in India. (c) Interests of Europeans who reside in India. These interests in the past have been safeguarded partly by European officials and partly by elected non-official Europeans.

At present on the Bengal Council, out of 51 members 21 are Europeans, including officials. In the new Council about one-third should be Europeans to represent the above interests. I include officials in the above proportion. In the proposed Bengal Council of 125 there should therefore be 42 Europeans. At present out of the 21 Europeans 14 are officials and seven non-officials. The silent official voters should be as few as possible, and if the non-official Europeans are given votes and allowed to take an active part in public affairs, I suggest that of the 42 Europeans 17 or two-fifths should be officials, and 25 or three-fifths non-officials.

The next question is, how are the non-official Europeans to be elected. The ordinary method of open election by a general electorate will not do. Unless the required number of seats are reserved for Europeans they cannot hope to get in through open competition. There must be separate representation. There are, however, three separate electorates and methods of election possible, viz.:—(a) Election of European Members by a mixed electorate. (b) Election by a purely European electorate, voting being direct. (c) Election by industries or by a practically European (though not wholly European or British) Institute like the Chamber of Commerce. The latter method has been recommended by the Southborough Committee, which allows 12 industrial seats and only two seats from the general body of Europeans.

The chief objections to (c) are:—(1) That an organisation like the Chamber of Commerce has only about 211 members, most of whom are firms and joint-stock companies. Many of the occupations in which Europeans are interested are not represented on the Chamber. The elections would be indirect, by heads of firms and companies which are members of the Chamber. Owing to the system of firms acting as managing agents of several companies it is conceivable that the head of one firm might be able to vote for, and get elected, six separate members of Council. (2) Even the 211 are not all British or European. Some are Indian and some are aliens. (3) Firms and companies are not entitled to votes. It is the individual who is entitled to be voter. (4) If firms or companies, it will mean that absent proprietors or shareholders will, in effect, be voters. (5) The shareholders in many companies are largely Indian, some are aliens. (6) Is the proprietor, shareholder, manager or employee to vote? (7) It is desirable to let Europeans vote as they please so that they may take an active interest in politics. Under the present system only the heads of firms have any chance of being elected, and even the head of a small firm has no chance at all. Up to now the non-official has been practically kept out of Indian politics. (8) The Provincial Councils will have very little opportunity of affecting the larger interests of trade and commerce. (9) Industries are not purely British; Indian capital is largely invested, also alien capital and in the future there will probably be more Indian capital invested. The industries in the future therefore may not be so representative of British interests as they are now. (10) Industrial representation of this sort means the representation of capital without representation of labour. (11) With a few exceptions experience in India has shown that commercial representatives do not as a rule take an interest in public affairs outside purely commercial subjects.

Method (a) is undoubtedly preferable to (b), provided it is certain that representative Europeans would get in. It is useless to have as European representatives men who do not properly represent European interests. Proper safeguards to ensure this may be imposed. With proper safeguards (a) has many advantages over (b). 1. The member would realise that he had been elected to represent Indian as well as purely European interests, and he would get in touch with his Indian as well as his European constituents. 2. The electors, European as well as Indian, would

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be likely to vote for the man who would endeavour to get things done. A member elected by a purely European constituency will not have nearly as good a chance of getting his views accepted as if he was in the Council as the representative of both Indian and European interests. 3. Europeans should be in the Council as the link between England and India, between Imperial and Indian interests, in order that the British connection may endure. It is eminently desirable that European members of Council in future should be able to interpret faithfully the real wishes of the people, and this can be done by election through a mixed electorate.

If, however, (b) is decided on and Europeans are given special representation by a special electorate with direct voting, the constituencies should be plural constituencies, returning several members each, so that the principle of proportional representation may be applied in the elections. The small number of voters, the fact that they are to be found near or in towns in a small area, and that most of them would be intelligent enough to judge of the comparative merits of the candidates, are considerations which indicate that the principle of proportional representation can be introduced with good results.

The 25 European seats in Bengal, according to the distribution of European voters, may be distributed as follows:—

Calcutta	14
Presidency division, including most of the mills up and down the river ...	4
Rajshani, including Darjeeling and tea districts and zemindaries ...	3
Dacca division, including Chittagong	1
Burdwan division, including collieries	3
	25

The zemindaries, jute, tea, coal and other industries would all be adequately represented under the above scheme.

6190. You have carefully considered the scheme which is before us, and you have yourself been associated, I think, with other schemes?—With the joint address which was prepared by certain Europeans and Indians. I was instrumental in getting up the joint address. Certain Indians and myself met first of all in Darjeeling. I said I should like to find out what was the difference between the Moderate opinion in India and the opinions of Europeans who were prepared for some form of progress. I said, speaking for myself, I found that non-official Europeans in India took very little interest in public affairs outside Calcutta, speaking for Bengal and Calcutta, and as far as I could see there was no objection from our point of view in allowing the Indians to take an active and responsible part in such matters as sanitation and education and local self-government, provided the non-official Europeans, and Europeans generally, were adequately represented in the councils in order that they might get their voice heard and see that nothing was done which would affect the interests of Europeans generally and commerce in particular. This was said to Mr. S. R. Das, Standing Counsel of the Calcutta High Court. He said that was really the views of the Moderates. Then I said, "Cannot we get certain Europeans and Moderates to meet together to discuss the question, and see whether we cannot put forward some proposals by both sides?" We then collected—this was in Darjeeling—as many of the leading Europeans as we could get up there, and a certain number of the leading Indians. We met together and discussed the question, and we then came down to Calcutta and put our proposals before the other members of the European community in Calcutta. I think they were generally favourably received by the European community in Calcutta, but unfortunately they had just been committed to a proposal of their own, and although the members of the Chamber of Commerce in Calcutta desired to get the other representatives of the European Association branches back to Calcutta to reconsider the proposal put forward in the joint address, there was a flat objection by Madras and one or two other places. They said they had already come and discussed the question, and refused to come and discuss it again. So that we were unable to get the address generally considered by the whole of the European community.

6191. The European community practically formulated a scheme. They thought of different points, and what the Secretary of State has put before us is a third one. We do not want details, because it might be rather lengthy, but what do you consider generally, or would you like to tell us generally as to the advantage of the scheme which you had in your mind as compared with that which is before us now?—I do not profess to be an expert in responsible government. Myself, and most of us in India have practically been kept out of politics; we have not been allowed the opportunity of taking any part in politics. That is the real reason of what you may call the apathy of the non-official Europeans. Therefore I do not pretend to be qualified to express an opinion as to the absolute merits of the schemes. The principles, as I read them——

6192. Before you go on may I ask you this question? Is it your opinion that a considerable number of non-official Europeans would be prepared to take part in politics if they had the opportunity?—Undoubtedly.

6193. And take a share in governing the country?—Undoubtedly, and they would like to do so. I have been on the Corporation of Calcutta for five years, and there are a considerable number of Europeans who sit on the Corporation. I do not believe a single one of such men has ever been elected by the Bengal Chamber of Commerce to the Legislative Council, or very few possibly. The average non-official European who is inclined to take an interest in politics has not the opportunity of getting any further than the Corporation.

6194. Will you continue what you were saying?—With regard to the principles, the principles of the scheme put forward by the Viceroy and the Secretary of State, as I read them, are very much the same as the principles in the joint address. They are the same, in this way, that we desire to associate Indians by letting them take responsibility in governing themselves. The question is how it is best to be done. The difference in the joint address was that we suggested that Ministers should practically be independent of the rest of the Government, whereas in this scheme they are not so independent. The only thing which occurs to me, as an outsider, is that possibly the Ministers who are elected under the scheme before us are more likely to be judged by their attitude to the reserved subjects than they are by the subjects which they have to look after themselves.

6195. Judged by the people generally, or judged by the Government?—I should think judged by the people generally.

6196. Do you see any means of dividing more clearly the responsibility of the Ministers from that of those who were responsible for reserved subjects?—No, I say I do not profess to be an expert, not having had the necessary experience. All I do wish is this, that the Indians should be given a chance of taking an active and responsible part in managing their affairs—that they should assume responsibility. What has happened is that lately they have been given power to criticise, and their criticisms have been more destructive than constructive, and I should think if they are given responsibility it will help matters.

6197. You regard it as important that the Ministers should be as far as possible divorced from the reserved subjects, so that their responsibility may be clearly defined on those subjects which are entrusted to them?—I do not know that I can go as far as to say I desire it. I wish to emphasise the fact that I have not had experience actually in what is desirable. I want to see that the reforms which are to be carried out are carried out in a generous spirit, and that they do get real responsibility.

6198. From your knowledge of India, do you imagine that for many years to come the responsibility of the Government could be abrogated for a certain number of subjects, or must the control of the Government be reserved for many years to come, in your opinion?—My opinion is this, that I consider the Indians are qualified. A lawyer, as soon as he passes the examinations, is qualified to practise, but he does not really become an efficient lawyer until he

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he has practised for a considerable time, and I should say the same thing here. I consider that they are qualified, but that they have not had the practice.

6199. I see you say in answer to Question 12: "The Central Government should remain unaltered until the reforms have proved successful in the Provinces." What period of years do you think is the earliest at which there should be a re-consideration?—I should like to answer that question about ten years hence, I think, when we see how the Provincial Governments have developed.

6200. Have you anything to say on the question of the Grand Committee, which it is proposed should intervene between the Legislative Council and the decision of the Government?—I should prefer to leave that question to people who are more expert than I am, and have had the experience.

6201. You spoke of adequate representation of Europeans. What had you in your mind? Would you like Europeans to vote on a separate panel, or how do you desire to secure it?—I have explained in this note as best I could, that I consider that the Europeans are necessary, and it is necessary that there should be a certain number, and that in order that there should be that number you have got to give them separate representation; but as to how they are to get in, I say there are three different ways. That is what I have put down in my note here, the different ways that they could get in.

6202. Have you any apprehension as to the embarkation of fresh European capital in India if there is a considerable transfer of the responsibility for government?—I think if you do not give them responsible government, and do not carry out a scheme of this sort, you will then have in India greater cause for alarm than you have had for many years past. The position seems to be rather this: We cannot stand still where we are. The Morley-Minto reforms really led you nowhere, and if we continue there is bound to be discontent in India, and that discontent will no doubt take the form very largely of strikes and interference with commerce and interference with trade. If, on the other hand, you satisfy Indian opinion, instead of having those strikes you will find that the general body of Indians will go with you. It seems to me to be rather a question of the parting of the ways, and it is up to the British statesmen to lay the course. If you lay it in the right way you will carry India with you; if you lay it in the wrong way you will have India against you.

6203. I gather that in order to ensure European support in India, both in the matter of capital and otherwise, you must not give powers to men who are qualified, but have not experience, and which may be used against commercial interests; you must give adequate powers, but you must have a sufficient check to be sure that they will not be used detrimentally to the general interest?—No, I think you have to give full powers in certain subjects. From my experience in the corporation, what I want to have is a reliable body of Europeans who may speak as they like and vote as they like, because in my experience in the corporation we find that we get on extraordinarily well together—that the Indians there are men of great ability and of keenness, and we do not find there is any element there of danger or of anything else. I think if you have a strong body, although it may be a small body, of Europeans, you will find the other members of the Council will lay great stress on what they say and on their opinions; and I think that they will certainly be able to guide, if not to lead, the Indians in the Reformed Councils that are to be introduced.

6204. You think a sufficient body of Europeans could be found who would be both eligible and willing to serve and take their share?—I think so; yes.

6205. In municipal matters are all those Europeans you speak of, whose influence is felt, elected or nominated? In speaking of the influence these Europeans have, are you speaking of men connected with the Government, or men who are entirely apart from the Government, and non-official?—Entirely apart from the Government. They are elected by the Chamber of Commerce, they are elected by the Trades Association,

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and they are nominated. As regards myself, I have been nominated by Government, and some of them have been elected.

6206. Do you find any difference in the acceptance of the opinions of those who are nominated by the Government or elected by other bodies? Are they equally acceptable in the Council?—They are equally acceptable, I think. There may be one or two who are purely official nominees, but I do not think there is anything of that sort in the Corporation.

Mr. *Montagu.*

6207. I want to ask you a question or two about your scheme. You still prefer it to the scheme of the Report?—As an inexperienced man, I prefer it.

6208. What is public opinion in Calcutta about it now, or when you left Calcutta? Supposing you were to publish it again to-day and ask for signatures, would you get more European signatures than you did in the old days?—I do not imagine that there are any Europeans in Calcutta who have really considered whether the scheme in the joint address, or the joint scheme of the Viceroy and the Secretary of State is preferable. It probably has not been considered.

6209. Is Indian opinion in favour of it growing?—As far as I know, the Indian opinion is prepared for the scheme put forward by the Viceroy and the Secretary of State. I think when it was published they thought the scheme was largely based on the joint address, and they seemed to think that there were some points in the joint address which were preferable to the other.

6210. The relations between the two schemes are really that, starting with the joint address, you can go on making your sub-province bigger and bigger, and if you make it big enough it becomes equal in area to the area of the Province itself?—Yes. What we rather felt was that it would be easier, in making a beginning, to take a sub-province of, say, 10 millions than to take a province of 45 millions.

6211. If the area of the province and the sub-province were the same, the two schemes would be the same?—I do not know that it would be the same, because the Ministers are absolutely independent under the joint address, and they are more or less joined under your scheme.

6212. If the area is the same, the schemes are the same; or at any rate, roughly speaking, they would come much nearer together?—I do not wish to suggest that I for a moment desire to press or say, or even that I am qualified to say, that the scheme we presented was the better scheme, because the scheme we presented was one which was agreed to by people who, as I say, were inexperienced.

6213. Nor do I want to suggest that I am prejudiced for or against either scheme. I want to compare their merits. I want to ask you what you think would happen in your sub-provincial Government which was in charge of the three subjects which you have mentioned, but without any opportunity or power of expressing any opinion on subjects which were not in their charge. Would you, for instance, allow your Sub-Provincial Government to pass a resolution objecting to some action that had been taken in the Provincial Legislative Council?—Are you going to have the two Legislative Councils the same? No.

6214. I am taking your scheme. You have a State Council, I think you call it, with a State Government, in charge of education, say, in a particular part of Bengal; the Legislature of the whole of Bengal passes some statute dealing with police. Would you allow your Sub-Provincial Council, your State Council, to pass a resolution condemning that action?—No.

6215. You would say it has nothing to do with it?—As far as the police are concerned, I should say they have nothing to do with it at the present time.

6216. They have neither an opportunity of expressing an opinion, nor of persuading, nor of advising on the police?—They have such opportunities as they have at present.

6217. But at the present moment they would all be members of the Bengal Legislative Council. Now you are putting them in the seat of Government of your State, in charge of education. Those people would get no opportunity of saying anything about police?—But we are going to create a new power altogether. I

Mr. *Montagu*—continued.

do not know that we are actually taking away anything. We say let the present reserved subjects be carried on as at present. At present, I believe, they have power to express a view with regard to the police.

6218. And they do it very emphatically. Those are people in the Legislative Council?—Yes.

6219. But the people in the State Councils would be divorced altogether from those powers?—Yes; the people of the State Council, I say, should not have anything to do with it.

6220. Do you not think there might come to be great friction between the State Councils and the Provincial Government?—My own belief is that the Indians would try and make a success of the scheme.

6221. Therefore, eventually, all the subjects now dealt with by the Legislative Council you would propose should be transferred to the State Council?—Eventually.

6222. Bengal would disappear then?—Yes.

6223. And you would have all sorts of Sub-Provinces, which would then become Provinces?—Yes.

6224. How would you define the areas of your Provinces? Would you set a Commission to work, or would you try to find out public opinion on the subject, as to what the area should be?—I should be inclined to set a Commission to work, which would take the views of members of the public.

6225. It has always been represented to me that the re-arrangement of Provincial areas in Bengal is rather a thorny subject?—I think you are probably quite right there—that is so; it might create very great difficulty. I think a good deal is due to the Government itself, and a good deal of the discontent has arisen since the Partition Scheme. As regards what I have described as the trust in the word of the British Government, that has deteriorated since the Partition Scheme. When the Government partitioned Bengal they then proclaimed it as an accomplished fact, which could never be undone, and they then proceeded to undo it. And since that time I have heard several Mohammedans, amongst others, say that they will not believe the word of the British Government again.

6226. In your Memorandum, and in your answers to Lord Midleton, you talk about the effect of a miscarriage of reform generally on Indian public opinion, and I think you used very grave words. You said that it would be the most alarming situation that we had ever known in India?—Yes.

6227. You know Bengal very well, and I do not. I want to ask you this question: Supposing you were to go to the Bengali and say, "We are going to give you reforms, but the result of those reforms will be that you will not get self-government in Bengal until you split the Province of Bengal into, let us say, four Sub-Provinces," what would be your reception?—I should be somewhat surprised myself if the Legislative Council themselves do not in the course of time suggest sub-divisions.

6228. You will observe that that is provided for in the Bill?—Yes.

6229. Is not that a very different proposition from starting by saying that the scheme depends upon the division of your Province into four?—Yes. My own personal opinion is that Bengal is too large. Whether it is advisable now from what the Government has done and undone to start and re-partition it is a matter for people better qualified than myself to say.

6230. I want to ask you a few questions about the Europeans. Supposing it were desired to get a non-official European as a member of the existing Executive Council in Bengal, do you think there would be any difficulty?—None whatever.

6231. I believe the present law is that you must divorce yourself entirely from business connections, is it not?—I think so.

6232. And you think there are people who are willing to do that?—I have not asked them as to whether they would accept a seat on the Council if it were offered to them.

6233. You assume there would be no difficulty?—I can name two men as a matter of fact; one has just retired from a very large jute concern in India, and he is still there. He is a man of means. He takes great interest in public affairs, like Y.M.C.A. matters and that sort of thing; and another is head of a big

Mr. *Montagu*—continued.

shipping firm, who has also just retired, and I know it is his intention to stay out in India for some time and do what he can in the country in which he has done well.

6234. That is very encouraging. You would agree, I suppose, that the large representation of non-official Europeans would only be justified if there was a clear indication that non-official Europeans were prepared to stay in the country and take an interest in it?—What I think is this: I think a considerable number of the commercial community really recognise that they have got to take an interest in public affairs. In the past it has usually happened that the only man who has really entered politics is a man on the eve of retirement. He would have been much more qualified to take part in public life if he had been permitted to do so from his earlier days. I think that you will find that in most of these firms they will allow probably one or two of their assistants to take part in public life, say in the corporation, and stand for election as ordinary members of the Legislative Council. They will thereby gain experience.

6235. Would you prefer the reservation of seats in a mixed electorate, if that were possible?—Personally, as I indicated, that is undoubtedly, to my mind, the best course if it is possible and if you could impose sufficient safeguards for getting in a representative European. I think that is the better course. I am somewhat inexperienced. It is a little difficult if you have a Government composed simply and solely of communal representatives elected by their particular electorates; it seems to me to be somewhat difficult for the Minister, or whoever is the head of the Council, to get his particular Ministers. Which particular community is he going to? Is he going to have one Minister a European, and one a Mahommedan, and one a Hindoo? If, on the other hand, you have a certain number of Europeans elected by a general electorate, I think it will be better for getting things put through and for working with their co-Indian members.

6236. One last question. You would leave the Central Government unaltered. That is your answer to question 12. Your answer to question 19 contains this sentence: "As regards the reforms, I desire to say that they should be approached in a generous spirit; there should be no whittling down and they should be introduced at the very earliest opportunity." Would you regard it as whittling down if we omitted those parts of the Bill dealing with the Government of India, and left it as it is, or when you use the words "whittling down," do you refer only to the Provincial scheme?—I refer principally to the Provincial scheme. I should rather like the members of the Imperial Council, such as Mr. Surendranath Banerjea and Mr. Sastri, really, in the first instance, to devote their time and labour to putting the Provincial Councils on a satisfactory basis, and then eventually proceed to the Central Government.

6237. Have you read or heard the evidence given here?—Only yesterday.

6238. I think it is true to say that most Indian witnesses who have been before us suggest the Bill does not do enough with regard to the Imperial Government. What do you think would be the effect, after that evidence, of doing not so much as the Bill proposes?—I was asked to express my own opinion, and my own opinion is that I should prefer to see the Provincial Government put on a proper basis before you proceed to touch the Central Government.

6239. Could you give me some indication of the opinion of the Europeans in Calcutta about the Imperial Government? Do you regard the Legislative Council to-day as sufficiently representative?—The European in Calcutta looks upon the Government of India as being practically divorced from commercial interests. They have removed themselves. They practically have not the opportunity now of getting into touch with commercial opinion.

6240. You are a member of the European Association?—Yes, I was vice-president of the Calcutta Council till I left India the other day.

6241. Evidence was given here on behalf of the European Association by Mr. Welby, of Madras?—Yes.

6242. How

Mr. *Montagu*—continued.

6242. How was that evidence formulated? Did you have any concern yourself in determining what evidence Mr. Welby should give on behalf of the European Association?—I was not asked.

6243. How was the policy formulated?—By what they call the Head Council of the European Association, which is composed of about a dozen men. It was entirely their own opinions. From time to time Mr. Welby has submitted certain pamphlets, which have come round to the different branches for criticism. We have sometimes criticised them, and have returned them.

6244. I think there are 6,000 members?—I believe it is 8,000.

6245. This evidence, which was given on behalf of the European Association, was formulated by a dozen men without reference to any of the other members?—Yes. I think it has been the practice. As I say, I think the Government are partly responsible for the apathy of the non-official European, who has not bothered himself very much about politics, and therefore for several years all the representations of the European Association are really the representations of the Council. If it were put to the vote of the 8,000 members, probably out of the 8,000 there are only 200 or so who concern themselves with politics at all.

6246. Your joint address was signed by, roughly speaking, how many Europeans?—Somewhere close on a hundred, I think.

6247. I only want to know where I am. You present the views of a hundred?——

Lord *Sinha*.] Sixty-four, to be accurate.

Mr. *Montagu*.

6248. Sixty-four Europeans. Mr. Welby comes here on behalf of 8,000, but you come to analyse it, you tell us Mr. Welby comes here on behalf of twelve?—On behalf of the Head Council, yes. I suppose if you asked the members of the Association as to whether they would repudiate what their council had done, they would probably say no.

6249. I omitted one other question. Have you studied the scheme of reform presented by the majority of Local Governments?—No, I have not, as a matter of fact, because I do not consider myself so qualified with regard to the details of a scheme.

Sir *Henry Craik*.

6250. Do you know other parts of India?—I know the whole of Bengal fairly well—at least the greater part.

6251. The United Provinces?—No, I do not profess to speak for other parts of India. I do not know them.

6252. But you have lived in the more outlying parts of Bengal?—No, in Calcutta.

6253. You have lived in Calcutta always?—Yes.

6254. Do you talk the language?—I talk Hindustani, yes.

6255. On grounds of principle, what distinctions do you draw between the scheme put forward by this meeting in Calcutta, which you declare generally that you prefer—what are the broad grounds of difference between it and the scheme of the Joint Report?—I think the main ground is that the Ministers under the joint address scheme are acting independently, and under the scheme before us they are acting jointly.

6256. And they are acting independently, because by your scheme of sub-division of Provinces you leave them with very independent and responsible powers within a sub-division where they are acting, and in regard to the duties that are assigned to that sub-division?—Yes, we desire to give them full responsibility in certain subjects.

6257. And therefore get rid of what some of us feel to be the great difficulty of a government that is not only one, but yet which represents different tendencies, and therefore cannot be united. That is, the dual system?—Yes.

6258. You want to get rid of that?—We wanted to give them the full responsibility, and at that time we did not quite see how it could be done if they were acting jointly with the others.

6259. Quite so. And your opinion, and that of those you represent, is that by assigning within smaller

Sir *Henry Craik*—continued.

areas full responsibility, that might offer a means of advance and of growing responsibility more successfully than under the dual system?—Yes. I do not know that the question of division was what you might call a *sine quâ non*. The question of division was because of the forty-five millions, and we thought it would be easier to get on with less.

6260. You are speaking of the United Provinces. You would rather divide them into something, ten millions, or fifteen millions?—Yes; I am speaking also of Bengal. I thought forty-five million inhabitants in Bengal was rather large.

6261. Then about the question of the choice of the European representatives, you put forward two schemes, and you prefer what you call method A, that is, the election of European members by mixed electorates?—Yes. I should like to say that there should be so many Europeans, but as to how the Europeans are to get in is a different matter.

6262. But nominally you are making them representatives of a mixed electorate?—Yes, to be elected by them.

6263. But a mixed electorate, however much it prefers others, cannot prevent a certain number of Europeans coming in?—No; I say you ought to have a certain number of Europeans.

6264. That is scarcely representative government, is it? Would it be a very dignified position for a European? Supposing there were four vacancies, and there were four Indians elected with very large majorities, and then you told them: "No, only three of you can be elected, and you must have a European," who is perhaps near the bottom of the poll. That would be the only way. You reserve a certain number of seats for Europeans?—Yes; we reserve a certain number of seats for Europeans, and we allot them to certain specified areas.

6265. Your method of getting the European in is to say: "You have so many representatives; one must be a European, and we will take one European, however he stands upon the poll." Is not that the only method?—Pardon me, I think not. Say there are to be in this Council 125, of which, say, one-third, or whatever it may be, are to be Europeans. Of that one-third you take out the officials, because I am quite willing the officials should be included in the European representation. Then you have got your general electorate distributed probably over the whole Province. Then you come to where you are going to put in these European seats. You have to get your European representation——

6266. If you will excuse me, do not say the point is where you put in your European seats. It is not that. We presume they are settled. It is where you are to get your European representative, the occupant of the seat. You must begin by arranging for a certain number of seats. You say so many of these must be assigned to Europeans. How do you get the Europeans in?—By either a general electorate, or by a purely European electorate.

6267. According to your plan it is to be a general electorate, which you say you prefer?—Yes.

6268. Supposing the general electorate puts a large number of Indians at the top of the poll, still the returning officer must return one European?—I should not do it in that way at all.

6269. That is what I want to get at?—I should say you take a particular electorate—say an income-tax electorate, people paying on 2,000 rupees and upwards. Those are the people who would elect in this particular way. The general electorate would have a very much lower qualification. I have made a note here. This was in a statement I submitted to the Franchise Committee: "As regards the qualification of a voter who will vote for a European member, I would suggest that all persons who pay income tax on an income of 2,000 rupees and over should be allowed to vote. I am suggesting this figure for the following reason:—I do not think that there would be any European voter with an income of less than 2,000 rupees, and an Indian voter who in a mixed electorate would be entitled to vote for a European member should also have the same qualification."

6270. Your plan is not exactly a mixed and open electorate, but a special electorate?—A special electorate, yes.

6271. Surely

Sir *Henry Craik*—continued.

6271. Surely the easiest way to get a special electorate is to say that the people who are to be represented should vote. Would it not be better to have a special electorate for their representation? What can be the reason of saying, "I think if you create a fancy franchise of a certain high income probably there will be a dominant section who will elect a European." Is not that a very artificial way of doing it? Is it not better to say, if you are determined to have a European in, "We had better let the Europeans elect him"?—In the Council, I think, the European may possibly command greater authority or respect if he actually does represent Indian interests as well as European interests.

6272. Are you really doing so? Does he represent Indian interests when according to your plan you are not to have an open electorate, but a specially constructed electorate, where you think he might possibly have a chance of getting in? Are you able to say he represents the Indian electorate? If you must have Europeans is it not better to get them elected by Europeans plainly and straightforwardly?—As a matter of fact, Europeans who are elected to the corporation are elected by a general electorate.

6273. But you told us that they would not be elected to the Legislative Assembly——

Lord *Brodrick* (Viscount *Midleton*).

6274. We cannot carry it much further. If it were possible by direct election you would like to have the Europeans elected by that, but, failing that, you think there should be means for those Europeans who wish to co-operate to be in the Council?—Yes, I want to get them there. If I may answer Sir Henry Craik's question, in the general electorate for the corporation in those particular districts the Europeans are in greater number, and in one particular case where an Indian did contest a seat against a European several Europeans voted for the Indian, and the Indian got in.

Sir *J. D. Rees.*

6275. The Bengal Government deals with matters of first importance to commerce in Calcutta—there was the Khidderpore Dock, for instance?—Yes.

6276. And the Legislative Council have a certain influence and will have greater influence over the Bengal Government?—Yes.

6277. You say in answer to Question 19: "In the proposed Bengal Council of 123 there should therefore be 42 Europeans." Then, lower down, you say, "(8) The Provincial Councils will have very little opportunity of affecting the larger interests of trade and commerce." I do not quite understand that?—The Questions with regard to taxation and things of that sort, any matters which may affect commerce, as I understand, are dealt with by the Imperial Government.

6278. You do not really mean that "the Provincial Councils will have very little opportunity of affecting the larger interests of trade and commerce"?—No; I suppose they can in certain things. What we rather desire is that, so far as trade and commerce are concerned, that ought to be, as far as possible, left to the Central Government to deal with.

7279. But this Sub-clause (8) is rather more than you mean?—I understand trade and commerce is more or less a reserved subject. That is what I meant. If it is a reserved subject, then they will not have so much to do with it.

6280. In answering Mr. Montagu, you said with reference to getting a non-official European representative that it would be possible to get a prominent merchant who was staying on in India. Do you think it would be possible to get the most prominent men, like the men who hitherto have represented the Chamber of Commerce, like, for instance, Lord Inchcape, who was my colleague as an additional member? Would it be possible to get the higher representatives, the biggest representatives, of commerce in Calcutta to remain? Do not they have to come home to join the home firm as soon as their term as head has finished?—You have picked out a particular instance, but I have often asked several Europeans if they can name anyone, barring about two, within the course of the last thirty years, who, being members of the Imperial Council, nominated by the Chamber of Commerce, have ever done anything that they can remember in the Imperial Council; and they mostly say that, barring Lord Inchcape and one or two later exceptions, they cannot recall anybody. I think there are men—I have men in my own mind now—who I believe would do very well, and command respect. For instance, the man who has at present been elected to the Council, Mr. Crum, I think would be a very excellent representative; and the man who has retired from the firm of Landale and Clark. I think the late Sir William Ironside, who lately died, at a meeting of the European Association, said he considered it the duty of Europeans who had made their money in India to stay there and try to do something for the benefit of the country.

6281. And you think they will do that in future?—Yes, I think so.

6282. In reply to Mr. Montagu you referred to the divorce between the Government of India and the chief mercantile community in India—namely, that of Calcutta—by the removal to Delhi. I dare say you know that this matter was brought before the House of Commons when it was decided upon. Do you know that the Government of India claim to spend two months now in Calcutta, in spite of that change? They claimed to do so. Do you know that?—They certainly have not done so.

6283. It was formerly only three months. Am I right in saying one used to be summoned for about three months. That was the whole of the stay of the Government of India in Calcutta, was it not?—That is so. But most non-official opinion considers that the move to Simla is unnecessary, and that the Government of India ought to be in one of the provinces—we do not say Calcutta, Bombay, or anywhere. Somewhere where they are on the spot.

6284. I have here a note upon the Indian Reform proposals, in no sense confidential—it has been published—issued by the Indo-British Association and written by Sir John Hewett: "British rule can only be interpreted by British agents." Do you accept that, or wish to say anything about it?—I do not think I agree with it.

6285. As a matter of fact, are not the British agents very few amongst the numbers who do interpret British rule in India?—Undoubtedly.

6286. You do not agree with it?—No.

6287. In the same pamphlet I find this: "The real trouble about the Government of India is that for ten years or more it has ceased to attempt to govern." I should like to ask you having in view the condition of all Governments all over the world, and particularly for the last ten and the last five years, whether you accept that, or whether you could make any remark about it which would help the Committee?—I think that the general opinion out there in the last few years is that the Government of India has been more or less a Government of conciliation rather than a strong Government. I think it would have been better if, instead of trying to conciliate, they had put their foot down. If they thought that powers ought to be given to the Indians, by all means give them. But that is what we have rather felt: that the Government has not been very strong.

6288. It has been less autocratic, do you mean, or less bureaucratic, or how would you put it?—I think that it has been——

6289. More conciliatory, you say?—Yes.

Mr. *Montagu.*

6290. The Rowlatt Act was a good example?—I think it is, in a way, because the impression we got after Lord Curzon's time was this: Lord Curzon was an extremely popular Viceroy. Although, unfortunately, he made a speech which put the whole of the Bengalis against him, up to the making of that speech I think he was an extremely popular Viceroy amongst the Bengalis; he was a strong Viceroy; and afterwards the idea came out that things were to be allowed to go on—that the various proposals Lord Curzon made were to be allowed to take effect, and we rather felt that the Government was not governing. I do not mean to say with regard to Indians, or anything else.

Sir *J. D. Rees.*

6291. I do not know whether I should ask this question, Lord Middleton. (*To the Witness.*) Are you familiar with the history of the Calcutta High Court?—What do you call history? I practised there as a solicitor for thirty years.

6292. Could you say that in the history of the Calcutta High Court it has had a very distinct disposition to support Indians and Indian aspirations against anything that might be considered to be the encroachments of the Executive?—Certainly not.

6293. You say it has not had that disposition?—I say the Calcutta High Court has heard cases and decided them to the best of its ability. I do not think it has been a question of trying to do one thing, or trying to do the other.

6294. I did not exactly mean that. Could you say that it ever had a sort of corporate attitude towards large questions of reform, or Indian aspirations, to use the common expression? Could you say that, or not?—No, not that I know.

6295. Do you think that now at the present time, in the present development of intelligence and political feeling in Bengal, the fact that one member of the Bench——?

Mr. *Montagu.*] I really must call your attention to a point of order, Lord Midleton. We are discussing the Government of India Bill. The present cross-examination has led to an expression of opinion as to the merits of the present Government of India as contrasted with its predecessors, and as to the political views or activities of the High Court of Bengal. I think this is most unfortunate.

Sir *J. D. Rees.*] In any case I will leave it.

Lord *Brodrick* (Viscount *Midleton*).] I did not check the first question, because I think it is quite a fair question to ask the witness whether the Europeon population agreed with so strong a statement as Sir John Hewett's, of there being an abrogation of Government in the last ten years, but the question as to the High Court I was going to stop.

Sir *J. D. Rees.*

6296. When I put it, I asked you to watch me and see if I were encroaching. (*To the Witness.*) I ask you, as a last question, whether you consider that the scheme in the Bill, particularly with the suggestions which you have mentioned, will have a good effect upon public opinion in India, and whether it possesses sufficient safeguards to satisfy, so far as you know it, moderate European opinion?—Personally I think it does.

Mr. *Spoor.*

6297. I would like to ask you a question regarding that conference you had at Darjeeling, from which the joint address emanated. It was attended, according to this Report, by 64 Europeans and about 90 Indians. How far would you consider that conference representative of public opinion?—It is not quite correct to say it was attended by that number. That is the people who signed it. They did not all attend. First of all a certain number attended in Darjeeling, and then we put it before a considerably larger number in Calcutta, and then it was afterwards published; and we asked anybody who liked to sign it to send in their signature.

6298. Would you consider that these 90 Indian signatories are in any sense representative of any body, more than the 90 people themselves?—I think that many of them are representative of what I might call the Moderate Association.

6299. I take it that really you represented in that conference more than anything else, commercial interests?—From the European point of view.

6300. I see you have certain missionaries there who signed?—Yes, and there are heads of firms. Take signatory No. 1, which is a somewhat important one with regard to the question put to me by Sir John Rees; that is Mr. C. B. Gregson. He was the manager of the Midnapore zemindary. He has also been, in India, the head of Messrs. Andrew, Yule and Company, with which Sir John Hewett is associated, and he has signed the joint address, and he is a man who has very considerable, if not more experience of Bengal and the lower classes in Bengal than any other

Mr. *Spoor*—continued.

European. Then there is Mr. Crawford, who is also a zemindary manager.

6301. In the list of interests which you think should be specially considered you refer to the interests of British capital already invested. Do you believe that the security of British capital is in any way imperilled by the Bill? Assuming the Bill is carried in its present form will it have a stabilisng effect on British capital invested there, or otherwise?—I should think there would be much more danger if you did not carry the Bill.

6302. Do you think that the need of British capital in India will continue to diminish as time passes and as India secures a still larger measure of self-government?—I should think it would continue to increase.

6303. I do not know whether you are aware that we have had it suggested here by one witness that as time passed, and as India's credit improved, as it would improve, he believed with the industrial development of the country, a time might be reached when British capital would not be required?—I should not agree with that.

6304. You also said that the interests of the British Empire should be secured, and that the British character of the administration should be maintained. Do you mean that the British character of the administration should be permanently maintained?—We mean with regard to doing things in the right way. There is no doubt that the British Government so far have brought about the present what I may call efficiency and prosperity of India. We desire to see that the connection between England and India is maintained, and I think, as I have said, that the Europeans who may be elected will very largely act as a sort of connecting link between the Empire as a whole and India in particular.

6305. All the Indian representatives we have had here have expressed the desire to remain within the British Empire. I do not think that necessarily involves the British character of the administration being maintained. Does it not occur to you that is rather contrary to the terms of the pronouncement of August, 1917—the progressive realisation of responsible government?—I wish them to be responsible. The only thing is I do not want to exclude the Europeans. I want the Europeans to be there in order that they may see that things are actually done in the right way, and help by their advice and assistance.

6306. But more and more the tendency will be to secure India for the Indians, that is, a complete measure of self-government ultimately?—Not to the exclusion of the non-official European, who is out there and working. Why should not the non-official European take a large part in helping?

6307. I do not suggest that there is any desire for such exclusion; at the same time to suggest that the British character of the administration is to be permanently maintained is, in my opinion, going rather contrary to the aim of the Bill, and certainly the spirit of the pronouncement of August, 1917?—What I mean is that the present character of the administration, call it Indian or call it British, whatever it is should be continued in a satisfactory manner.

6308. One question with regard to responsibility in the Central Government. You are very definite, both in your answers and in your joint address, on that question. You believe there should be no interference at all with the Central Government?—That is my private opinion, because we are, in a way, proposing to alter the Central Government very much on the lines of the Provincial Governments to a certain extent. I think that you should start with the Provincial Government, and get that on a really satisfactory footing first, and, having got it on a satisfactory footing then take in hand the Central Government.

6309. You state in your address that you believe in progress by successive stages. Do you not think that a reasonable element of Indian representation in the Central Government would be a perfectly legitimate and perfectly safe line? I mean at the very start a reasonable element of Indian representation. Would not that be quite in harmony with the declaration of August, 1917?—May I put it in this way: Personally I accept, and am quite willing to accept the proposals of the Viceroy and the Secretary of State; but speaking generally, from the point of view

Mr. *Spoor*—continued.

of the Europeans, I think that they consider that you should begin with the Provincial Governments, and then go and tackle the Central Government.

6310. You would agree, however, that Indian opinion does not agree with that?—Yes.

6311. Personally you would agree with the proposals made by the Secretary of State and Viceroy?—Yes; they are experts, and I am not. If I had been Secretary of State or Viceroy I should have taken the other way; but they know more about it than I do, and they say this way, and I say all right.

Mr. *Bennett.*

6312. Have you ever heard it complained that the influence of the British character in the administration of India has been harmful to India?—No.

6313. You would not think that it would be an unmixed advantage to India if the activities of British character were gradually to disappear from the life of the country? If I may put it in another way, has the activity of the British character been for the good or for the ill of India?—It has been for the good.

6314. That meeting that you had in Darjeeling, I take it, you regarded as a fairly representative meeting, did you not?—When it got to Calcutta.

6315. You had something like 170 of both races?—Yes.

6316. And it represented, as I read the list, nearly all elements of Indian life, except the Extreme Right and the Extreme Left?—May I ask what you mean by the Extreme Right and the Extreme Left?

6317. The Extreme Right means the reactionary, and the other would mean the aggressively radical, so to speak. The term is French rather than English, I am afraid?—You do not include Moderates in either the Extreme Right or the Extreme Left?

6318. No, I do not?—As regards the Extreme Right or the Extreme Left, I think you will find a note at the bottom of the joint address, or rather a memo. here, and, in fact, three letters which we have appended. One of these letters is signed by Mr. C. R. Das. I do not know whether he represents the Extreme Right or the Extreme Left. What he said was this: "I think there is no reason why the whole of the Provincial Governments should not be made responsible to the people in the different Provinces. But, in view of the differences of opinion that exist among different communities a scheme such as this calls for the careful consideration of all parties and communities. It is certainly desirable, as I said before, that in a matter like this all parties should co-operate and try and come to a common understanding. I have no doubt that the Bengal Provincial Conference, which meets in Calcutta at an early date, will fully and carefully consider this."

6319. Are you a member of the Bar?—No, I am a solicitor.

6320. I think you belong to a family which has had a very prominent part in the life of Calcutta?—Yes. My father was a very well-known member of the Bar, and so was my uncle, Sir Griffith Evans.

6321. He was Advocate-General?—Yes, I thought so. You do not represent in any large degree the commercial interests of Calcutta?—I am not authorised to speak on behalf of the commercial interests.

6322 You take a broad view of the question and are aiming at the good of India as a whole?—Yes.

6323. You do not even take a selfish European view of the matter?—No.

6324. You have thought the basis of co-operation between Indian and European can be found in this proposed legislative system?—Yes, undoubtedly.

6325. You mentioned you were a member of the Calcutta Corporation. Did you find racial differences assert themselves in the Corporation in any degree which would interfere with the smooth and harmonious working of that body?—Practically not at all. There certainly are two members who occasionally bring up racial animosity, or try to. One is a European journalist, who seems to like trailing a red rag before a bull, and the other is an Indian. The Indian, when it comes to a question of appointments, very often tries to get a non-European appointed. Otherwise, with the exception of this, they work most harmoniously together.

Mr. *Bennett*—continued.

6326. Have you found that caste enters into every operation of the Corporation?—My experience is that it does not enter into it at all.

6327. There is a great authority against you, if I may say so?—I have no objection.

6328. Is the Chairman or President of the Corporation elected in Calcutta?—No, he is nominated. As a matter of fact, they have just had a proposal to alter the municipal constitution in Calcutta. At the present moment the Chairman is nominated. This new Bill was sent to the Corporation for criticism, and we took up the question of the constitution of the corporation. It was sent to a sub-committee and a special committee to deal with the Bill, and at the first meeting of that committee the Chairman, who if he is present always has to sit as the Chairman of the Committee, wanted to know if the members, who were principally Indians, considered that he should be there or not. They said that they considered he should not be there, because they were dealing with his position, to a certain extent, and he then retired, and it was then necessary for the members of the special committee, composed of about fifteen or twenty, to elect a member as Chairman from amongst themselves. Although there were a number of Indians there in the majority, they did me the honour to elect myself, and we were able to produce and send up to the Government a unanimous report on the constitution.

6329. And you would not be surprised if, when you elect your own Chairman, the Calcutta Corporation were to follow the example of the Bombay Corporation, where, although there is a large Indian majority, it frequently elects a European President? You would not be surprised if your Corporation were to imitate that example?—My own belief is that if you had an election of chairman of the Corporation at the present moment they would elect the European official who has just been chairman of the Corporation.

6330. I think you prefer a general electorate, in which a seat or seats should be reserved to a European, is that so? You prefer that to the alternatives which you have suggested?—Personally, I think it is better.

6331. How would you frame that constituency? Would you place it in an area in which there was a substantial European population?—Yes; I should try and divide it principally in the places where the Europeans are.

6332. You would take the commercial quarter of Calcutta?—As a matter of fact, in a statement which I prepared for the Franchise Committee I did allocate them, and if it is any assistance to you I can give you a copy of it.

6333. Perhaps you will do so?—Yes.

Lord *Sinha.*

6334. I think you have annexed it to your answers?—Yes. But in Exhibit A, a statement I submitted to the Franchise Committee, I have gone into it in more detail, and I can hand over three copies of that.

Mr. *Bennett.*

6335. I will not ask you to repeat your answers to the questions put to you by Mr. Spoor. But have you heard recently of large European undertakings being projected or established in India very recently—new enterprises?—Yes, I think there are some.

6336. Did you notice yesterday that the "Times" mentioned that Thornycroft's were going to open up a branch in India?—Yes.

6337. Have you recently heard of a much larger engineering firm in this country arranging to open works in India?—I have heard, yes.

6338. I have not mentioned names, purposely?—I think I know the name of the firm you refer to. I would rather not say anything about it, because I happen to be the solicitor of the firm in question.

6339. It is well known that great British undertakings are even now being projected or started in India?—Not only British, but American.

6340. That is unfortunate?—I am not sure about the Japanese as well.

6341. Quite apart from any checks there might be upon their action, would you be afraid of the Indian Legislature attempting to pass differential commercial legislation to the disadvantage of British enterprise?

Have

Mr. *Bennett*—continued.

Have you ever contemplated such a possibility as that?—No. As a matter of fact, I think, if I might mention this, it has been rather the other way. There is a good deal of feeling in India over the question of the Lancashire piece-goods. You have referred to my uncle, Sir Griffith Evans. He happened to be at that time the member of the Government who insisted on introducing this, or at any rate keeping it up. I recollect, from statements that he made at that time, that he said the nominated members of the Council were expected to vote with the official majority, but that he did not agree with this, and he declined to do so. And he probably would not have been re-elected but for the fact that he was an extremely capable man, and the Government thought they had better keep him instead of getting rid of him.

6342. You, as a European with interests in India, have no fear lest an enlarged or liberalised Legislature should operate to the disadvantage of your interests, and European interests generally, in India?—I happen to be a landholder in India, and I should be perfectly content to leave my investments in India, notwithstanding the new Government.

6342A. You are not following the example of British landholders?——

Major *Ormsby-Gore.*

6343. Following on what you have just said about Lancashire piece goods, is it the opinion of that section of the European community whose signatures are here, and with whom you are associated, that the present control of Indian policy by this country should cease, and that fiscal autonomy should be established in India?—I do not know whether I am entitled or authorised to speak on their behalf in that respect.

6344. Can you give me your own opinion?—My own opinion is that fiscal autonomy ought to be with the Government of India with regard to commerce generally.

6345. I see in your joint address, section 8, you suggest that legislation passed by Provincial Governments affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State, and a limited time should be laid down, within which representations from the interests affected can be received by him; and, further, that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reforms was embodied. Now, is not that rather an attempt to rivet the control of Whitehall on commercial and industrial development in India even more than that control has been exercised in the past? What do you think you gain under that in reserving commercial and industrial undertakings to the Secretary of State?—What we were trying to do at this particular time was to try and get Europeans and Indians to agree upon a joint scheme. We wished to get in the Europeans in order to see that their interests were not going to be prejudiced in any way under the new form of government. Therefore I think that should be reserved for the sanction of the Secretary of State.

6346. What are the apprehensions, if any, of the persons interested in industrial and commercial undertakings in India that those undertakings might be interfered with to their disadvantage under the scheme embodied in the Bill.—That the industry should pay for the government.

6347. They are afraid, in other words, that increased taxation may be put upon Indian industries which those industries cannot bear under the present conditions of competition?—We are quite willing to give the Indians full responsible government in certain subjects, provided that for the present the commercial interests are not prejudiced, and this was put in more with a view to safeguarding commercial interests.

6348. That safeguarding of commercial interests is a safeguarding in fiscal and taxation matters, not in legislation so much, or anything of that kind?—That is so.

6349. On the other hand, you told me just now that you wanted, as far as possible, the present control of all Indian revenues by the Secretary of State in Council here to devolve on the Government of India?—Yes; but I am not a commercial man, you see, and we had to agree. It was a question of getting agreement, and the commercial community said: "We are prepared to agree to this, provided we are protected"; and it was put in for that reason.

Major *Ormsby-Gore*—continued.

6350. What is the present attitude of the unofficial European community as regards the way in which the Government of India at present facilitates, or does not facilitate, the industrial expansion of India? We have had the evidence of Sir Stanley Reed that further industrial expansion of India is absolutely necessary. Do you think we can leave the Government of India unaltered, as you suggest, having in mind the suggestions of the recent Industrial Commission? Do you think that ought to be given legislative effect in any scheme of reform?—Yes. I think what we really suggest is the power of control of the Provincial Government over law and order, and also in protecting the interests of the different communities like, for instance, the religious rights of the two peoples, the Mohammedans and the Hindoos, should remain and that nothing should be done which might interfere with that in any way. As to the details of carrying out the industrial proposals suggested by the Committee, of course there is no suggestion that they should not be carried out.

6351. There is no great demand for the inclusion in any reform scheme of any definite statutory changes which would give either the Provincial Governments, or the Government of India, powers which they do not at present possess?—No. Speaking from the point of view of an outsider in India, I say that after the publication of the Report of the Mesopotamia Commission we should have been very much inclined to try to get along with some other members of the Government, if it had been possible to put them in, and to get rid of the Executive Council. We should have liked to have had a change and put in some other members of the Executive Council; but we cannot suggest anything of that sort can be done at the moment.

Lord *Islington.*

6352. Your proposal, really, as I understand it, based on the fact that you think Bengal is too large and that it must therefore be sub-divided, is rather in the nature of anticipating what you consider Indian opinion will come to. Is that a correct interpretation of your scheme? You say you are quite sure that in time people in Bengal will find the Central Government is inadequate to deal with the area. You anticipate that view which you contemplate by suggesting a scheme to establish it now?—If I were an Indian Minister and were asked whether I should prefer to make a start with governing 45 millions or with governing 10 millions, I think I should prefer to govern 10 millions. That is what seemed to us—that the divisions were rather unreal and rather large.

6353. If you took a considerable number, I have no doubt you would find some who would say they would prefer to govern 45 millions?—To govern the whole 300 millions, possibly.

6354. In the scheme proposed in the Bill, there is nothing to prevent your scheme being carried out if the Legislature in the future considers it the most effective method?—No.

6355. You said in the course of your evidence that under the scheme you were afraid that Indians who are administering transferred subjects would always be regarded by India as responsible for anything that went wrong in a reserved subject. We have had a good deal of evidence from that chair in exactly the opposite direction. How do you come to that conclusion, that an Indian will be held responsible for something that goes wrong in a reserved subject, rather than a European?—It may enter into it on the question of the Ministers, I think. When they have to go back to their constituents for re-elecion they might possibly prefer to put in a pleader instead of a landholder, because they might think the pleader, if he were elected a Minister, would have more power or be better able to convince the Executive Council than a landholder would.

6356. It is a different point, is it not? However, I do not want to press you upon it. The only reason I put it was because so many people have told us that under

Lord *Islington*—continued.

under this dual system the unfortunate European will have to bear the brunt of the evils of both sides. You are the first witness who has put the boot on the other leg and suggested that the Indian is going to bear the brunt?—There is one thing with regard to the scheme I should like to say. I do not know why all possibility of a non-official European being a Minister should be excluded; at least I do not know that it is excluded, but it is rather assumed that Ministers are always going to be Indians.

6357. It is assumed that a non-official Minister will always be an Indian, and not a European?—Yes. If the Indians wish to elect a non-official I do not know that there is any objection to a non-official European being a Minister.

6358. I do not think there is anything in the Bill to prevent that. Now, with regard to industrial development, you regard that as very important, although you said just now that you speak as an outsider. I suppose you speak as an outsider who knows a good deal of what is going on inside from the position you occupy. From your experience you would say that the industrial development in all the Provinces is second to none in importance?—Yes. I do not know whether to put it first or second to agriculture. I think, taking agricultural development and industrial development, I should put industrial development probably first.

6359. It is of the very first importance?—Yes.

6360. Would you like to see a greater development in the direction of joint enterprise as between Europeans and Indians?—Very much so.

6361. Is that making any way at present? Do you know of many businesses which are jointly run now by Europeans and Indians?—As a matter of fact, shortly before I left some Indian clients of mine came and offered to subscribe, and wanted to form an Indian jute mill. They were particular about getting hold of the best European manager they could. I think that is very largely going to be how trade will develop. There is undoubtedly a large amount of capital in India, and I think that if it is properly looked after, at any rate in the first stages, and they can get hold of European managers to look after it, and so on, with Indian directors, there will not be the slightest difficulty. I expect it very largely.

6362. I think you said just now you would prefer to see in the early days industrial enterprise as a reserved subject?—Yes, that is the view of the representatives who signed the joint address.

6363. I will ask your opinion on this: Do you not think it is important that in a matter of this character you should have joint co-operation, and if possible joint control by Europeans and Indians in the future development of industry?—Taken outside the council or within the council?

6364. I mean in the Executive Government. Wherever industry has to come into touch with government and has to be subject to government, as it has to be in all countries, would you not say that it would be more likely to be successful in the future if that government were composed of both Europeans and Indians, and was not merely subject to the decision of an executive mainly European? Do you follow my question?—I am not quite certain that what you might call the necessary co-operation in politics is necessarily going to induce co-operation in business; I think the co-operation in business will develop irrespective of the co-operation in politics.

6365. You do not understand my point. There are occasions when business has got to come into contact with politics in that it has got to be subject to control. That is the point I want to get from you. Would you prefer to see that control represented by the two races with equal power rather than by one race?—In the future, I think probably by the two.

6366. With regard to the control of industry Sir Stanley Reed is very strongly of opinion that all industry should be under the control of the Provincial Government, and that any superior control on the part of the Government of India should be removed. Do you agree to that?—I am rather inexperienced with regard to that. I have not studied the question with regard to the point of view of industry, which is right and which is wrong—which is the correct way of doing it. All I know is that the Europeans who have signed this report and are willing to support the reforms are

Lord *Islington*—continued.

perfectly willing to support responsible government being granted provided that their interests are not endangered in any way. I cannot go any further than that.

6367. As a solicitor your opinion would be of value in this connection, and that is why I am asking the question, to elicit it if possible. Apart from control in starting these enterprises they may require assistance, financial or otherwise, outside and beyond what is to be procured within the Province?—Yes.

6368. Would you say that that assistance and guidance could better be given through the instrument of the Government of India or through the instrument of the India Office, possessed, as it might be, of a commercial department?—I am afraid I find that difficult. I have not had any dealings with the Secretary of State or the Viceroy personally.

6369. It is not so much the Secretary of State and the Viceroy. It is the guidance and the assistance. Do you think that an enterprise started in Bengal would derive the combination of control and assistance more effectively if it were done from Simla or more effectively if it were done from London?—Are you speaking with regard to London capital or with regard to capital raised in India?

6370. I refer to all those matters—the control to see that too hazardous an enterprise is not entered upon, the terms of the capital, and the way the capital can be raised, and so on, all of which you are very much more conversant with than I am—all the whole arrangements of a concession and settlement of an enterprise?—I would sooner not answer that.

Lord *Sinha.*

6371. I suppose you have a very large number of clients, both amongst the European merchants and amongst Indian merchants, as many as anybody else in Calcutta?—I think we have.

6372. Is it your experience that the feeling between Indian and English merchants is not now so friendly as it was before?—I should be very much surprised to hear that there has been any difference. If there has been any difference I think it has been in the way of becoming more friendly.

6373. We had it from Mr. Welby that the feeling is not now so friendly as it was between Indian and English merchants. You disapprove of that entirely. Your experience is the other way?—Yes. I think what Mr. Welby must have been referring to is the feeling as represented in the Press. I think that the European Press in India—at any rate, in Calcutta—is very largely to blame for any feelings that there may be with regard to that. It generally happens you find the European Press says something and the Indians retaliate.

6374. It is generally begun by the first-mentioned, especially with regard to any questions of reforms? Now, is it the fact that the European commercial community has been threatened with extinction?—I am not aware of it.

6375. Neither by newspapers nor speakers, so far as you know?—I am not aware of it, except I might say this, possibly. This is all, I imagine, based on some particular——

6376. Newspaper controversy?—I think what happened was that at a meeting of the European Association a particular gentleman, who was the representative of one of the papers, got up and said that the people in the Legislative Council were composed of lawyers, landholders and moneylenders. A few days after that one of the leading Extremists got up at a public meeting and said that all the Europeans out there were petty traders and had to be got rid of. That is what happened, I think. I do not think anybody else paid much attention to it

6377. It was a mutual exchange of compliments from Extremists on both sides. In your experience in the Courts throughout Bengal have you ever heard that the judgment of a Court is venerated more or less according to the caste of the judge who pronounces it? Have you ever heard such a thing as that?—I think a statement like that is ludicrous.

6378. In the High Court, as well as in any other Court, have you found caste having any influence at all, either in the profession, or on the Bench, or in any other relation? I am dealing only with the Courts?—The only thing I can think of is it might possibly

Lord *Sinha*—continued.

possibly have an effect in the Criminal Court. If a jury were to consider whether a Brahmin had committed murder or not, I do not know whether he might not stand a better chance of getting off through being a Brahmin.

6379. They would probably not hang a Brahmin. But apart from that?—Apart from that there is nothing.

6380. Have you ever seen any trace of the influence of caste in the Courts?—Nothing whatever.

6381. Mr. Welby used to be in Madras till he came to Calcutta as the secretary of the European Association?—Yes.

6382. He was a journalist in Madras—editor of the "Madras Mail"?—I believe so.

6383 He has rather distinguished himself as an extremist in opposition to the reforms, has he not?—I think you might say that Mr. Welby rather led the European opposition to the reforms.

6384. And he has been rather vehement in his language?—Yes.

6385. And he had created a good deal of ill-feeling by reason of that?—As far as I could judge.

6386. He has toned down a bit since he came to Calcutta, has he not?—I think he has changed his views considerably.

6387. No. 53 in the list of signatures, "A. Yule." Is that Sir Andrew Yule, the head of the firm you mentioned?—No.

6388. There is another one amongst the Indians, "S. N. Banerjea, No. 37." That is not Mr. Surendrenath Banerjea, but a young barrister?—That is so. Mr. Surendrenath Banerjea, as a matter of fact, attended the Conference, and I believe he supported the scheme, and I think he undertook to sign it. But, unfortunately, he was away at the time. In fact, he did not sign it.

6389. In your answers you state you would rather leave the Central Government alone for the present. Does not that refer to the question as to whether there should be a division of functions so far as the Central Government is concerned, in the same way as the Joint Report proposed with regard to the Provincial Governments?—Principally.

6390. Is not that it primarily?—Yes, primarily.

6391. So far as the expansion of Legislative Councils is concerned, for the purpose of making them more representative, you do not object to that, do you?—No, I think it is more the Executive.

6392. That is what I wanted to get—that it is your desire that the Central Government should be left untouched, reserved really to the Executive Government in the Government of India?—Yes.

6393. Now, with regard to the scheme, of course the joint address was prepared before the Secretary of State arrived in India, really?—That is so.

6394. And therefore it was long before the report was published?—Yes.

6395. And the central idea of the joint address was a division of functions between two portions of the Government, one being subject to popular control and the other not. That is the main idea?—That is the main idea.

6396 And was it the view of those who signed this that that idea could be more conveniently carried out with regard to a population of 10 millions, than, for example, with regard to a population of 45 millions?—That was so.

Lord *Sinha*—continued.

6397. And that is the object of the proposed division of the Provinces into Sub-Provinces?—Yes. Not only numbers, but areas as well.

6398. It depends a great deal upon the people?—Yes.

6399. The area is taken to be a small one, because they will have to deal with a small number of people?—Yes, the discussion is there in the preliminary part.

6400-1. Do you remember the reasons given in the Joint Report of the Secretary and the Viceroy for rejecting that scheme with regard to that feature? When the joint address was considered the question of cost was not gone into, was it?—No.

6402. The scheme would involve separate Legislatures for each Sub-Province, a separate staff of officials for each Sub-Province, and separate Executives?—Yes.

6403. So that the question of expense is a very material factor?—Undoubtedly it has to be considered.

6404. It was not considered as a matter of fact then?—Not minutely, I think We were told, I think, that it would not be excessive.

6405. It would have to be really two entirely separate governments working with separate staffs and separate legislatures?—That is so.

6406. That is one of the reasons why that is rejected. You have not considered it even now in detail, as regards the question of cost, have you?—No.

6407. And you agree, do you not, that any general scheme of geographical partition before any scheme of reforms is put into operation would evoke opposition in almost every part of India?—Yes, I think so.

6408. Remembering what happened with regard to the partition of Bengal, you would agree with that?—Yes.

6409. And you would also agree, would you not, that the re-distribution of Provincial areas should not be imposed by official action, but should be left to the Legislative Councils?—I accept it.

6410. You believe, as the authors of the Joint Report do, that the Provincial Legislative Councils will as a matter of fact recommend the re-distribution of Provincial areas?—I expect that they will do so in certain places.

6411. Therefore the question of sub-division is only a question of time, according to you. The joint address, before the Report, which was made after consideration of the evidence from all quarters was presented, suggested that re-distribution should be made before any scheme was put into operation?—Yes.

6412. Whereas the Report says the re-distribution should come after the scheme is put into operation?—Yes.

6413. That is the main difference?—Yes.

6414. But with regard to the essential feature, the division of functions, it is common to both?—Yes.

Lord *Brodrick* (Viscount *Midleton*).] Thank you very much.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

THE RIGHT HON. E. S. MONTAGU IN THE CHAIR.

(*The Committee sat in camera for a short time.*)

The Revd. DR. S. D. BHABHA and MR. K. T. PAUL called in; and Examined, as follows:

STATEMENT by REV. DR. S. D. BHABHA, President of the Indian Christian Union of Great Britain and Ireland.

Historically speaking, the British Government in India never encouraged the Christian missionary. As a matter of fact, he was banished from the British territory and took refuge in Burma.

However, the Christian Church had existed in India since the days of St. Thomas. The missionaries from the Apostolic Patriarchate of Antioch founded the Christian Church in India. The missionaries from Persia preached Christianity in the North and in Afghanistan; those from Alexandria and Syria in the South.

The Syrian Christians with their converts settled down in the kingdom of Travancore. By their exemplary lives they won the favours of the noble-hearted kings and queens of Travancore. Many valuable grants of lands and money were made to them.

When

When the Portuguese went to India, the Roman missionaries were surprised to find a Christian Church well established and flourishing. They did their best to claim them for Rome, but succeeded only in attaching to themselves a few congregations. When at the end of the 18th century the British began their rule, the Bishop to the English in India visited the Church in Malabar and offered to send English missionary teachers. The offer was accepted. Two English missionaries commenced their work, but instead of teaching secular subjects they attempted to proselytise the children of the ancient Church, wishing to make them Protestants.

The then Syrian Metropolitan of India, with his bishops and priests, requested these men to leave their dioceses. They did not do so, and appropriated some of the land and money to themselves and made a schism in the Church.

Following this the English missionaries started missions of their own. These men are the fathers of the so-called caste system in the Christian Church.

They had the white man's church, where no Indian priest would be allowed to officiate. It suited them to allow the caste converts to have churches of their own and separate churches for Christians of the outcaste people. This sort of un-Christian procedure is confined to the Madras Presidency alone.

In the other Presidencies where the Scotch and the Irish missionaries began the work, they never countenanced caste in any form or shape.

The children of the Brahmins sat side by side with the children of the Chambhars. I remember once the Hindu teachers threatened to resign, but the missionaries stood firm, and the Chambhar boys reached the highest rung in the educational ladder. One took his degree of Master of Arts, and another was qualified as a physician.

A retired Anglo-Indian missionary is going about in this country trying to prejudice the minds of the natives against Mr. Montagu's Bill. Caste and Brahmins seems to be the bogey with which to frighten the people and tell them that Christian missions will suffer.

As Indian Christians we refute it, for history has taught us that Hindus have been most hospitable not only to Christians but to Parsees and Jews. The Maratha Brahmins are considered a terrible set of people. One instance of a Brahmin convert from these brave men will suffice.

The late Rev. Dr. Narayan Sheshadri became an apostle among the Mangs and Mahars. He received and administered the Blessed Sacrament from the same chalice to the converts from all castes and no caste. He was highly honoured by the Maratha Brahmins.

Another notable case of a Brahmin Christian was that of the late Rev. Father Nehemiah Gore, of whom Prof. Max Müller said that he (the Professor) learnt more of the Christian religion from Father Gore than from any of the bishops of the Church of England.

All over India, particularly in Northern India, he was loved and revered by all.

As Indian Christians we have sufficient faith in our non-Christian brethren that they will allow us liberty of conscience. The only person who will have to reconsider his position will be the English missionary. Whether he will give up his autocratic and bureaucratic ways and become a real help in shaping and moulding the lives of the people, or retire and lament over the lost opportunity. The Oxford, Cambridge and Dublin Universities Mission Brotherhoods give some promise of better things.

Missionaries of the type of Andrews, Allnutts, Lefroys and Westcotts are revered and loved both by Christian and non-Christian.

The Rev. Dr. Palmar, the Bishop to the English in Bombay, says:—

"Christianity as preached by the European missionary is objected to by the Hindu as anti-national; but Christianity is international, which the West has forgotten."

On the national platform there is no Brahmin or Pariah, no Moslem nor Christian, no caste man nor out-caste man. They are all the sons of India, their loved motherland, all loyal and true subjects of their beloved Emperor, King George.

God Bless the King.

Mr. *Montagu.*

6415. I must apologise to you for the absence of Lord Selborne, who has asked me to take the Chair on his behalf. Would you care to make a statement to the Committee on the points which are of interest to you?—(Dr. *Bhabha.*) I have sent a written statement in, as I was asked. The statement I have made is that the British Government, when they first took over the government of India, did not allow missionaries to do any missionary work at all; in fact, they were banished from India, and they had to go to Burma. The Christian Church in India has existed since the days of St. Thomas. The missionaries from the ancient apostolic Patriarchates of Antioch and Alexandria went to South India and North India and established Churches. In South India the work of the Syrian Christians and their converts was very highly appreciated by the Kings and Queens of Travancore, and they made grants of land and money to them. Then, at the advent of the Portuguese Government, the Christian Church had to suffer. Then followed the English rule. The first Bishop of Calcutta went to South India, and, finding this large, flourishing Christian Church, poor, but holding the essential doctrines of Christianity, offered to send Christian missionary teachers. Two missionary teachers were sent, but, unfortunately, instead of teaching secular subjects, they began to try to make the Indians members of the Church of England. The Bishops of the ancient Church took fright, and told them to leave the place. They would not leave, but, on the contrary, they appropriated some of the endowments, both of land and money. Then they started missions of their own, and the question of caste, which has been brought before your Committee here, came in, and really it was the English missionaries who were the fathers of the caste system in the Christian Church, but that is confined only to a small portion of the Madras Presidency. A great deal has been said about the Brahmins, and I have mentioned instances of Brahmin converts, including some Maratha Brahmins. One of the most eminent Brahmin converts was Dr. Narayan Sheshedri, who founded a large Christian colony amongst the outcasts, and he administered the Sacraments to them from the same chalice as he received it himself. Another was the Revd. Father Nehemiah Gore, of whom even Professor Max Müller in Oxford said that he had learned more Christianity from Father Gore than from all the Bishops of the English Bench. Father Nehemiah Gore was revered all over India by the Brahmins as well as by the outcasts. As far as the Indian Christian communities are concerned they know nothing of castes. If any caste is existing in a community it is due to the English missionaries who have, for purposes of their own, tried to keep the people separate, but in other Presidencies in Western Indian, and in the Bombay Presidency, and in Calcutta, in the mission schools the outcast boys of the city sit side by side with the Brahmin boys. I remember the instance that I have mentioned in my statement where, when the Tamil boys came to school the Hindoo teachers offered to resign, but the missionaries stood firm, with the result that these boys continued their education and one of them took his degree of Master of Arts in the University, and another was qualified as a medical man. To this day Brahmins send their sons—Hindoos of all communities send their sons—to England. I am an Indian Christian, and they send their sons to my care. They are not afraid. The Brahmin Christians associate with the Higher Brahmins in India, and to say that the caste system is in any way going to interfere with any political liberties that the people of India will get is simply absurd. Certainly, the Brahmins are a more intelligent and more educated people and they have got the power of government, but as Indian Christians, as a Christian Church, we are not in the slightest degree afraid of the Brahmins or Moslems. As I said, on the National platform we have neither caste-men nor out-caste men, Christian nor heathen. As far as the Hindoos are concerned, as I have stated/ the Hindoo sovereigns have been most hospitable to the Parsees when they first migrated to India, to the Hebrews, to the Jews, to the large colony of Ben-Israels scattered all over India, and more particularly in Southern India. I think it is a libel on the Hindoo people to say that they will in any way interfere with the Christians. Of course they may become

Mr. *Montagu*—continued.

become Christians and be persecuted, but they know their work, and that has nothing to do with it. Christians are persecuted. If a Protestant became a Catholic in this country he would be persecuted, but that is nothing. I am afraid they are persecuted bitterly.

6416. Is that all you have to add?—Yes.

6417. Mr. Paul, have you anything to tell the Committee?—(Mr. *Paul.*) I have prepared a statement, but I had not time to furnish copies of it.

6418. Will you read it? Before you begin Lord Sinha reminds me, would you mind telling us something about yourself, or is that in your statement?—I do not know what I can say about myself.

6419. What province do you come from?—I am a native of South India, and I have been asked by the All-India Christian Conference to represent them before this Committee, the All-India Christian Conference consisting of representatives from various provincial Christian organisations. My family has been Christian since 1801.

6420. What have you been doing recently?—I am now general secretary to the Young Men's Christian Association for the whole of India, and for the last six years I have held that office. Before that I was connected with another All-India organisation, connected with the Church; and before that I used to be on the staff of the Madras Christian College. During the past thirteen years I have been travelling all over India in connection with those two All-India organisations.

6421. What denomination do you belong to?—My denomination cannot be mentioned in terms of Western denominations. It is a new Church, including all the Congregationalists and Presbyterians in South India, and it is called the South India United Church. It is about nine or ten missions, hailing from different countries, who have co-operated in that Union.

6422. Thank you?—Sir, I first want to make a statement about the effect of the caste system on politics. In support of my conclusions, I wish to present my own personal experience. I am a native of a typical Mofussil (district) headquarters town of about 80,000 people, named Salem, in South India. The municipality of this town consists of a purely Brahmin ward, several purely non-Brahmin wards, a couple of wards mainly Mahommedan, a ward of bungalows occupied mainly by Europeans and the wealthier Indians, and a ward, very largely mixed, of all sorts of people. In the whole municipality the Indian Christian votes are about 1 per cent.

My entry into local politics took place when I was invited by a few Brahmin friends to stand for their ward. My opponent was a prominent Brahmin vakil (that is, a pleader), who afterwards became chairman of the municipality. I was defeated by less than 10 per cent. of the votes, which means, of course, that a large number of Brahmins voted for me. Brahmin feeling was certainly used against me, but not, I have good reason to believe, by my gallant opponent. The large measure of support I received was therefore due to what may be called the general common sense of the Brahmin citizens.

I then entered the Municipal Council through the "mixed" ward, and was elected for two terms. All through my experience, in the many questions of varying importance which come up for decision caste feeling had influence every now and then; but it was fought down successfuly by a group of us, friends, Brahmins and non-Brahmins who stood on the larger ground of unity. During the brief time (a few months) when I acted as Chairman, my experience was the same. The gentlemen who were elected chairmen after me were both Brahmins, namely, Mr. P. T. Subramania-Ayer and Mr. Chakravarthy Rajagopalachari. The former an orthodox conservatively religious Hindoo, the latter of the modern reforming class. Both of them were undoubtedly men of fair play and justice in the treatment of non-Brahmin interests. A significant incident in the administration of the latter may be cited. A Panchama, menial employee of the municipality, was transferred to the Brahmin ward. His duty was to open the water taps. This was objected to by a Brahmin councillor, who raised the point in the Council and wished to put pressure on the chairman to get the man re-transferred. Another Brahmin councillor was firmly against it on the sole ground of justice, and was supported by the chairman,

Mr. *Montagu*—continued.

who was himself a Brahmin. Finally the decision of the council was in favour of the chairman's action. I have also had facilities to observe the way in which caste spirit operates in the elections to the Legislative Council of Madras, and in the administration of the Revenue, Judicial and other Government Departments in my own district, and I have noted the phenomena in some of the other districts also in the course of my many tours in the last fourteen years. My personal conclusions are: First, in South India Brahmins were early in possession of most of the Government posts and largely of the Bar, and therefore of public influence, and undoubtedly used their advantages for holding on to their dominance. Secondly, the Non-Brahmin communities took a long time to shake off the traditional subservience to Brahmin leadership, reinforced as it was by the advantages indicated above. When, by reason of considerable spread of English education, non-Brahmins gained independence of thought, and realised the situation, the resentment was naturally very great and even violent. Thirdly, all the while, however, it was undoubted that there were individuals on both sides who stood for fair play, justice and unity. With the rise of nationalism their number is increasing almost every day. For instance, even in the periods of heated controversy, in several towns in South India there were frequent what I call "cosmopolitan dinners," promoted by members of both classes who were determined to promote unity. These were attended by Brahmins and non-Brahmins, and also Mahommedans and Christians. Fourthly, as to the Panchamas, their grievance is not specially against Brahmins. At the same time, they are still too far behind the stage of education and material well-being to take care of their own interests. It will not do to expect any of the castes as castes to Godfather the Panchamas.

Fifthly, Indian Christians should be treated separately from all these three classes, Brahmin, non-Brahmin and Panchama. Whatever the source of the recruitment of my community, its interests, needs and even law are in many important points distinct from the others. Personally, I am opposed to such a distinct separation, and am working against it. Meanwhile, things have to be taken as they are and dealt with accordingly. While this is so, it is certainly wrong to say that the Indian Christian community would need the special protection of the British Government as against Brahmins or any other Hindoo caste. The indigenous Christian community of Travancore, called "Syrian Christians," have for centuries not only flourished in peace and religious freedom, but also flourished under a Hindoo kingdom which is certainly to-day the most backward in its caste feeling. So also did the Roman community under the Niaks of Madura, and the Lutherans and Anglicans under the Maharattas of Tanjore.

Then I wish to say something about the representation allowed by the Franchise Committee to the Indian Christian community. The representation allowed is not felt by the members of the community to be satisfactory. So long as the principle of representation of minorities is practised it is important to allow our community a share equal to the others on principles of fairness. This may best be provided for by reserving a number of seats for Indian Christians in plural constituencies retaining the general electorate. The laws regulating our community are made in the Imperial Council. There is, for example, at the present time widespread dissatisfaction with reference to the laws regulating marriage and succession. Therefore, we submit that at least one member be allowed to my community on the Imperial Council, which may for the present be by nomination and later, when the constituencies become more developed, elective.

In Southern India our community fails to understand why it should be allowed only three representatives, whereas the sister community of Islam should have thirteen, seeing we are almost half as many as they in numbers and almost twice as literate. The All-India Conference of Indian Christians specially mentions in a cable to me the necessity of providing a member in the Central Provinces.

We submit that our representation should be by election and not by nomination. Our people have

Mr. *Montagu*—continued.

been for a long time trained in the art of electing representatives by ballot to committees, councils, boards and assemblies connected with the ecclesiastical organisation. This is true not only of the urban, but also of the rural congregations. Further, through the agency of our Indian Christian Associations (which will now become all the stronger), it is possible to ventilate political views and exchange opinions between the leaders and the rank-and-file of the community. If any body of people in India are already competent to understand and handle the Franchise with intelligence and independence it is our community.

Then I wish to say something about the "Enfranchisement of Women." I am familiar with rural life in most parts of Southern India, and do not see any difference as between men and women in the interest taken in politics and administration. I do not follow the point implied in the Southborough Committee's statement that it is premature to extend the Franchise to women, when so large a proportion of male electors require education in the use of a responsible vote. To my mind the education of both sexes in this matter should begin at the same time. As for the educated community, while the percentage of educated women is very small, the position already accorded to them in public opinion and life is such that it will be an extremely delicate situation to accept an arrangement implying their inferiority merely by reason of sex. I say this with reference to all communities, and not only mine. In my neighbourhood probably the most capable head of a zamindari for 100 years was Mutchialamma, who was almost totally illiterate, and yet thoroughly educated in many matters of public importance. On the District Board of Salem, of which I was a member for a number of years, she would have been at any time worth half a dozen nominated male members.

In India the social unit is the family. When the Franchise is given on a basis of inherited property, it may reasonably be given to the head of the family, whether male or female. Where given on a basis of self-earned property or income, it should not be denied to women. Nor should women be excluded if it is conferred on a basis of education. Speaking for my community, I certainly feel that the time is quite ripe for the enfranchisement of women.

Then I wish to say something about education as a transferred subject. On this point I have not had the opportunity of ascertaining the views of my community. I hold the Madras University's degree in teaching, have been teacher, head-master of a high school, and tutor in the Madras Christian College. I have also been a member of the Missionary Council of Education at Madras for several years. My personal view is that education in its entirety should be transferred. If there are fears that elementary education will be starved, the educational progress in the Mysore State may be referred to for re-assurance. In that country, while a University has been started, at the same time elementary education is rapidly advancing, and is being made practical and vocational. I certainly hold that at the present stage preference should be given to elementary education, and that no expense or man-power should be spared to make it practical; but I cannot conceive of any minister not recognising the necessity for this when he studies his subject from all points of view. As for higher education, I think the solution is not in reserving it separately, but in securing that it and, in fact, all education, be not killed by over-departmentalisation, but kept abreast of the needs of the country and of the times by the freedom which can only come when guided in a real manner by expert and non-official opinion.

Lord *Sydenham.*

6423. What association do you represent, Dr. Bhabha?—(Dr. *Bhabha.*) The Indian Christian Union of Great Britain and Ireland.

6424. Of whom does that body consist?—Of Indians residing in this country for study and so on from all parts of India.

6425. How many Indians does that include?—It varies according to the number of the students there may be, and at the present moment there are about 80 belonging to the denomination.

Lord *Sydenham*—continued.

6426. Where are the headquarters of your association?—London.

6427. Have you an office in London?—We have no office.

6428. You meet for consultation?—Yes, we meet, and the junior branch meets at the Y.M.C.A.

6429. You have not any separate corporate existence, you have not any local habitation?—No.

6430. How do you prosecute your business—do you hold annual meetings?—Yes. We used to hold our annual meetings in a public hall, and representatives from nearly all the missionary societies used to attend.

6431. From Ireland as well as England?—Ireland, of course, could not send their representatives, but if the Indian Christians from Ireland were here they attended our meetings.

6432. Is there any branch of your association operating in Ireland?—Not in Ireland; we have no branch there. There may be two or three Indian Christians at a time there.

6433. You have given us a good deal of old history. What do you mean by the caste system in the English Church of to-day?—That I confine, as I said, only to Southern India. The missionaries allowed their converts to harbour caste prejudice, and would not allow the converts from a lower class or different caste communities to worship in the same church.

6434. Which missionary bodies made that exclusion?—In Southern India.

6435. Which of them made this exclusion which you refer to?—I am afraid they were mostly of the Anglican Church—the Church of England.

6436. Do you say that all the Church of England missions in Southern India exclude the lower castes from their schools?—Not from their schools, but from their churches. They have separate churches. They started with having a church for the English people themselves, and would not allow anybody else to be there; they did not want them, and then, of course, they had converts from the higher communities, the Brahmins and so on, and they had Churches for themselves.

6437. Do the other missionary bodies—for instance, the American missions—do that too?—No. The missionaries are beginning to see the folly of it now, and the thing is dying down.

6438. All you mean is that this one society, this Anglican society, originally had separate classes for European Christians, and provided other churches for Indian Christians?—The higher-caste Indian Christians and the lower-caste Indian Christians had to worship separately.

6439. You do not seriously tell us that the Christian Missions of to-day encourage caste prejudice or differentiate between castes?—No.

6440. I do not quite understand what you mean?—There is a missionary going about the country, a Mr. Sharrock, and he is one of the missionaries who did not want the Christian community to unite; and it was in consequence of what Mr. Sharrock has been saying that I brought that in.

6441. I take it that you do not mean what I understood you to say: that, as a matter of fact, the Christian Missions to-day encourage caste or differentiate between castes? They do not?—No. But still the churches which were established are there, and the system is still going on, although it is dying out. The Indian Christians themelves are rising to force the missionaries' hands to let there be one Church. There should be no distinction of caste or creed.

6442. Are there not many Indian Christian priests now, and one Indian Christian bishop?—There is one, after a century of missionary work.

6443. There is one now?—Yes, there is one now.

6444. Do you mean to say that any of the missionaries exclued Panchanas from their schools?—I am not able to answer that question as to the Panchanas; my friend here may be able to say.

6445. I should very much like to know?

Mr. *Montagu.*

6446. I understand that these two gentlemen are not in any way connected, and therefore we had better finish with the one before we ask questions of the other. Dr. Bhabha, when were you last in India?—Not for many years.

6447. You

Lord *Sydenham.*

6447. You do not know whether the missionaries exclude Panchanas from the schools or not?—I do not.

6448. You know that the Panchanas are excluded from the majority of Government schools in Madras?—Yes.

6449. And you know that is only done because the Government knows that public opinion in the villages would not tolerate their inclusion?—Well, possibly that is the Government understanding.

6450. You do not suppose for a moment that the Government would not admit them to every school if they had the chance?—I think they ought to. In other presidencies, where the Government stood firm, all the outcasts were admitted into the schools.

6451. They are not admitted in Bombay. I do not know about the city itself, but they are not in the rural districts. If they are not excluded, they have to sit in little groups apart from the other children, as if they were criminals or outcasts, and I have seen them myself. You have read the Laws of Manou, I suppose?—Yes.

6452. Do you consider that their influence has entirely disappeared from India?—Not entirely.

6453. Do you think any Brahmin now enjoys any privileges at all in India?—To a very limited extent. What privileges he gets are very limited, and the Brahmin is not the same man that he was in the time of Manou. Since the advent of the British Government the Brahmin is no more a Brahmin; he does not follow his profession, because the Brahmin should actually be a priest. The Brahmin is now entering into every walk in life, and he is not exclusively a priest, which he used to be.

6454. It is quite clear, at any rate, that the Brahmin cannot exercise the privileges that he could in the olden times, when he could cut out the tongue of members of a certain class. So that practically he enjoys no special privileges at all?—That is so.

6455. If there were a conscience clause adopted by the Legislative Council which applied to all State-aided schools, how do you think that would affect the Christian schools?—It would not affect the Christian schools in the slightest degree; in the Christian schools, as I gave an instance, you see Christians, Brahmins and Hindoos all sitting together.

6456. You are aware that the Christian schools do not confine themselves to Christians, but throw their gates wide open to Hindoos and Mohammedans?—I am talking of the educational institutions of the missionaries; I am not talking of Christian schools for Christians themselves. They have no such institutions at all; they are for the general public, where the children of all communities and all castes are admitted without distinction.

6457. You say that if a conscience clause applied to a school of that kind, it would have no affect on the Christians?—I do not think so.

(Dr. *Bhabha is directed to withdraw.*)

Major *Ormsby-Gore.*

6458. (To Mr. *Paul.*) There is one question I wish to ask you, Mr. Paul, and that is on the question of Christian representation. I think under the Southborough Committee's proposals they are allotted three seats in Madras?—Yes.

6459. You state that they want more?—I did not state that in my statement. I made no reference to any number.

6460. You were comparing the Mohammedan representation of thirteen?—Yes, I stated that our community is dissatisfied with that number. The number originally suggested was five, and that would have been nearer the mark.

6461. Roughly the Christian community of Madras is divided mainly into two halves, namely the Protestant half and the Roman Catholic half?—Yes.

6462. And they are about equal in numbers?—Yes.

6463. How do you think that the three seats would work out? Do you think you would get a contest for each seat between a Roman Catholic and a Protestant?—I have suggested in my statement that there would be no communal electorate, but seats reserved for Indian Christians.

6464. You would rather have, in fact, the recommendations of the Southborough Committee with regard to the communal representation of Indian Christians done away with?—Yes.

6465. And in its place the reservation of seats?—Yes.

6466. You say five?—I would deprecate anything which would stereotype or add strongly to our separation in India; we should very much like to be part and parcel of the whole community.

6467. The point I am anxious to get at is with regard to the suggestion for the adequate representation of the two main divisions of the Christian community?—Obviously an even number would be more satisfactory.

6468. Provided those interested in the Protestant schools and those interested in the Catholic schools can make their voices heard in the Legislative Council, that is what we want to get at?—Quite so.

6469. And you think that can be done better by the reservation of seats?—Yes.

6470. Than by having the possibility of a fight between the Catholics and Protestants in the three separate constituencies?—Quite so.

Lord *Islington.*

6471. What do you mean by the reservation of seats; what is the electoral machinery you are proposing?—I am proposing that the Indian Christians be not made to vote only for their Indian Christian representatives, but that in the general election, so to say, all communities be asked to return a certain number of Indian Christian representatives.

6472. You mean, that you ask for a territorial basis for the electorate?—Yes.

6473. But at the same time a reservation, of whatever it may be, three or six Christian representatives?—Yes, that is it.

6474. And how are you going to do that if you do not get them returned on an open franchise? Supposing you put your candidates up and they are all defeated, and others get in, what is to be the process by which you are to get your six seats? Would you cancel the successful candidature of six to make room for yourselves? What would be the method?—I confess I have not thought it out.

6475. It wants thinking out, does it not?—Yes, certainly it does.

6476. Otherwise you would get into great complication?—Yes; but I understood that was one of the alternatives proposed.

6477. I know it is one of the alternatives proposed, but I fail at present to discover how it is going to be worked out in practice, and how you are to get over the difficulties of elections turning out unsuccessfully to your own community, and what course you are going to take then to ensure that you get your stereotyped number. You have not thought that out?—I have not.

Lord *Sinha.*

6478. Have you found from your own experience any difficulty in co-operation with regard to matters of politics between the educated Christians and the educated classes of the other communities?—No, I have not.

6479. They have always co-operated together?—Yes.

6480. As a matter of fact, some of the Indian Christians in Calcutta and Bengal, which I know best, have been leaders of political thought in Bengal?—Yes.

6481. As regards what Lord Islington asked you, is not this scheme that you are thinking of one of plural constituencies, there being so many seats, out of which there must be one for which the candidate is only to be a Christian, or, rather, the candidates have to be Christians, and the adherents of no other religion?—I said that would be better to be in plural constituencies.

6482. The electorates are to be the whole body of the voters, but one seat or more is to be earmarked for the candidates of your religion; that is the scheme?—That is so.

6483. There is no difficulty about that, is there?—I really confess I have not fully thought out how it will work.

(*The Witness is directed to withdraw.*)

Ordered,—That the Committee be adjourned to Monday next at 11 o'clock.

Die Lunae, 25° *Augusti* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.	Mr. F. D. ACLAND.
Marquess of CREWE.	Mr. BENNETT.
Earl of SELBORNE.	Sir HENRY CRAIK.
Lord ISLINGTON.	Mr. MONTAGU.
Lord SYDENHAM.	Sir J. D. REES.
Lord SINHA.	Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

SIR VERNEY LOVETT, K.C.S.I., is called in; and examined, as follows:—

Chairman.

6484. What position do you hold in the United Provinces?—I am a member of the Board of Revenue in the United Provinces. My last post was President of the Committee appointed to consider the reorganisation of the Medical Services.

6485. You were at one time a member of the Bengal District Administrative Committee, 1913-14?—Yes.

6486. You have been good enough to send in answers to our questions?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression, "responsible government"? And do you generally accept the proposition contained in the Preamble?—We are bound by the declaration of August the 20th, 1917, to bring about the progressive realisation of responsible government in India. We were understood to mean government amenable to the peoples of the various Provinces of India. I accept the proposition contained in the Preamble.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in provincial Legislatures of a substantial elected majority (Clause 6)?—I answer this question in the affirmative.

3. Do you think that the non-official members of the provincial Legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present?—The non-official members of the Provincial Legislatures exercise control over the actions and policy of the Executive by moving resolutions, by asking questions, and by criticism of Bills in Council and before Select Committees. I cannot improve on the remarks in paragraphs 92-4 of the Montagu-Chelmsford Report, which are entirely accurate. The control in question is substantial. It must be increased in view of the terms of the declaration referred to above; but, as is recognised by the framers of this Bill, it cannot be absolute as long as the British Parliament is responsible that government in India is administered for the benefit of all His Majesty's subjects resident in the country.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must, therefore, be in a position to enforce its wishes?—I answer in the affirmative.

5, 6. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view? 6. If you have any other method to suggest, does it (i.) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.) and (ii.) does it afford means of judgment, (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control

Chairman—continued.

exercised by the Legislature and those who represent it in the Executive?—This is the first occasion on which I have been requested to record my views regarding the Reforms proposals. My time for intensive study of the official literature on the subject is short. I am not as familiar with it as I would like to be. Broadly, however, my views are as follows:—If the terms of the pronouncement of August, 1917, involved an immediate allotment of separate and clear-cut responsibility which was to be succeeded by additional allotments as these were deemed advisable, the diarchy proposed satisfies the requirements of the declaration better than any alternative arrangement. If it can be worked with sufficient harmony and will not involve frequent friction and agitation, it will clearly facilitate the realisation of full responsible government. Theoretically it is the best solution of a most difficult problem. It has also the advantage of having held the field for some time, and was originally accepted by sober politicians with a welcome which would, I think, have been less qualified but for indirect Extremist pressure and Extremist influence on the Press. The procedure, too, adopted by the highest authorities of publishing detailed proposals for criticism compelled the Indian politicians to ask for more. On the other hand, in the words of the majority minute of Provincial Governors, the dual system proposed by the Montagu-Chelmsford Report exposes a large surface to administrative and financial friction, especially to financial friction. By the masses dual transitional government will not easily be understood. They look on Government as one and indivisible. They will consider, and be told, that its shrinking British element and otherwise altered conditions are signs of the impending abdication of the British Raj. That is how fresh changes will present themselves to their minds, and the effect, enhanced by Extremist efforts, will be unsettling. Lastly, dual government, accompanied by substantial, measured and progressive reductions of the British elements in the all-India services will, I fear, in course of time depress British recruitment for those services to a marked degree. These disadvantages are, I think, inherent in any transitional system which aims at the achievement of Parliamentary Government in India by pre-arranged stages, stages likely to be rapid when the obstacles to be encountered are remembered. These obstacles have been excellently described in paragraphs 133, 136-7 and 195 of the Montagu-Chelmsford Report. When we note that the population involved is 2½ times as large as the population of the United States, we cannot but realise the magnitude of the enterprise which we have undertaken. No good can come from underrating it. Whatever successes may attend the initial stages of transitional government, under the dual or any other system that may be devised, the final stage will be a very big venture indeed. The unified system of transitional government proposed on January the 15th, 1919, in the Minute of the Majority of Provincial Governors accords better with previous experience and tradition than does diarchy. It would be much simpler in operation; and if it had been proposed originally as a possible interpretation of the policy declared, and accepted as such by Indian

Chairman—continued.

Indian political leaders, it would, I think, work more smoothly, although with less outward promise of an early arrival towards the goal which diarchy is intended to reach. But this unified system came late into the field as a debateable proposition in circumstances certain to secure it an unfavourable reception from the Indian political classes. I gather that it has been unanimously condemned by them. (My impression is derived from what I have read. I left India before the despatches of March the 5th were published.) It has been held by the Government of India to fall short of reasonable expectations to which the declaration of August the 20th, 1917, gave rise. Under these conditions dual government is, so far as I can see, the preferable experiment.

7, 8. If you consider a dual form of government acceptable in principle, are there any points of detail, the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest? 8. In particular, do you think (i.) that Ministers should hold office "during pleasure"?—i.e., should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3)). (iii.) That the executive council should in all provinces normally consist of one official European and one non-official Indian (Clause 4). (iv.) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—I agree with the propositions put forward in Question 8.

9, 10. Referring back to Questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and Legislative powers as (i.) suitable or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)). 10. In particular, (i.) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—In this connection I accept the views put forward in the latest letters of the Government of India—those of March the 5th and April the 16th. I would secure the Governor from all prospect of failure on "Grand Committee." I agree with the opinion expressed in paragraph 80 of the letter of March the 5th. If a Governor failed to carry the Grand Committee with him his position would become most difficult.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to provincial Legislative Councils over provincial governments?—I accept this position.

12, 13. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature? (Clause 16.) 13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential? (Clauses 14, 15 and 16.)?—I would have preferred to leave the Imperial Legislative Council as it is, pending experience of the new Provincial Governments and Councils. This course, however, seems now impracticable. I am therefore in favour of the proposed Council of State and bicameral Legislature. The Chambers, however, should, in my opinion, always deliberate separately. I do not think that joint deliberations will work well.

Chairman—continued.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—As I have no copy of the "principal Act" I find this question difficult to answer. I attach, however, considerable value to the qualification "ten years in the service of the Crown in India." Personally I have found 34½ years progressively instructive in Indian character and conditions. I approve of sub-section 3 of Clause 21.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—I see no reason to take exception to Clause 23, but, as I have already stated, I have no copy of the Government of India Act at hand.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I agree. As the realization is to come by definite stages I accept Clause 28. In all the circumstances it is the best provision possible.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I think the qualifications requisite for members of the Governor-General's Executive Council should be specified in the Act, and in no instance left for regulation by rules.

19. Have you any observations to offer in the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I have never seen the Reports of the Southborough Committees, but have read the letters of the Government of India regarding them, dated April the 23rd and 16th. I have only a few observations to offer. (a) I would endorse the warning conveyed in paragraph 9 of the letter of the 23rd to make constituencies manageable. (b) I agree that it is very important to give the depressed classes representation sufficient to prevent their submersion on Council, and to stimulate their capacity for collective action. (c) I attach particular importance to the proper representation of Bengal Mahommedans (paragraph 24 of the letter of April the 23rd). In regard to the remarks of the Government of India on the subject of the representation of non-Brahmins, I would particularly endorse the sentence, "Numbers count for little in India against social, educational, and especially religious superiority, which has behind it the sanction of centuries." (d) Other sentences which seem to me of special weight are in paragraph 28 of the above letter, and run as follows:—"After religion and race the boundary between town and country is the greatest dividing line that runs through the Indian people. . . . It is roughly the difference between the old India and the new—the forces that are pressing us forward and those that are holding us back." I think that while we are being pressed forward we should not forget that the town population is not 78.1 per cent. as it was in England and Wales in pre-war days. It does not approach that figure even remotely. At the last Indian census it was 9.5 per cent. These figures are a measure of the magnitude of the task which we have undertaken. (e) I agree entirely with the conclusions of the Government of India against the transfer of secondary, collegiate and technical education, and the transfer of industries. Appendix III., page 65, of their Despatch is noteworthy. The whole success of the reforms depends largely on the healthy development and prosperity of these Departments.

I have only to-day received a copy of the Report of the Committee on the Home Administration of Indian Affairs. I regret that as I cannot delay this Memorandum longer I have no time to receive a considered opinion on the recommendations

Chairman—continued.

6487. Is there anything you would like to say on the subject generally in addition to that?—There are various things I should like to say. If I may give a brief resumé of my experience, it may assist you in knowing what I am likely to possess anything like a competent knowledge of. My experience has been that of Executive Officer in the United Provinces Civil Service. I have held charge of various prominent districts and divisions: Benares, Allahabad, Meerut and Lucknow. I have been for several years a member, first of the Legislative Council of my own Province, and then of the Imperial Legislative Council. I have served as a member on the Bengal District Administrative Committee and on the Rowlatt Committee. I am now a member of the Board of Revenue of the United Provinces, but was last employed as President of the Committee appointed to consider the re-organisation of the Indian Medical Services. I have not been a Member or the Secretary of the Government of India or of any Provincial Government. On the other hand, I have been much in touch with people of all classes and with the officers of the various services.

I may say, as I said before in my Memorandum, that this is the first occasion on which I have been invited to record any opinion on the various changes proposed in the Montagu-Chelmsford Report, and that I have had very little time for reading up all the copious special literature on the subject and the literature that has followed on the publication of the Report. I have done my best, but I cannot profess to have the knowledge that I would otherwise have regarding the particular points of the scheme of reforms.

The first questions on which I would wish to say something are Questions 5 and 6. I should like to add something to what I have said there. After the words "marked degree" I should like two notes inserted. The first would be this: "It may, of course, be argued that these disadvantages will be compensated for by the fact that they will bring the conservative elements of society, the landlords and rural population into public life, and thus greatly stabilise politics. But these classes are at present very backward indeed, very much occupied in their private concerns, and in their numerous law suits, and are very hard to move. They neither care for nor understand politics. For years, if not always, they will be outwitted and out-talked in any councils that can be devised. In the meantime, the Extremists will enjoy great opportunities of doing mischief. These opportunities they will not neglect." I have elaborated my views of their present position in a separate note.

The second note is this, to come immediately after the other: "So far as my experience goes, British officers of the Civil Services are apprehensive about the future. They consider that Ministers are likely to be subject to strong racialist influences, that disagreeable friction will result, and that even if the reformed Provincial Governments prove visible failures, things will be allowed to drift until some catastrophe occurs, when Home Rule will come with a rush long before it is due under the Montagu-Chelmsford scheme. They believe that such premature Home Rule would mean the abandonment of India and themselves to weak Parliamentary Governments liable to be moved by extremist influences, that their own position will become intolerable, and the final results of British rule in India would be strife and disaster."

That is all I have to say about those two questions. As I have said, I have elaborated my views on the extremist position in a separate Memorandum. "Note on the position of extremists. For years a party of extremists has been working on the clerical middle classes and the people of the large towns. These men rely on a vigorous propaganda of combative nationalism, backed by slanders and misrepresentations to create an atmosphere of racial hatred which will lead to measures designed speedily to reduce the British in India to the position of impotent lookers-on at the doings of Indian oligarchical Parliaments, which would collapse immediately on the withdrawal of British protection from the country. They do not desire the ordered and harmonious progress which is contemplated by the authors of the Reforms Report. They reject the idea of a carefully graduated system of transition. Twenty years ago these extremists were few, and commanded influence only over generally insignificant journalists and fanatical young men. Things are different now. For various reasons, partly connected with events outside India, Extremism has considerably expanded. Camouflaged by democratic labels, it makes strenuous efforts to capture, not only the educative youth of the country, a field of endeavour in which it has achieved a certain success, but also the credulous and illiterate masses, a comparatively new enterprise. It has largely called the political tune, although it is disliked and feared by many politicians, who have so far failed to show the resolution that alone can conquer it. These people, and the great body of opinion which stands away from politics, generally silent from dread of newspaper abuse, need a strong lead from England. Unless the British Parliament decides that no constitutional changes shall hamstring its Government in India during the highly critical years now at hand, Extremism, addressing itself more and more to the masses, and taking advantage of the discredit and embarrassment of the authorities, will accomplish the ruin both of India and of British interests in that country."

Chairman—continued.

My next additional note is about Question 10. I would like to add to my reply: "A Government that relies on a majority partly composed of nominated members may find itself badly let down on a critical occasion."

After Question 15 I would add: "I would retain the provision in section 36 in the principal Act that one member of the Imperial Executive Council must be a barrister of England, Scotland, or Ireland."

Then, after my answer to Question 19, I would add: "The Provincial Governors who dissented from their colleagues on the 16th January, 1919, stated that one of their reasons for adhering to diarchy was that this system would reserve to Governments full control over essential subjects. I agree that this is a good argument in favour of diarchy, and would again emphasise that, without sound and healthy advance in these two departments there can be little hope for the development of prosperity for the educated youth of India, or of success for the reforms. I consider those two departments essential subjects. My experience on the Bengal District Administrative Committee convinced me of the enormous importance and difficulty of these two departments, and of the need that exists for the best most careful, and most attentive steering that can be devised for them."

6488. Which two departments?—I mean both industries and higher education.

6489. You did not mention them?—I mentioned industries in the note. We had two chapters on industries in the Bengal Report, and one chapter on the subject of high schools, Anglo-vernacular schools.

6490. You have nothing more you wish to say on the general subject?—No.

Duke of *Northumberland.*

6491. You have given us some very good reasons for objecting to the principle of diarchy, and I think you say that the principle proposed by the Provincial Governors would really be sounder, only you think it is too late in the day to have to embark on that scheme?—I think that scheme would be rejected by all prominent sections of political opinion in India—all articulate sections of political opinion in India and the Government of India themselves have said that it would not fulfil the requirements of the declaration. I think it is extremely undesirable that these reforms, which are intended to provide scope and satisfaction for the educated classes, should begin with any imputation of bad faith on our part, and they would have undoubtedly some handle for saying that we had not been quite straight in the matter, in view of what they could quote from what the Government of India has stated. Personally, I do not think the Provincial scheme is opposed to the declaration; but the point is not what I think in the matter, but what I think they would think. For that reason, I am not prepared to back that scheme.

6492. So that you think there is really no alternative to the scheme proposed by the Government of India?—That

Duke of *Northumberland*—continued.

—That is so. I do not see what else can be done in the present circumstances. I think there are considerable dangers; but I think we have got to take them and secure the position as best we can.

Lord *Islington.*

6493. Do you think the dangers that you apprehend from a dual system can, to any substantial extent, be mitigated by modifications in the machinery and the method of procedure?—I have said all that I can in that way. I agree with the safeguards lately proposed by the Government of India in the recent correspondence. I agree with all the modifications they propose. My time for studying the literature has been very short. As far as I can see, I accept the modifications which they have proposed.

6494. The main modification of it is a separate purse, is it not?—Yes; that is one of them.

6495. You agree with that?—Well, of course, there I am at a disadvantage. I know nothing about financial work. I have never been a Financial Secretary.

6496. Then I will not ask you questions on that. You gave us a supplement, a note on the I.C.S.—on the dangers that the members of the I.C.S. apprehend?—Yes.

6497. Do you share those apprehensions?—Yes.

6498. Do you think that those untoward results will occur?—I am not saying that untoward results will occur; I am saying that untoward results may occur.

6499. You were speaking of the more advanced Indian politicians, the Extremists. Was I right in gathering from you that you consider the landowning classes would have no chance against them?—I do not think they would have.

6500. You mean they would have no chance if they were given an open field for entry into the Legislative Council?—Oh, I think that they would have a chance—I did not mean that—my point is that they would take a long time to make effective use of their chance. In the meantime the coast is more or less clear for people who are not of their ways of thinking. That is what I am afraid of. Of course, in all these constitutional changes, I am fully aware that things may always occur which no one anticipates, either on the one side or the other.

6501. You apprehend that, first the electioneering ingenuity, and secondly, the debating superiority of the Extremist, is such that the landowning class would have small chance?—Yes, I certainly think so. But my point is not that the educated classes would be all Extremists. I would not say that for a single moment. My point is that the politically educated classes on these Councils would be liable to Extremist influences. That is my point. There are many educated politicians who are not Extremists. I do not for a single moment mean to imply that all the educated politicians are Extremists.

6502. But you think that, under the more open system of debate in the public assembly the Moderate educated classes will be susceptible to influence by the Extremists?—The point is not how they would be influenced in the course of the debate; I think influence is very seldom extended in the course of a debate. Speakers in a debate have generally made up their minds before they come in what they are going to say. The question is how they would be influenced from outside. I have seen that working myself.

6503. Then you say that a Government dependent on nominated members, might possibly, on important occasions, be let down?—Yes.

6504. What are you alluding to?—I was not alluding to any special thing. I have seen that sort of thing happen several times. I have seen nominated members vote in a manner in which they were not expected to vote by the Government—the Government did not expect them to vote so.

6505. You have seen it both ways? Do you suggest by that that any majority that is arranged to get an automatic decision for the Government should be a substantial and definite one?—Yes.

Lord *Sinha.*

6506. May I take it that you are in favour, yourself, of a considerable advance in the matter of constitutional reforms?—Yes.

Lord *Sinha*—continued.

6507. And that you are absolutely convinced that it is impossible to let the present system go on?—I do not think it would be a sound measure.

6508. Under the circumstances at present existing all the world over it is absolutely essential to change the system?—I think it is absolutely essential to develop the system; that is I think some reforms are certainly necessary. There is no question about it.

6509. And that reforms must be in the direction of greater consideration being given to the representatives of the people?—Yes.

6510. So far as you are aware there are only two alternative methods?—Yes.

6511. One the diarchy advocated by the joint Report?—Yes.

6512. And the other the scheme of the five heads of the Local Governments?—Yes.

6513. Am I right in thinking that if you had to decide yourself—supposing a decision rested with you, and you alone—taking into account all the existing circumstances, you would decide in favour of the Joint Report scheme—that is, the Montagu-Chelmsford scheme?—Stabilised and steadied by the recent recommendations of the Government of India.

6514. Quite; those are modifications?—Yes.

6515. But as a basis you would decide in favour of the Joint Report scheme?—Yes, I think we are pledged to that. I do not think you could hold it before the public all this time and then say you are not going to do it.

6516. And therefore, in your view, the only question is how many of the suggested modifications should be accepted?—Yes.

6517. Do not you expect yourself that the adoption of that scheme will itself have a moderating effect on the people generally in India?—I think that it will for a time, just in the same way that the Morley-Minto reforms had; but I think that the whole danger of the situation lies in this, that the scheme encourages all politicians, extremists included, to be constantly appealing to the masses. Well, if they begin appealing to the masses we know the sort of arguments that extremist politicians usually use. They generally say to them, "You are under a foreign Government; it is very oppressive. If you listen to us you will get Home Rule quickly and all your taxes will be lowered. Your capital is being taken out of the country," and all this sort of arguments. Those arguments would be addressed to ignorant and inflammable people. That is the danger in the situation, to my mind.

6518. What remedy do you suggest for that?—The only remedy I suggest is that the safeguards proposed by the Government of India, so far as I have been able to grasp them and read them, should be adopted, and that in the deliberations of the Committee this danger should be clearly borne in mind. I have not had time to go into the details, but if the Committee will bear that danger in mind they will have ample opportunity for considering what safeguards should be adopted.

6519. Of course, you have said already that the modifications suggested by the Government of India in their latest despatches are safeguards. Do you think, with those safeguards, there can be a cessation of political activity?—No, certainly not, but the point is this—I do not want cessation of political activity; that would be absurd. There will be no cessation of political activity; on the contrary, I think there will be a great deal of political activity. What I wish to emphasise is that these reforms have practically turned the politicians on to the masses in a way they have never been turned before, and they will practically go and tell them to go and look out for self-government and cultivate ideas of self-government, and all that. That would be all right if that opportunity were used in the right way; but what I am afraid of is that it will be used in a way that would not be right, and that would be dangerous to public peace.

6520. What I wanted to get from you was as to what would allay such apprehensions as to the misuse of political activity. Is there any method which you can suggest, or must that not depend upon the increasing education both of the politicians and of the masses?—Yes, exactly, I quite agree. I think one of the

Lord *Sinha*—continued.

the very best remedies is increasing and improving education, and it is just for that reason that I am so keen on education being kept in the hands of the most responsible and the most experienced section of the Government.

6521. Therefore your remedy against mischievous activities is, and can only be, increased education?—Yes. I may say another remedy that I attach great importance to is publicity. I think that the Government should not hesitate to start publicity departments all over the place

6522. I take it that you are prepared to rely upon the effect of education to mitigate such mischievous activities as you have described?—Not only upon the effect of education, but also upon the fact that the new constitution that is framed preserves the power of the Government, and does not whittle it away so that the Government is regarded as beneath contempt.

6523. Is the Bill calculated to bring about any impression of that kind?—The Bill, as it stands, is not calculated to bring about any impression of that kind; but it is very difficult to judge of the effect of these changes without seeing what regulations will be framed in consequence of the Bill?

6524 Do you mean rules under the Bill?—Yes, the rules under the Bill—the regulations that will be drawn up.

6525. In your view will it not be for the benefit of both parts of the Government if they are encouraged to deliberate jointly as much as possible?—Yes, most decidedly.

6526. In all matters?—In all matters.

6527. And that it would be a mistake to keep them in water-tight compartments?—Yes, most decidedly.

6528. In all matters?—In all matters I think they should deliberate jointly, undoubtedly.

6529. So that the Ministers will influence the members of the Executive Council, and the members of the Executive Council will influence the Ministers?—Exactly.

6530. With regard to the two departments that you have mentioned, education and industries, taking education first, you have read or heard the evidence that education must be kept as one entire unit?—Yes.

6531. That is primary, secondary, and higher education?—Yes.

6532. Would you reserve all three for the official part of the Government?—No, I should leave vernacular to the Ministers; I should have vernacular education a transferred subject.

6533. By vernacular, I suppose you mean primary?—Yes

6534. Do you not agree with those experts who have said that all three must be kept in the same hands?—No, I do not.

6535. Primary, secondary, and higher?—No.

6536. Has education progressed on right lines so far in India?—I think that there have been mistakes in education; I think there have been great mistakes; but I think that after all the mistakes were to be expected. We were bound to expect them. I think, on the whole, education, in spite of the mistakes we have made, has progressed, and I think, on the whole, it has been on right lines. After all, when we abuse education as far as it has gone, we have to remember that education has produced the present situation; it has conduced to the enlightenment of the people generally, which has spread enormously. Altogether I do not at all agree with people who indiscriminately condemn the progress of education as it is.

6537. I know that. At present secondary education is a good deal in the hands of the people themselves?—Not so much in some Provinces as in others.

6538. Take Bengal, with which I am familiar, and I think you are also?—I cannot claim to be familiar with it, but I was in it for six months and travelled all over it, and took a great deal of interest in it. It interested me profoundly.

6539. There it is a great deal in the hands of the people themselves?—Yes.

6540. Would you take it away?—Well, I think it has been a great deal too much in their hands.

6541. You would change that?—I would.

6542. Taking the higher education, the University education, it is also greatly in the hands of the people

Lord *Sinha*—continued.

themselves, we are told, in the Universities?—I do not mean to say that I would take it away from the people completely for a single moment. I mean the control of the people should be steadied in the matter. I think it needs steadying.

6543. Would you agree that if it were transferred—that is to say, to the Ministers—that they should be assisted by a representative board, on which the Government and all educational institutions and representatives of the people should be represented? That is a scheme which we have heard propounded by Sir Michael Sadler both here and in his report. Would you agree with that, that if it is transferred to a Minister, the Minister should have for his guidance and assistance a representative Board, consisting of all shades of opinion?—I do not think that would be a good plan. I think, for one thing, the position of the Minister in regard to education would be so exceedingly difficult, because very great pressure would be put upon him from vested interests, which the reserved part of the Government would not be so subject to, and, after all, the Minister in early days will not be in the same position in regard to education and in regard to the educational service that the reserved part of the Government is in: he will not be in so strong a position or in so experienced a position. He will have great pressure put upon him.

6544. To do what?—There are a good many things he might do.

6545. For example?—Well, Sir Michael Sadler, I believe, has proposed that intermediate colleges should be started which should largely assume the functions of schools. I do not know how that proposition will be taken in India. It will certainly disturb a great many vested interests in Bengal, and I think it is quite likely to be very largely opposed, and think the opposition of a Minister in regard to that particular reform would be exceedingly difficult.

6546. Of course, the idea is that it would be subject to legislation on the lines of the report, provided the Government of India is able to accept the recommendations of the Report—that there should be legislation first on those lines, so far as Bengal is concerned?—You will not alter the ultimate decision, anyhow. The Minister is presumably to have the ultimate decision. The ultimate decision will rest with him whether you have a Board or not.

6547. Do you agree that the great want in regard to education—in Bengal, at any rate—is money?—I think that is a great want.

6548. Do you think, it is possible to get that money without the willing and active co-operation of the Legislative Councils?—I quite agree that it would be more difficult to get. I think that is an argument that it would be more difficult to get that money if education were a reserved subject. I am bound to say I consider that, but that is a point which I think, in view of the other enormous points at issue, is not nearly so important.

6549. Hitherto, of course, the funds spent on education have been, as compared with other Departments, small?—I have not compared them. It seems to me there have been very considerable sums spent on education. I was looking the other day at the figures spent on education, and the figures spent on medical services, and on the medical relief of the people, and it struck me that they came off uncommonly badly compared with education.

6550. Both have been starved, probably because we have not money, but they have been starved all the same, have they not?—I do not think education has been starved; I think more money could be spent on it with advantage, and great advantage, but I would not say that it had been starved, in view of the general necessities of the country. The Government's wish has not been to starve it; the Government have all along wished to spend as much as they could on it.

6551. In fact, the money spent on education has not been so large. Take it per head. Are you aware that the money spent per head in India, as compared with other countries, is extremely small?—I have not compared the figures. There is one point I might say a word about. I sat on the Functions Committee as an official looker-on and adviser for my own Provinces, and I put exactly the same points before them at that time. It seemed to be understood by some of the mem-

ber

Lord *Sinha*—continued.

bers of the Committee, another extra member who was on it with me, an Indian, seemed to think that if education were kept a reserved subject it would be removed from Indian influence, and that Indians would have nothing to say to it. I pointed out if higher education were a reserved subject it would still be subject to strong Indian influence; there would be an Indian member of the Government, and he would be advised and helped by a standing Committee of the Legislative Council.

6552. So would a Minister?—Oh, yes, exactly; but his position would be a stronger position than the Ministers', a good deal.

6553. You mean he would be less amenable to the influence of the Council?—He would be less amenable to influences from outside—the Press and all sorts of influences from outside.

6554. Of course he would have expert advisers; whether he was a Minister or a member of the Council he would have expert advisers on all matters of education?—Yes.

6555. The question really resolves itself into this, how far he is able to follow or accept the advice of experts?—I do not know. I think he might go against the experts, I have known that frequently done in India.

Mr. *Montagu.*

6556. Have you had an opportunity to read the letter from the Government of the United Provinces on this scheme in the Blue Book?—I have not read it in detail; I glanced at it.

6557. There was a difference of opinion on the informal Committee of the United Provinces as to the transfer of education?—Yes.

6558. I wanted to call your attention to this. The informal Committee, whose names appear in the Report, I imagine you would agree, was a very representative and influential Committee?—Yes.

6559. This paragraph is what I wanted to call your attention to: "The Executive Government would, however, consist of a Governor and four executive Councillors, of whom two would be officials and two would be chosen from among the elected members of the Legislature. The latter, since they would be selected from the ranks of the Legislature for the express purpose of ensuring that they were persons in touch with, and in general sympathy with its views, and since the Legislature would control the Budget provision for transferred subjects, would, as a matter of practice and convention, be placed in charge of the transferred subjects. And again, as a matter of practice and convention, the Governor, who would hold the casting vote in case of a difference of opinion between the official and non-official members, would normally defer to their advice in respect of these subjects"?—Yes.

Chairman.] Is this the scheme of the five heads.

Mr. *Montagu.*] No, it is the United Provinces' own scheme, on page 217 of the Blue Book.

Chairman.] A non-diarchical scheme?

Mr. *Montagu.*

6560. Yes. (*To the Witness.*) Do you remember having read those words before?—A long time ago. I did not read them the other day. I read them in India at the time. I remember those words.

6561. Does not that really amount to diarchy by custom and convention?—Yes, it does, very much.

6562. Then there is a question about the Grand Committee. The majority in the United Provinces Legislative Council to-day is not an elected majority, is it?—No, I do not think it is. No, I know it is not; of course, it is not.

6563. It is nominated, is it not?—The Government and the nominated members exceed in numbers the elected members, as far as I remember.

6564. The nominated and elected members together exceed the official members, do they not?—Oh, yes; I think so.

6565. It is a non-official majority?—I think so—I am not sure. It can easily be verified.

6566. If the Legislative Council to-day has a non-official majority, do you not think the Grand Committee ought to have one also?—The point is this, that

Mr. *Montagu*—continued.

things will not be as they are to-day in any way; things will have changed enormously. The betting will (in legislation often be) much more on the other side than on the Government side. That is why I want the Grand Committee so safeguarded.

6567. Let me put the question in this way. Assuming a position in which, on a particular piece of legislation, the whole of the elected element of the Legislative Council is opposed to it, and the Government cannot secure six members to support it, do you think then the Provincial Government ought to legislate?—The point is that if all members vote according to their convictions I think things would be all right, but I know very well that they do not—that some are very often terrorised or influenced in some way, and some vote against their convictions.

6568. So you think there are occasions in the future in which the Local Government ought to have power to legislate when it cannot rely even on six members?—I think there may be occasions. I admit they would not be frequent, or anything of that kind, but I say there may be occasions. It is only that I want to safeguard the position.

6569. You emphasised in your evidence that you insist on having one member of the Governor-General's Executive Council a barrister?—Well, I did not emphasise it.

6570. You suggested it as important?—Yes.

6571. Do you mean a barrister and not a vakil?—I certainly do not think a vakil would do. I think he ought to be a barrister and a man with European experience.

6572. As a member of the Executive Council?—I think so—a lawyer of European experience.

6573. You impress me very much by your anticipation of the appeals which would be made to the masses as a result of the reform scheme. You have heard it argued, have you not, that one ought to delay, or perhaps even to deny, constitutional reform to India because the masses are apathetic and take no interest in political affairs?—Yes.

6574. That is a criticism which has often been made against all attempts of this kind?—Yes.

6575. Would not you expect the natural answer of those who want constitutional reforms, and who want to answer that argument, to be to try to stir the masses up?—You mean they would do it anyhow?

6576. It is natural, is it not; would not you do it yourself?—I am quite aware of that. It is what I pointed out as the greatest danger of the whole scheme to my mind.

6577. But is it not a danger inherent in the present condition of India, if not of all countries?—I think it is to a large extent.

6578. I mean you could not lessen the danger?—I think it has come out tremendously lately. It used not to be the case. They used to appeal to the masses in the way they are doing now.

6579. They are appealing to the masses successfully, are they not?—They are coming on more. They are to a certain extent, yes.

6580. The masses are beginning to take an interest in politics?—Well, they are beginning to be very discontented with the Government in some parts, if that is taking an interest in politics.

6581. That I find usually happens in my constituency?—Unfortunately there is no alternative government as there is here. In India it is a foreign government.

6582. You do not suggest with regard to an appeal to the masses that the dangers you apprehend would be lessened either by the defeat of this Bill——?—No, I do not. That would not stop such appeals.

6583. Or by the adoption of the local governments' alternative scheme?—No, I do not, because it is not a question between dualism and unitary government at all. (Except in so far as the constitution of either may affect the essential considerations laid down in my answer to 6584.).

6584. It is not even a question of a joint or separate purse; it will come in in any case, whatever we do?—Yes, it will. But, if I may say so, my real point was

Mr. *Montagu*—continued.

that the Government in India should not be unduly embarrassed; it should be in a position to preserve its prestige and it should be able to cope with difficult situations by itself.

6585. Ought not it also to pay careful attention to the arguments used against it in order to see if there is any substance in them?—Of course it ought, yes. (It does.)

Lord *Sinha.*

6586. I intended to ask you about the qualifications for the legal member. Why do you say that he must be a man of European experience?—Because I think he should be. He is much more likely to understand things generally, and to be able to compare conditions in India with conditions elsewhere in the world. I have very often known very able and intelligent members of the Imperial Legislative Council—I do not say I have often known, but I have sometimes known very able and intelligent members of the Imperial Legislative Council speak of things, and see things in a manner, in which they would not have spoken of, or have seen them, if they had had European experience and lived in England.

6587. But we are talking of one particular member. It being agreed that he should be a lawyer, why should he be a lawyer called to the Bar in England, Ireland, or Scotland, and not a lawyer trained in India—the highest training that India can give?—He should be trained in India, too; I daresay you might argue in that way.

6588. It is only that one particular point I am upon. Assuming it must be a lawyer, would you confine it to a lawyer with European training, or would you allow also a lawyer with Indian training only to be eligible for the appointment?—The lawyer is not confined merely to questions of law. He takes part, as far as I know, in all the deliberations of the Council, not only in matters connected with law. In law he is an expert; in other matters he may be a most useful consulting member.

6589. We are talking only of the expert member. So far as the expert member—that is, the legal expert—is concerned, you would not confine yourself to an English lawyer—I am putting it roughly—a barrister; but you would also extend it, having regard to what you know of Indian pleaders, to vakils? You would also make them eligible?—Yes, if they had been to England and had been called to the Bar—if they are barristers.

6590. I am putting that apart. Supposing an Indian is a lawyer trained in India and has not been to England, why do you want to exclude him from the position of being eligible as the legal expert member of the Viceroy's Council?—Because I think he would be deficient in general experience of conditions in England and in Europe which are required for any member of the Viceroy's Executive Council.

6591. Then, as I understand you, according to you, there ought not to be any Indian member of the Viceroy's Council who has not had personal experience of Europe, or England?—Well, I think that is very much better. I do not mean to say that any fatal results would follow if a vakil were made the legal member of the Viceroy's Council—for a single moment. I merely say that I think it is better that the legal member should be a barrister. That is all I say. I would prefer it.

6592. That observation applies not merely to the legal member; but to all members?—I am not applying it to all members; I am speaking simply of the legal member. My remark was simply about the legal member, and I confined that observation to him.

6593. Why do you select him specially?—Because he is specially selected by the section in the Principal Act.

6594. For legal qualifications?—Yes; for legal qualifications. They do not say it is only for legal qualifications, but presumably it is.

6595. That is laid down—the legal qualification is laid down?—I do not remember the wording of the section.

6596. Why should not that qualification be extended so as to render Indian lawyers eligible?—I simply say that I think it is better to have a barrister. I do not mean to say that there are no pleaders sometimes who would do perfectly well. I would not accentuate that for a single moment. I say, as a rule, it is better to have a barrister.

Sir *Henry Craik.*

6597. You contemplate the division of the functions of education: one part to be transferred and the other to be reserved?—Yes.

6598. Where would you draw the line of demarcation?—I would draw the line of demarcation at high schools, and, going up from high schools, up to University education—Anglo-vernacular schools.

6599. Including University education?—Yes.

6600. Do you think the secondary schools can be quite separate from the primary?—Oh, yes.

6601. And the technical schools?—Yes.

6602. Do not they enter very much into the scheme of the education of young boys and girls: something very separate from University education, which means a separate and higher education?—Primary education is in the hands of the local bodies in my own Provinces; the secondary education is not. The technical schools come in with secondary education.

6603. And with University education?—Well, I could not say exactly. It is all changing about. I ought to put University education and higher school education together.

6604. When you say higher schools, you would include technical schools?—Yes.

6605. Do you think that is a division which could be drawn? Have you experience in education which makes you think that is a possible method—to include technical schools with Universities, and to keep the primary schools quite separate? Would that be possible if you were attempting such a thing here?—I do not know anything about the system in England.

6606. Supposing we had reached the line of demarcation, what are the special qualities required for the administration of University education and the other side, whatever it is—what are the different administrative qualities required for those two?—I should say that for the University and for the higher education you required a higher variety of qualities and a greater freedom from vested interests than you require for the superintendence of primary education. You want teachers selected with great care and judgment. You want the whole direction of education very carefully considered.

6607. Which is the larger of the two branches—the primary or the higher?—I think the primary is larger, undoubtedly.

6608. Does not the primary require enormously bigger administrative powers?—No, I do not think it does—not in India.

6609. Would not it involve an immensely greater financial expenditure?—I imagine it would, but I cannot say how expenditure is divided at present.

6610. Is it not incomparably greater—the real expense of establishing a thoroughly efficient system of primary education, than anything which you would be called upon to do for University education, if you are to make it adequate?—Yes, undoubtedly, if you are going to make it adequate.

6611. Is it not a very important and very exacting department of administration to face the establishment of a completely efficient system of primary education, which at present does not exist in India? Is not that a very difficult part of administration?—It is a very difficult part of administration.

6612. On the other hand, with regard to the higher education, what do you want in the University education? Is it not to develop the genius of the Indian people on its own lines?—In University education?

6613. Yes?—Yes, undoubtedly.

6614. Would not it be well to leave a great part of it to voluntary effort, and to the people who are governing each University?—I do not mean to say that voluntary effort should not be encouraged as much as you can, but I mean it is such a big, difficult department, and it requires such impartiality and judgment and experience that it had better be with the reserved side of the Government than with the other side.

6615. But not because it will try to interfere too much; only because it will hold a just balance between different views. You do not want to interfere with Universities in the way that you interfere with primary schools?—Oh no, of course not.

6616. So that what is really wanted in Universities is a wise and just person who will lead the other Universities to develop of themselves on sound lines?—Yes.

6617. Whereas

Sir *Henry Craik*—continued.

6617. Whereas in primary education you want a man of great administrative power ready to face enormous financial problems, and really to organise the whole thing in a way in which it has never been organised before?—Yes, quite.

6618. And these are the two lines of demarcation, are they not?—Yes. (University education must carry with it High School education in India. For High School (Secondary English) education great administrative power is required.)

Sir *J. D. Rees.*

6619. May I refer to your answer to Question 3? You say the semi-official members?—I did not say semi; I said non; it was a mistake in the type.

6620. Your answer to Question 5 ends with these words: "Lastly, dual government, accompanied by substantial, measured and progressive reduction of the British elements in the All-India Services will, I fear, in course of time depress British recruitment for those services to a marked degree." Why should these changes exercise so deterrent an effect upon those who come into the services in future? For the moment you are contemplating the future, and I ask you why, as a new proposition, it should not be acceptable to those who are seeking employment in India?—Well, before they seek employment in India they will carefully inquire, or a good many of them will inquire, what the conditions of employment there will be, and if the answer from those who are in the country and have been in the country, or who know people in the country, is unfavourable, they are likely to be deterred.

6621. Do you think that young men who are about to be employed go to their seniors very much for advice in such matters? Do you think that would really weigh with them very much?—That is my experience—that they do a good deal. I have known that happen. I say they do go to their seniors for advice, particularly when they are starting for an unknown country, or thinking of doing so.

6622. You do not think that the new India, if these reforms are accepted, will be an extremely interesting proposition for anyone to be concerned in?—I think it will be a very interesting proposition. I think they will examine the conditions there with great interest, in their own interests, quite apart from other things. I think it will be a very interesting proposition, and I hope that things will go well and that the answer will be favourable. I merely say that if they inquire into the conditions of life in India and are told that they are unpleasant, that the British service is being gradually reduced there, to my mind it is likely to act, and I think it will act, as a deterrent.

6623. Sufficiently to deter the enterprisng youth from public schools from going?—I do not say it will deter all of them; I say it will deter some of them.

6624. It is a matter of some importance?—Yes, I think it will have a deterrent influence. It will not be strong enough in some cases, and will be strong enough in others.

6625. In your answer to Question 7 you say: "This unified system came late into the field as a debatable proposition in circumstances certain to secure it an unfavourable reception from the Indian industrial classes"?—It was not "industrial"—"political" was what I wrote. It is a mistake in the type.

6626. Then I have nothing to ask on that. With regard to the appointment of a lawyer upon the Governor-General's Executive Council, why should it be more necessary to have a lawyer there than to have a lawyer in the Cabinet in England, for instance?—Legal questions so constantly arise, and the home member so often stands in need of legal advice.

6627. They have the Law Officers of the Government?—Yes, but he wants a man of equal status to himself to put the legal aspect of the case and the legal possibilities of the case before the Government.

6628. Are not the legal advisers of the Government in a superior status to the members in respect of law? I am asking you why a legal member is necessary. Why is it a *sine qua non* that there should be a legal member in the Government of India when they have legal advisers? They have a Government solicitor—and an Advocate-General, for instance?—I think the

Sir *J. D. Rees*—continued.

general idea is that a lawyer member has a voice in the deliberations of the Government. It is not merely a question of his advice, but it is a question of his voice; he has a vote. The Government is steadied in its home policy, and is advised in its home policy by an adviser who is a member of the Government—that is, he has a status in the Government which no outside person has.

6629. At any rate, you do think it is necessary?—I do think so, decidedly, from what I have seen of the working in Council. Very often points are raised in debate. For one thing, he would be a member of the Council of State, and I have seen points raised in debate in the Imperial Legislative Council constantly—legal points arise in debate, which cause the Government to require a legal member to be there to take up the point and answer it—either answer it or admit it.

6630. At any rate, you think it necessary?—Undoubtedly.

6631. Although it is not necessary in the British Government?—It is so different.

Chairman.] What about the Lord Chancellor?

Sir *J. D. Rees.*] He is in the House of Lords; he is not available for debates in the House of Commons.

Chairman.] No, but he is a member of the Cabinet.

Sir *J. D. Rees.*

6632. I was thinking the law officers are not. (*To the witness.*) When your Government is asked for its opinion upon any matter by the Government of India, to report upon any important public question, do you hold that the opinions of the individual members, of the individual Lieutenant-Governor or the Governor, whatever he technically is, alone is required, or the opinion, so far as ascertainable of the public, or the public services as well?—It depends what the question is. In any general question of administration the opinion of the public is constantly taken, and the opinions of selected officers. What frequently happens is this: A proposal is sent out for opinions to the Commissioners, heads of Divisions, and they are told they are at liberty to consult any district officers that they please. These papers are also sent to important non-official members of the Legislative Council. All these opinions are collected. Sometimes the matter is debated in Council, the resolution is brought up and it is debated in Council, and a reply goes after all opinions have been collated. That is what generally happens. There are other matters which are referred to further outside opinion.

6633. For instance, on a matter like these reforms the opinion of your Government is asked for. Would it be a compliance with the request to state the opinion of your technical Government, or would your Government consider itself bound also to state public opinion, so far as ascertainable?—Oh, yes, they would always do so.

Mr. *Spoor.*

6634. In your supplementary statement this morning you drew rather a black picture of the future of India. You suggested that the landowning electorate was likely to be outwitted and be in the hands of rather unscrupulous politicians. Do not you think that to a certain extent, at any rate, that is inevitable?—I do think so. I think to a certain extent it is inevitable, but I do not want it to take place to a greater extent than is compatible with good government.

6635. You will agree that in our own country the same kind of thing happened when the vote was first granted?—Well, I am afraid I have not studied the ins and outs of constitutional history in England.

6636. I mean people would require a few years?—I agree it is inevitable. I do not deny that, but in India the problems are so different, because, first, you have there a foreign Government presiding over an enormous mass of people, over 300 million people, and the conditions are so very different from England. Dangers which are comparatively negligible in England are anything but negligible in India. The character of the people is widely different.

6637. But in making this statement I take it you would not use it as a reason for either delaying reform or in any degree weakening the proposals?—I think the reform has got to come. I think we have

Mr. *Spoor*—continued.

have to take the risk. We have made the declaration. We have said we are going to do all this, and we have got to do it.

6638. You said, I think, also, that as a result of this Home Rule would come perhaps before it was really intended, and before it was desirable?—Yes.

6639. What do you mean by that? How would it come?—This is what I think may possibly happen—I do not say it will—that if the dual governments do not work, and people get more and more worked up, and things become altogether very black, it is quite on the cards that some Government in England will give Home Rule straight away.

6640. You said some extremely interesting things about the Extreme Nationalist movement in India. You spoke of a campaign of combative nationalism which had been going on for some time?—Yes.

6641. I take it you do not suggest that the spirit of nationalism is a thing that should not be developed?—No, I do not say that for a single moment. That is a different thing altogether. I say that the spirit of combative nationalism which employs as its weapon misrepresentations and slanders is, when working among the masses, a very dangerous thing. As long as Nationalism simply preaches, you must all learn to protect yourselves, and you must all learn to vote for yourselves, and to understand public questions, and to look forward to the day when you will be able to stand on your own legs and govern yourselves, and prepare yourselves for that day; it is a very good thing. Nothing could be better, and nothing could assist the Government of India more, because I am perfectly aware that our administration cannot guide affairs for ever in India.

6642. Have you any idea of the extent of this Left Wing Nationalist movement, and the probable cause of it?—I should be happy to give you my opinion of the various causes in camera. I do not think it would be very desirable to do so in public.

6643. I believe that during comparatively recent years there have been a number of papers suppressed in India, and there have been certain items of repressive legislation. I simply wanted to ask you whether in your opinion a policy like that contributed in any degree to the development of things which you mentioned this morning?—No, I do not think that. In India it is always so difficult to know how far papers should be allowed to go. So far as I know I have never seen any instance in which I thought the Government was unduly harsh. The Government has to keep order. It must do so, particularly in a time such as the four years we have just been through. I believe that all the actions of the Government in that respect were unavoidable. Supposing the Government had not taken that action, I think there would have been some very inconvenient outburst. That is what the Government had to guard against. I think the Government really had no choice. Whenever anything is done, whenever any repressive measure is enacted, which the Government are always, as a matter of fact, most reluctant to enact, there is always all over the place the cry, "Oh, the Government is repressing this and that!" But the spirit of which that cry is a manifestation is a spirit which would be there, and it would go on in exactly the same way whether it was encouraged by influences which were not checked or whether those influences were placed under restraint. Every now and then, when somebody who has been urging the thing on is placed under restraint, there is a particular agitation. I know no reason to say that the action of the Government has precipitated extremism.

6644. Is not it true that the whole of Indian opinion, Moderate, Extreme Right, as well as Extreme Left, has condemned unanimously the recent policy of repression in India?—What do you mean by that?

6645. Take an example, like the Rowlatt Act?—The Rowlatt Act was grossly misrepresented. The most abominable lies were circulated about it and its measures among numbers of ignorant people, who knew nothing whatever about it.

6646. Is it true that it was condemned by Indians of all shades of opinion and all sections of thought?—I really cannot say any such thing. It was condemned in the Press, and it was condemned in the Imperial Legislative Council. My opinion is that certain members of the Imperial Legislative Council voted against their convictions on that occasion.

Mr. *Spoor*—continued.

Lord *Sydenham.*

6647. I think you have had wide experience of a good many of the aspects of administration in India?—Yes.

6648. You say we are bound to bring about a progressive realisation of responsible government?—Yes, we are.

6649. You know the terms of the announcement which were, that there should be a gradual development of self-government, with a view to the progressive realisation of responsible government. Does that necessarily mean that a measure of what is technically known as responsible government must be given at once, or might that not mean that self-government is to be gradually developed as a foundation for progressive responsible government at later stages?—The real point is what it was understood to mean, and I think it was understood to mean what I said.

6650. But you do admit that the announcement might be capable of more than one interpretation?—I think it is a most difficult announcement to get clear exact sense out of in that connection.

6651. As matters now stand, at all events in the recent past, do you know any instance in which a Provincial Government has passed measures to which all the elected members of the Legislative Councils were opposed?—A Provincial Government?

6652. Any Provincial Government which has passed any measure, forcing it against the wishes of all the elected members?—Not in my own Province.

6653. Do you know anywhere in India where that has happened?—I am speaking rather vaguely. I was thinking of the Canal Colonies Measure in the Punjab, at the time of Sir Charles Rivaz.

6654. If the Legislative Councils are now enlarged, and their base is broadened as proposed, is it not certain that their influence upon the Provincial Governments must be much more powerful than it has been, because there they gather a much wider sphere of subjects under the decentralisation scheme?—I beg your pardon.

6655. If the Legislative Councils are now enlarged, as is proposed, is it not certain that their influence on the Provincial Governments will be much more powerful than it has been in the past, because it covers so many subjects which will be assigned to Provincial Governments under the decentralisation scheme?—Yes.

6656. Without doing any more than increase those Councils, giving them the elective majorities which are proposed, would not a very large measure of power pass to them in controlling and influencing the Government?—Yes.

6657. Now you say you accept the diarchy, because it has held the field for some time?—I say, because it has been before these people for some time a large number of them have accepted it. They have all accepted the idea, and have become set on it. They have thought that is what we meant to give them, and they will be bitterly disappointed and disgusted if we do not give it to them. I do not think it is satisfactory that whatever reforms are introduced should start with a slant of absolute bad wind.

6658. You also, to some extent, accept the diarchy because it provides a method of doling out responsible government in piecemeal fashion in the years to come?—Yes.

6659. You think the policy adopted of publishing the Report over the names of the Viceroy and the Secretary of State before it had been considered by the Government and Parliament in this country, compelled the Indian politicians to ask for more—Yes, I think it did.

6660. You have stated some of your objections to diarchy. Have you read the Memorandum of the Government of Bombay, in which it is shown that the transferred and reserved subjects are inextricably mixed up in the administration?—Without reading any Memorandum, I think that is the case. They are very much mixed up, undoubtedly. They must be, from my own experience of administration.

6661. And

Lord *Sydenham*—continued.

6661. And that admixture must create great difficulties in the practical working of the diarchical system?—Yes, I think it will create difficulties.

6662. You say you believe that All-India services will suffer in recruitment to a considerable degree?—Yes.

6663. Is not the question rather more serious than that? May it not happen that in a short time a considerable exodus of experienced men in all the services may occur—of senior men, I mean?—Do you mean that men are likely to go before they are obliged to? That they are likely to go when they have completed the time for their pension?

6664. Sooner than they would in the other way?—It depends on what they think of the conditions in England.

6665. You know the proposals of the Government of India, that civil servants (and Sir James Meston told us the privilege was to be conceded to other Services) are to be allowed to retire on a proportionate pension, if they happen to be in disagreement with a popular Minister, even if the popular Minister is proved to be in the wrong?—Yes. Do you mean that I think that some system of proportionate pensions may be required?

6666. It is promised by the Government of India?——

Mr. *Montagu.*

6667. It is *suggested* by the Government of India?—Yes.

Lord *Sydenham.*

6668. Do you think that may lead to a certain number of retirements?—I think it may; I hope it will not.

6669. And it might lead to the retirement of some of the most conscientious civil servants and other servants?—It might; I could not say.

6670. Are you aware of any other step taken by the Government of India which might lead to a considerable number of retirements from the Civil Service?—What do you mean by any other steps?

6671. Any offer, or any communication to civil servants?—No.

6672. You do not know?—No.

6673. Now supposing that there was a retirement on a large scale, and also that there was any marked deterioration on in the quality of the European public service, do you not think that would seriously prejudice the progress of India?—Yes.

6674. Are there any means of replacing experienced public servants on short notice by Indians of equal experience in administration?—No.

6675. I think you have some experience of native States, have you not?—I assisted in the creation of the Benares State, and I was agent for the Benares State. I have no other experience.

6676. Do you think, in the cases where native States have achieved marked success, it is due either to their having a ruler of very special capacity or to the Dewans and superior officials having been specially selected as particularly able people?—I do not think it would be at all fair of me to give any opinion on that subject. I have not experience that would entitle my opinion to be worth having.

6677. You pointed out that the population of British India is about 2½ times that of the United States; is not that only a part of our difficulty? Is not the most important part of it due to the illiteracy of 94 per cent. of that population?—Yes.

6678. And, therefore, you would not really make out that there is any real analogy with the conditions in the United States?—I simply took the remark that was made in the Montagu-Chelmsford Report. They noted that fact. No, I think the population of India is utterly different from the population of the United States.

6679. You say you would secure the Governor for all his business from failure on the Grand Committees?—Yes.

6680. How would you do that? Do you think that a majority of one, which appears to be proposed by the Government of India, would safeguard his policy?—Well, if one would not, I should have two or three. I would attain my object.

Lord *Sydenham*—continued.

6681. You would make it certain, in fact?—I would make it certain.

6682. And you would not regard a majority of one as making it absolutely certain?—Well, it obviously would not, because one of the members might be ill.

6683. Of course, that might happen on both sides. I think your personal view is that the Supreme Government ought to be left alone till some experience is gained of working the new system?—I should have preferred that, but I think it is impracticable now.

6684. Do you think it is too late?—I think it is too late.

6685. Do you think that our Parliament is committed practically to making some great change in the Government of India?—I do not see how it can avoid doing so.

6686. You say it is very important to prevent a submersion of the depressed classes in the Councils. Now, to avoid that submersion, do you agree with the principle of communal representation, or would you rely on nomination to safeguard the interests of those people?—I thought over that question very carefully, and I have never been able to get a satisfactory answer. The nomination would be a good thing if one knew who to nominate. It was once suggested to me in India by an authority on the subject, that missionaries might be nominated, or Europeans of independent position, but I never could see much in that. I do not see how it was practicable. I think the only thing to do is to afford them a sufficient number of representatives of their own class. Of course, they would be utterly out of it at first, most of them, but in time it may be hoped they will learn and then get political experience, and become more educated, and become more able to protect their interests than they are at present.

6687. That means practically what we call communal representation, does it not?—Yes.

6688. I think you say you agree with the Government of India that next to religion and race the greatest dividing line of India is that between town and country?—Yes.

6689. Now, you pointed out that the town population of India was only 9.5 per cent. at the last census?—That was the figure I got from the last census. It is probably more now.

6690. It is probably increasing, but not very rapidly, I suppose?—Not that I know of.

6691. Now, the other day Mr. Montagu said that it was a complaint here that the town influence dominated the rural population; but if 78.1 per cent. of the population of England and Wales is urban, do not democratic principles practically entail domination in this country?—Yes.

6692. But for that reason, there is not the smallest analogy between India and the United Kingdom?—I would not say there is not the smallest analogy. There is no analogy in that way. That is why I gave those figures.

6693. I meant from that point of view. Are you quite satisfied that, under the proposals of the Franchise Committee the interests of the rural population would have sufficient influence now under the new councils or influence in proportion to their vast majority?—I have not read the proposals of the Franchise Committee. I read the letter of the Government of India on the subject; but I really could not undertake to give an opinion on it merely from reading a covering letter on a matter like that; I should have to read the Report itself before I could give an opinion that is worth anything at all.

6694. Is it not a fact that the rural population bear the greatest burden of taxation?—Yes; far the greatest burden.

6695. Is it not a fact that the rural taxpayers in India are very often people of very small means?—Yes.

6696. Does not that make it necessary that these large numbers of people of small means should be adequately represented in the new Councils?—Yes; certainly.

6697. Is not that vital, if justice is to be done?—Yes; certainly.

6698. Are you aware that a member of the Legislative Council may pay no taxation?—I am not aware of that.

6699. If

Lord *Sydenham*—continued.

6699. If the interests of the rural population suffered in any way under the operation of these new Councils, should not we have certain trouble to face?—Yes; if they suffered seriously.

6700. I mean if they began to feel they were suffering?—Yes.

6701. Is it not a fact that the violent agitation we have experienced in late years is organised in the towns, mainly by town-dwelling populations?—Yes.

6702. In regard to what you said to Mr. Montagu about diarchy, is not there an essential difference between what you call "diarchy by convention" and the diarchy contemplated in the Report?—There is a considerable difference.

6703. The diarchy by convention would practially mean an evolution of the present unitary government, would it not, except that one or two members of the Executive Council would have to be chosen from the elected members of the Legislative Council?—Yes.

6704. It would, therefore, not be possible, in that case, for half the Government to oppose the other half in the Legislative Council itself?—No; it would not be a proper thing to be done; it might happen.

6705. With a diarchical government, as it is proposed, is it not fairly certain that a permanent and organised opposition would grow up against the Government in every Council? I think it would, irrespective of diarchy. I think the Government is bound to have its opposition. It will not be any the worse for a reasonable opposition.

6706. But when the opposition has powerful representatives in the Cabinet itself, would not that be much stronger than it can be at the present time?—I think it would be just the same, whether you had a unitary or a diarchical government, as far as that is concerned. I do not think that would make any difference.

6707. But under a unitary government no member of the Cabinet could form a part of the opposition. Under the diarchy, it seems to me, he can?—But surely his position is the same, really. Supposing you had diarchical government, and a Minister wished to bring

Lord *Sydenham*—continued.

in a certain measure in regard to a transferred subject, and he was finally persuaded to drop it, or the Governor persuaded him to drop it, that would be well and good; he would not say anything in the Legislative Council; but I think it would be very well known that he had dropped it, and that he was against the decision of the Government, and the Council would know that perfectly well even if he sat quiet.

6708. So that the Legislative Council would know that they had friends and supporters in the Executive Council itself?—Undoubtedly they would.

6709. In that case, supposing these oppositions to Government do grow up, will it not be necessary for the Government, much more than it has done in the past, to explain its objects and its policy to the public?—To explain its objects, yes; that is why I laid such emphasis on the necessity for publicity.

6710. The Governments in India in future may have to do what Governments in other countries have to do; that is to say, to proclaim widely and to explain their policy and their objects on platforms or in the Press?—I do not think that platforms would be a very satisfactory arrangements, but in the Press, certainly.

6711. Is not the very serious rising in the Punjab a warning of the dangers to which a false propaganda may give rise among ignorant and credulous people in India?—Yes.

6712. A very grave warning, is it not?—Yes.

Chairman.

6713. I think you suggested that industrial development should be a reserved subject?—Yes.

6714. I do not think any question has been asked about that. Would you like to say anything to the Committee why you pressed for that to be a reserved subject?—I do not wish to add anything to what has been said by the Government of India. I agree with that entirely. I cannot say anything in addition to it.

Chairman.] We are very much obliged to you.

(The Witness is directed to withdraw.)

Mr. L. K. TULASIRAM and Mr. K. APPA RAO NAIDU are called in; and Examined, as follows:—

Chairman.

6715. Will you state what body you represent?—(Mr. *Tulasiram.*) I represent the South Indian Liberal Federation of Madras.

6716. And you, Mr. Naidu?—(Mr. *Naidu.*) I represent not only the South Indian Liberal Federation of Madras, but also the Ganjam Peoples' Association, of which the Uriyas are members.

6717. You have come particularly to speak for the non-Brahmins of Madras?—(Mr. *Tulasiram.*) Yes, I have come principally to speak on behalf of the non-Brahmins of Madras, as well as the industrial classes who represent the commercial and trade interests of the Madras Presidency.

6718. You have circulated a memorandum?—Yes. (See Appendix T.) (Mr. *Naidu.*) I also sent in a memorandum (see Appendix U), but I also represent the Uriyas of Madras.

6719. Is there anything you wish to say to the Committee in addition to the memorandum?—(Mr. *Tulasiram.*) Yes. First of all, after the tragic death of Dr. Nair, who has been espousing the righteous cause of the 28 million non-Brahmins in the Madras Presidency, I have to thank your Lordships' Committee for having given us an opportunity of stating our case before this august assembly.

Now a declaration has been made on the 20th August, 1917. We welcome that declaration, and we hope that it augurs a very auspicious policy for the ameliora'ion of the condition of all classes. Since the Morley-Minto scheme I should say that the non-Brahmins of the Madras Presidency have not fared well. I admit that the leaders of the non-Brahmin movement did not press the question of communal representation at that time. We thought that our Brahmin friends in Madras, whom we all adopted as our religious preceptors, had not been treating us fairly and squarely. They are highly educated and very clever. There are two lakhs of people who are educated in the English language out of 414 lakhs of people in the Madras Presidency. The Brahmin male

Chairman—continued.

population is 6¼ lakhs, and the non-Brahmin caste Hindoo male population is nearly 140 lakhs. There is one lakh of people educated in English out of these 140 lakhs, but there is the same number of well-educated men among the male Brahmin population of 6¼ lakhs. The 6¼ lakhs of people, who form 3 per cent. of the population of the Madras Presidency, have as many men educated in English as the 70 per cent. of the non-Brahmin Hindoo population of the Presidency. That is the place where we lay the greatest stress. Take 10,000 people: 1,553 people are English-knowing, whereas among the non-Brahmins, out of 10,000 people, there are only 115 or so. I have also submitted to your Lordships' Committee that while there is one Brahmin graduate to 66 Brahmin males, there is only one non-Brahmin graduate to 6,000 non-Brahmin males. Now the people, the masses, are illiterate; only 5 per cent. of the people are educated in the vernaculars of the country. When a large Franchise is given, generally the illiterate are always guided by the educated people, and among the educated people the English-knowing have a greater voice in shaping their politics and all that. During the Satgraha movement started by the non-Brahmin leader, the Honourable Mr. Gandhi, the Madras people knew nothing whatsoever of that movement. Then placards were posted in Madras, saying that people are to fast for a day; they could not do any work, because Mr. Gandhi had proposed that day to be observed as a day of mourning. The illiterate non-Brahmin class in the Madras Presidency thought it was an order of the Brahmin community and that it must be obeyed. All the shops were closed; nothing was sold from the shops; lakhs and lakhs of people went to hear the preachings of the Brahmins, though they knew nothing of the meaning of the words. "The Satgraha Movement." So I beg to submit that when larger powers are going to be given, it is only the educated and the English-knowing classes who will be benefited, unless special safeguards are provided for protecting the interests

Chairman—continued.

interests of the class who number about 28 millions in the Madras Presidency. The Press is in the hands of the Brahmins, and also the platform. If anything goes on they send a wire. When there is a meeting held by a handful of Brahmins they send a wire to an important place saying that the public of Madura have decided in such a way. I only say that the public knows nothing of these things; the views are those of a few educated men, and they are sent out in the name of the public. So what is called public opinion, or Indian opinion, you may take it from me is nothing but the Brahmin opinion of Madras. I have no grievance against my Brahmin friends of Madras, but I have said that the Brahmins of Bengal are meek and submissive, the Brahmins of Bombay and Gujerat are tolerant and cosmopolitan, but the Brahmins of Madras are clannish, selfish and ambitious.

There are 9,878 Brahmin graduates and 2,962 non-Brahmin Hindoo graduates. Taking it in round numbers there are 10,000 Brahmin graduates and 3,000 non-Brahmin graduates. The appointment of district munsifs and subordinate judges is looked upon as a very honourable appointment by the non-Brahmins, because they decide the civil disputes of the people. The munsifs and subordinate judges form the judicial body of the Madras Presidency. They have an amount of influence which it would be very difficult for me to represent. Out of 171 appointments I think 118 have gone to Brahmins, and very few appointments, something like 15 or so, have gone to the non-Brahmins. Out of 10,000 Brahmin graduates and 3,000 non-Brahmin graduates, who make up 13,000, we have to find out the number of Bachelors of Law. The Bachelors of Law in the Madras Presidency are 2,500 among Brahmins and 700 among non-Brahmins. We have a number of non-Brahmins who are learned in the law. The minimum qualification required for a district munsif or a subordinate judge is only the passing of the Bachelor of Law examination. When there are nearly 700 non-Brahmin law graduates available, why should there be only 15 men in the whole service when there are 120 men among the Brahmins? I attribute this to the policy adopted by the late High Court Judge, Mr. Krishna Swami Aiyer. Hitherto the portfolio of appointing these judicial officers was entrusted to one of the High Court Judges, who happened to be a civilian judge, and who was holding the balance even between all communities, Brahmins or non-Brahmins, where the distribution was equal; but the late Mr. Krishna Swami Aiyer, who acted as executive member also, after he left the High Court Bench, conceived the idea in 1910 of consulting all the High Court judges in the matter of appointing these munsifs and sub-judges. His idea was this. He thought: All the other English judges do not take a keen interest in the matter as to these appointments; they have no one there to help; it is only the Brahmin High Court judges who have to distribute, and a majority of Brahmin judges would be in a position to add to the majority of Brahmin candidates. From 1910 the proportion of Brahmin graduates in law, who were recruited into the judicial service was higher, and the non-Brahmins were going down slowly.

Then as regards deputy collectors and sub-magistrates, they are looked upon by the ordinary masses as important appointments, because they generally punish the people, and people look upon those magistrates as having more authority in the country. Generally the Shreshtadar, who advises the collector, happens to be a Brahmin, and those Brahmin advisers advise the English civilian judges to give more appointments to Brahmin lawyers as sub-magistrates and deputy collectors. When all these appointments are taken by the Brahmins the phenomenon is that 3 per cent. of the population of the Madras Presidency, who are Brahmins, have taken 50 per cent. to 60 per cent. of the higher appointments in the country, whereas the non-Brahmin Hindoos, who form 70 per cent. of the population, have taken only 15 per cent. of the higher appointments in the service.

Now these elections to the Legislative Council are almost all controlled by Brahmin lawyers, Brahmin professors, and Brahmin inspectors of schools, and they wield an undue amount of influence—so much so that, although we form an overwhelming majority, we seek

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safeguards in order to be protected from the effects of the decisive political ascendancy of a small minority. That is the phenomenon. It is quite unusual for your Lordships to see that an overwhelming majority should ask for protection, but at the same time it is also unusual for a small minority to have a decisive political ascendancy over a vast majority. And it is for that reason that we come before your Lordships and crave that special safeguards should be provided for the representation of the non-Brahmins. All the political associations of the country have unanimously supported our claim for communal representation. For instance, the Mahajana Sabha, the Congress Committee of Madras, the Andhra movement, and the Brahmin controlled Madras Presidency Association and the Moderate Congress held at Bombay have all supported communal representation. Even Sir Sankaran Nair, who is a non-Brahmin, in the volume called 'The Letter of the Government of India' of the 5th March, says: "I support communal representation for the non-Brahmins of the Madras Presidency."

Now the only question is, What sort of communal representation is to be given to the non-Brahmins? Is it communal representation by reserving seats in the plural constituencies or by separating and creating separate electorates for the non-Brahmins of the Madras Presidency? Now communal representation has, in a way, been provided for all the communities of the Madras Presidency—the Europeans, the Anglo-Indians, the Mohammedans, and the Indian Christians—and the only community which has been denied the principle of communal representation in the Franchise Committee's Report is the non-Brahmin Hindoos of Madras. The learned authors of the Franchise Committee's Report have clubbed together the Brahmin Hindoos and the non-Brahmin Hindoos. Even the depressed classes have been provided three seats by nomination. The only communities which are now clubbed together and are asked to fight in a general electorate are the caste Hindoos, consisting of the Brahmin Hindoos, who are 13 lakhs, and the non-Brahmin Hindoos, who are 280 lakhs? Why should we be tacked on to 13 lakhs of Brahmins? The authors of the Franchise Committee's Report say that they do not want to divide and rule, and therefore they club us together with the Brahmins. They say we ought to be together. Why did you take away the Mohammedans, the Indian Christians, the Anglo-Indians, the Europeans, and the depressed classes, and what is your special pleasure in clubbing together the non-Brahmin Hindoos in the Madras Presidency along with the Brahmins? We say the Brahmins want to divide us and rule, and you tell us that you would be dividing and ruling the community if you divided us. The object of the Brahmins in clubbing the non-Brahmin Hindoos and the Brahmin Hindoos together is to see that in the fight between stronger animals and the less strong animals the former prevail. Just as in a menagerie, if you throw food at random the lions and tigers and the stronger animals get the food and the others would be starving. It is for that purpose that the Brahmins want us to be clubbed with them. We say we will not be clubbed with them. If we are, the Brahmins will have the platforms and the Press in their hands. They will be delivering lectures, and illiterate people will be carried away when the claims of one candidate are highly pressed. They will think he is the cleverest man, and he will be elected. Our sad experience has been that the best man among the non-Brahmins when in competition with the ordinary Brahmin of the Presidency loses; the ordinary Brahmin succeeds against the best non-Brahmin in the country. For instance, Dr. Nair was defeated, ad now the whole country mourns for his loss, and they say he was the ablest man in the country. The reason these people are defeated is that there is a compact; all the Brahmin professors, the Brahmin vakils, and the Brahmin students club together to praise and sing Alleluia of their candidate, and he gains the day.

It may naturally be asked of me how do I account for the phenomenon of five non-Brahmin candidates having been elected on the Council when usually our position was that out of the ten seats provided for the general electorates only one seat was taken by the non-Brahmins and nine seats were captured by

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the Brahmins. The explanation I would give for this phenomenon is that this is not a Council for a full term; this is a transitory Council for a period of six months or so until the new Government Bill is passed into law and comes into force. Now the Brahmins want to show to the Committee, "We are very fair; we have not fought; we have given a lot of seats to non-Brahmins. Look here! They are strong enough; even when you have not provided exceptional arrangements they are able to capture five seats!" Otherwise, why have they been so generous as to give us five seats when for all these blessed twenty years we were so unsuccessful as not to get more than one seat?

The candidate for Madura, Tinnevelly, and Ramnad is an official non-Brahmin. He was deputy-collector fifteen days before the announcement of the new election. He retired on a pension. He had been a deputy-collector in the three districts of the Presidency in which he stood as a candidate, and the fear of that official had not subsided, and when he announced himself as a candidate all the people said, "Well, he is an officer; we will have to vote for him." They had not forgotten the punishments he had given to some of the criminals and to some of the other people, and he succeeded there. In another electorate the contest was keen between two Brahmin candidates, and so the non-Brahmin succeeded there by a majority of 13. If the two Brahmins had settled their differences the non-Brahmin would not have been elected by that small majority of 13 votes.

I know your Lordships' Committee has been doing yeoman service to help us by hearing all our statements. I only say it is very necessary, in the interests of public order, tranquillity, peace, and contentment of the country that you should give communal representation to the non-Brahmins of the Madras Presidency; if you deny communal representation, there is a proverb that a poor man's anger is that he bites his lips and keeps quiet—we cannot do anything. Our prayer is that you give communal representation to the non-Brahmins of the Madras Presidency.

6720. Do you wish to make a statement, Mr. Naidu?—(Mr. *Naidu.*) Yes, my Lord. I have already said that I represent the Uriyas of the Madras Presidency, and also I would like to say that I represent specially the Telugu parts, that is, the Northern parts of the Madras Presidency. In my Memorandum which I submitted before this Committee I stated that two kinds of communities, or two classes of communities, are demanding communal representation, that is the minority communities, and the backward majority communities. I want to say something with regard to the Uriyas. The Uriyas in the Madras Presidency are a minority community. They differ from their neighbours, the Telugu people, in language, in race, in customs, and in manners. Of course, it is true that they are Hindoos, as the Telugus are, but yet there are so many differences among them that they were pressing all through for a separate electorate for themselves. As I stated in my Memorandum, they form 1½ millions of people, mostly living in two districts, that is, in the Ganjam and the Vizag districts. One witness appeared before the Franchise Committee, when it was sitting at Madras, and demanded a special electorate for the Uriyas, and the Franchise Committee were pleased to remark at Paragraph 18: "Claims for separate electorates were placed before us by numerous other communities, such as the Uriyas of Madras and others. In these cases we did not feel justified in admitting the claim." With that observation they have thrown out the claim of the Uriyas. I was specially asked to represent them and plead for a separate electorate wherein two Uriyas can be returned. It was represented before this Committee that the zemindars are feeling that the seats provided for them by the Franchise Committee are insufficient. So I suggest that out of the two seats claimed by the Uriyas one seat may be given to the Uriya zemindars, and one seat may be given to the people, the Uriya people of those two districts.

Now coming to the backward majority communities, I have to represent the claims of the non-Brahmins of the Madras Presidency. They are a majority community only in a restricted sense. It was made out, or attempted to be made out, that these non-Brahmins

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consisted of several communities. If amongst the non-Brahmins there are several communities, then they form, not a majority community, but only minority communities which require protection. If they are considered to be a majority community, united for common aims, common sentiments, and common purposes, then, as I stated in my Memorandum, on account of the special circumstances under which the Madras Presidency is differing from the other parts of India, and especially the influences that prevail, both in the rural parts and also in the urban areas, we press for communal representation for the non-Brahmins in the Madras Presidency.

It was attempted to be shown to your Lordships' Committee that the non-Brahmins of the Telugu parts are not very much interested in communal representation. My friend, Mr. K. V. Reddi, and myself were specially deputed from the Northern districts, that is the Telugu parts, to plead their cause. The witness who made that statement lives mostly in Madras, and he is ignorant with regard to the conditions in the Telugu parts of the Madras Presidency. I may state that out of the many conferences which were held and which were enumerated by Mr. K. V. Reddi, some seven or eight were held in the Telugu parts, the conferences at Biccavole, at Bezwada, at Rajahmundry, at Masulipatam, and in several other places. They were well attended, and one of the biggest conferences that was ever held in the Madras Presidency was held at Biccavole, where 8,000 delegates and visitors attended. Apart from the conferences which we had, there were district organisations for the amelioration of the non-Brahmins, the Ganjam People's Association at Berhampur, the Godaveri District Non-Brahmin Association at Rajanmunday, the Krishna District Non-Brahmin Association at Bezwada, and several other branches of these associations working heart and soul for the uplift of the non-Brahmins in all spheres of activity.

It was also attempted to be shown that the contested question in the Telugu parts is the creation of a separate Province. The non-Brahmins of the Telugu country are against this bifurcation into two separate Provinces, because they see that it is only a duplication of the official machinery, leading to more taxation; that means taxing the rural classes, that is the agricultural communities, of which the non-Brahmins form 95 per cent.

It was stated many times before this Committee that the Madras Presidency Association is a representative body, and it voices forth the views of the non-Brahmins of the Southern Presidency. The Madras Presidency Association could not send a single non-Brahmin Hindoo to support their contentions. Two Christians and a Parsee of Bombay came forward as the representatives of the non-Brahmin Hindoos of that association. Mr. Kesava Pillai, President of the Presidency Association, has been referred to as one who is considered to be a leader of the non-Brahmin communities, and his name was referred to by Lord Carmichael, who said that a man like Mr. Kesava Pillai could succeed in any elections as against any other candidate. I beg to read to you a statement made by Mr. Kesava Pillai in "Justice" of July 28th, which came by this week's mail, with regard to communal electorates for the non-Brahmin Hindoos in the Madras Presidency. With the permission of your Lordship I will read a few passages of what Mr. Kesava Pillai said. Mr. Pillai was defeated twice of late, and as soon as he was defeated an interviewer approached him, and the following conversation took place: "(Q.) To what causes do you attribute your present defeat?—(A.) Except a few Brahmin gentlemen, there appears to have been a common understanding among Brahmins, officials, non-officials, vakils and voters to see me defeated. I have heard of one Brahmin deputy-collector in Kurmool sending his Dalayats to ignorant non-Brahmin voters and coercing them to vote for a certain Brahmin candidate. I have heard of a Brahmin Tahsildar, and Tamilian to boot, coercing non-Brahmin voters, who had promised me and their friends to vote for me, to vote against me. I have heard of a Brahmin police inspector coercing voters. A Brahmin Madhva vakil who had championed my candidature apparently out of ill-will towards one Brahmin candidate voted and worked for another Brahmin

Chairman—continued.

Brahmin. (Q.) Have you heard of a High Court vakil of Bellary, a Nationalist Home-Ruler to boot, telling that non-Brahmin voters dare not vote against a Brahmin, as they have to depend for almost all things on officials and lawyers, who are mostly Brahmins. (A.) I am not at all surprised at the presumption; I should have expected something better from a man of his education. He has no conception of the higher interests of the country, and forgets that a strong belief that such a state of affairs prevails is the chief ground why communal representation is insisted on. I am glad that he has frankly boasted of it, and it is sure to make the more self-respecting and intelligent non-Brahmins to seriously reflect over it and keep alive the non-Brahmin movement. (Q.) Do you believe that your defeat is essentially due to a conspiracy, as it were, of Brahmins against you?—(A.) I cannot say it is a conspiracy, because there were several Brahmin gentlemen who had risen above caste and other petty jealousies and worked and voted for me. But I am now informed that there was an unholy combination among the majority of them. Some of them, pretending to be friendly towards me, and promising to work for me, have proved treacherous; I am convinced of it. (Q.) What do you think the effect of this defeat will be on a non-Brahmin sentiment?—(A.) Unhappily very few non-Brahmins understand their real situation, but this defeat may be a powerful weapon in the hands of those who really understand their position, and are urging for separate electorates for the Brahmins and a separate electorate for the non-Brahmin Hindoos. (Q.) Will this in any way modify your attitude towards the question of communal electorates?—(A.) Communal representation will serve to restrict the Brahmin element; but one feels at times that a separate Brahmin electorate, as is insisted upon by the South Indian Liberal Federation, is necessary for the Brahmins to stew in their own juice and select men from among themselves to represent their own views, their own sentiments, and their own character, instead of a mixed electorate being manipulated by most disreputable means to send men on the principle, 'the worst Brahmin is better than the best Sudra,' to represent the views, sentiments, and the character of the non-Brahmins as well."

It was represented before your Committee that Mr. Kesava Pillai wants only a reservation of seats in plural constituencies, but now, from the statement he has made, he is for communal electorates.

In discussing questions of Indian reform it is often said in this country that social equality will follow as a matter of course, political liberty or independence. Political liberty or independence can be achieved only by people who have got mutual trust, mutual confidence, and a spirit of self-sacrifice, and a spirit of give and take. When custom tyranises over people with the force of law, without giving liberty for the individual to act according to his own conscience, when the caste system is eating away the vitals of the nation, establishing that a certain community alone is superior, without giving liberty for the other castes or communities to rise both in education and in influence, when the slender sex are penned in the zenanas without giving liberty to them to enjoy the free air and free surroundings, when a selfish priesthood tyrannises over the people with their Bulls of excommunication; when society is in such a deplorable state, I feel that people have not the consciousness to understand what liberty is. So it is necessary, before political liberty is granted, that a consciousness should be roused in the people for liberty. In every day life social liberty is not enjoyed, and politics affect men only on occasions. Thus, under Indian conditions, under Indian circumstances, it can be seen that if political liberty or independence is granted it means only political liberty to the selfish upper class or community. Political liberty will not go down to the masses. It is also warranted by all historical facts. It is stated in Ranade's well-known book on the rise of Mahratta power that before Savaji established the Empire in the Mahratta Kingdom there was a reformation in society and in religion which paved the way for the establishment of the Empire, and as soon as the Mahratta power came into the hands of the Chitpawan Brahmins then the Mahratta Kingdom fell to pieces. So, in these circumstances, I beg to state that political advance should be gradual and cautious; and further, that communal representation for backward majority communities also should be granted, so that an oligarchy may not be established in India, especially in the Madras Presidency.

I thank the members of the Committee for having granted us the privilege of making our statements and submitting our memoranda on behalf of the vast millions of the Southern Presidency.

Chairman.] We are much obliged to you.

(*The Witnesses are directed to withdraw.*)

(*After a short adjournment.*)

SIR WILLIAM MEYER, G.C.I.E., K.C.S.I., is called in; and Examined, as follows:—

Chairman.

6721. Sir William, you were a member of the Indian Civil Service?—Yes.

6722. And your last appointment was Finance Member of the Government of India?—Yes.

6723. Which Presidency was most of your service in?—I belonged to the Madras Presidency.

6724. You have been good enough to send answers to the questions which were sent to you, for which we are much obliged?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I accept the proposition here stated, and by "responsible government" I understand a form of administration such as prevails in Great Britain and the Dominions, under which the Governments in British India shall ultimately be responsible to and controlled by the Indian Legislatures. I accept the proposition contained in the Preamble to the Bill, on the understanding that its first sentence implies the eventual realisation of "responsible government" in the Central Government as well as in the Provinces.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in provincial Legislatures of a substantial elected majority (Clause 6)?—Yes.

Chairman—continued.

3. Do you think that the non-official members of the provincial Legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present?—My answer to the first part of the question is "eventually, yes," but that the time is not ripe for full and immediate application of this proposition, and there must be a preliminary stage, as proposed in the Joint Report by the Secretary of State and the Viceroy, during which there will be a discrimination between subjects "transferred" to the administration of Ministers responsible to the Legislature as well as to the Governor, and those "reserved" to the Governor in (Executive) Council. But even in regard to these latter, the increase of the elected element in the Legislatures, and the much more representative character proposed for them, must give great weight to the resolutions which they may pass in regard to reserved subjects, and accentuate the necessity for acting in accordance with their wishes as far as possible in the matter of legislation. They will also control the Provincial Budgets subject to the special powers reserved to the Governor in the provisos to Clause 9 (2) of the Bill. Lastly, the institution of Standing Committees proposed in paragraph 235 of the Joint Report is, to my mind, a very desirable and legitimate way of bringing the Legislative Councils into closer touch with administration. As regards the latter part of the question, the non-official members of the Legislature as at present constituted cannot be said to have any direct

Chairman—continued.

control over the Government, but they exercise much indirect influence by means of interpellations and resolutions, while Bills are framed so as to avoid friction in the Legislative Council as far as possible, and the non-official members of the Select Committee on Bills often obtain material modification therein.

5, 6. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view? If you have any other method to suggest, does it (i.) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way? (Clause 2, 3, etc.). and (ii.) does it afford means of judgment, (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature, and those who represent it in the Executive?—When, as a member of the Viceroy's Council, I was first faced with the proposal for a dual form of Government, subsequently embodied in the Joint Report, I approached it with considerable reluctance. But on further consideration I came to the conclusion, which I still hold, that, given what I regard as the two basic propositions governing the situation—that India must progress towards responsible Government, but that circumstances do not permit of her doing so *per saltum*—the dual scheme, by which a material beginning is made in the Provinces in respect of the transferred subjects, with the promise of further transfers as time goes on, and satisfactory results have been achieved with the subjects already made over, was the most practical method of dealing with the situation. You thus avoid undue precipitancy on the one hand and undue delay in satisfying legitimate aspirations on the other. The criticisms which have been levelled at this system on the ground that it is cumbrous, will lead to friction, and so forth seem to me to lose much of their force if it be remembered that the scheme is *ex hypothesi* merely a temporary halting stage on the route between bureaucratic and responsible government, during which it will be to the obvious interest of those who want fuller powers to make out a claim for those by the way in which they have made the best of the first instalment. The alternative scheme put forward by certain Heads of Provinces, which aims at preserving a unified administration without at the same time making a plunge into responsible government, seems to me fully open to the criticisms bestowed on it in paragraphs 20-24 of the Government of India Despatch of 5th March, 1919. I also concur with what is said on this matter in paragraph VIII. of the Secretary of State's Memorandum on the Bill.

7, 8. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest? In particular, do you think (i.) that Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or, if they fail, to retain the confidence of the Legislature? (Clause 3 (1)), (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities? (Clause 3 (3)). (iii.) That the executive council should in all provinces normally consist of one official European and one non-official Indian? (Clause 4). (iv.) That the Governor should have power to dissolve his Legislative Council? (Clause 7 (4)).—My answer to the queries in question 8 is in the affirmative. As regards question 7, (1) I should like to lay stress on the desirability, where there is more than one Minister, of supplementing the close relations which must necessarily exist between the Governor and individual Ministers by consultation on important questions arising in respect of the

Chairman—continued.

transferred subjects between the Governor and the Ministers collectively, such as takes place in the Executive Councils. Also on the desirability, as indicated in paragraph 246 of the Joint Report, of stimulating joint deliberation between the Council and Minister wings of the Government. These are essential steps towards a complete responsible government system later on. (2) The proposals of the Joint Report have been whittled down in the Government of India Despatch of 5th March, 1919, in certain directions, in regard to which I do not agree with the changes proposed. These are: (a) That there should be no present change in appointing civilians to the Governorships, as they will hereafter be called, of the United Provinces, Punjab, Bihar-cum-Orissa and the Central Provinces. The Governor, under the new scheme, will play such an important part as arbiter between the two wings of his Government that he will carry much more confidence with the popular section if he is appointed from outside; and the United Provinces at any rate, on the occurrence of the next vacancy, might well claim to be put on a level in this respect with the Presidency Governorships. (b) I do not agree with the Government of India's proposal for a separate purse system. I concur with the arguments in favour of the Joint Purse arrangement set forth in paragraph 10 of the Memorandum put before the Joint Select Committee by the Deputation of the Indian Moderate Party. I adhere, therefore, to the proposal in paragraphs 256-7 of the Joint Report. (c) With the maintenance of the Joint Purse arrangement, and taxation the act of Ministers as proposed in the Joint Report, there is no case for the putting of taxation proposals before the Grand Committee as suggested in paragraph 73 of the Despatch. (d) I am glad to see that the Secretary of State is against the proposal that resolutions of the Legislative Council on financial matters should be mere pious opinions. (e) I agree with paragraph 17 of the Moderate Delegates' Memorandum that it would be desirable to maintain the suggestion, in paragraph 260 of the Joint Report, allowing for some modification of the initial distribution between transferred and reserved subjects after five or six years. (f) I think the original proposal for Standing Committees (paragraph 235 of the Joint Report) was very valuable, and I do not like the cutting down of it suggested at the end of paragraph 92 of the Government of India Despatch. The same remark applies to their minimising of the Joint Report's proposal for Council Under-Secretaries (paragraph 93 *ib.*).

9. Referring back to Questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by clause 9 of the Bill upon their financial and Legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the government owes in the last resort to Parliament (Clause 9)?—Subject to my answer to question 10, I think the provisions of Clause 9 of the Bill are suitable.

10. In particular, (i.) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(1) Yes, it being understood that: (a) The whole Budget—receipts provisions, as well as expenditure—will be put before the Legislative Council. (b) It will be open to the Council to propose reduction of revenue, whether derived from taxation or otherwise. But resolutions to this effect would be open to rejection by the Governor if their result would be to affect the provision for essential services to such a degree as to bring the matter within the purview of the provisos to Clause 9 (2). (c) Subject

to

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to the same provisos, it will be open to the Council to propose transfer of expenditure from one Budget Head to another. (d) Re-appropriations between Budget Heads which are found necessary after the Budget has been passed will, if of considerable amount, be submitted to the Council for approval in the shape of supplementary estimates. But here again the provisos to Clause 9 (2) should apply. (2) Yes, I think the Grand Committee plan is desirable in present circumstances.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Yes, but I think that steps should be taken at an early date—say, after five or six years—to consider a beginning of control in the Central Government also. By that time evidence will be available as to the success or otherwise of the delegation to popular control of the transferred subjects in the provinces, and if the system is found to have worked well on the whole there, an early beginning should be made in regard to its application in the Central Government. Otherwise you get the risk of the idea spreading that the scheme is not intended to popularise the Central Government for a long time to come, and this would materially impair its acceptance as a satisfactory instalment of responsible government. The subjects which might be so transferred within a few years might, generally speaking, be those of the character indicated in paragraph 18 of Sir James Brunyate's Statement attached to the Report of the Committees on the Home administration of Indian affairs, subject (on my part) to doubt as to whether this first transfer should include the scientific and technical services mentioned in Sir James' item (iv.). I may add that I would maintain the proposals in paragraphs 275 and 285 of the Joint Report in respect of Council Under Secretaries and Standing Committees in the Government of India.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes.

13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—Yes.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I accept these proposals as desirable in present circumstances.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council. If not, what are your reasons, and what modifications would you suggest?—I accept the changes here referred to.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the provinces on the other, involves any modification of the provisions of sections 2, 33, and 45 of the Government of India Act (Clause 23)?—I am in agreement with the underlying idea of Clause 23, that power should be taken to enable the Secretary of State to transfer control to a larger extent than would be otherwise admissible under the Government of India Act. But I think that unless it is more clearly indicated at the outset in what directions it is proposed to decentralise, there may be suspicion in India that the Secretary of State is in no hurry to shed any of his existing powers. Accordingly, I think that some indication should be given in the clause as to the principal matters in regard to which the Secretary of State may by rule devolve powers of control which he now exercises—e.g., in respect of legislation, administration and finance.

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17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Yes, subject to the suggestions made above (on Questions 7 and 11) that power should be taken to enable further devolution to popular control in the Provincial Governments, and a beginning of this in the Government of India, at an earlier date than that prescribed by clause 28.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—See answer to Question 16. I would add that in respect of rules which involve important questions of principle the Governments and Legislatures in India should have opportunity of criticism and representation before these are passed.

19. Have you any observations to offer in the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—(1) *Franchise Committee.*—(a) I am strongly in favour of direct election—as opposed to election by the non-official members of Provincial Legislative Councils—for the Central Legislative Assembly and the Council of State. A relatively high franchise, which would be quite legitimate in present circumstances, would obviate the objections that the size of the constituencies would be unmanageable; and if direct election in both cases is not deemed practical, I would rather see it applied to the Assembly than to the Council of State. (b) I would not modify the allocation of seats to Mohammedans proposed by the Committee in respect of the Provincial Legislatures. That allocation followed the agreement arrived at between the Indian National Congress and the All India Muslim League, which had reference to the circumstances of India as a whole. If you alter it in one or more provinces (e.g. in Bengal as the Government of India suggests) you open the whole of this thorny matter to fresh discussion and agitation. (c) For the sake of peace and co-operation between Brahmans and non-Brahmans in Madras, I would, if the non-Brahmans will accept this as a satisfactory settlement, follow the proposal in paragraph 26 of the Government of India's Despatch of 23rd April, 1919, that a certain proportion of seats in plural constituencies would be reserved for non-Brahmans, and the same analogy might be applied in other provinces in which there is real or imagined divergence of interest between important classes of the Hindu community, e.g. in respect of Marathas in Bombay. (d) I do not agree with the Government of India's proposal (paragraph 14 of Despatch of 23rd April, 1919) to abolish University seats, the retention of which was proposed by the Committee. (2) *Functions Committee.*—(a) I am inclined to agree with the Government of India (paragraph 12 of Despatch of 16th April, 1919) that it is not necessary to ear-mark certain Transferred subjects as "subject to Indian Legislation." (b) I also agree with them (paragraphs 116-120 *ib.*) as to the desirability in present circumstances of reserving a certain amount of control and initiative in respect of industrial development to the Central Government and of keeping Industries at the outset as a Reserved subject in the Provinces. I may add to the arguments adduced by the Government of India the point that it is necessary, in pursuing a sound policy of departure from the old *laissez faire* attitude of Government in respect of industrial development, that this should not be prejudiced by exaggerated provisional "particularism" in respect of industries which already exist or can be more expediently developed in other parts of India. (c) But I agree with the Committee and not with the Government of India in respect of making education as a whole (other than European and Anglo-Indian education) a Transferred Head. (3) *Committee on Home Administration of Indian Affairs.*—I agree generally with the views and proposals embodied in Sir James Brunyate's Minute of Dissent and Statement, and I am particularly anxious for the maintenance of the proposal for a Parliamentary Committee on

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on Indian affairs set forth in paragraph 295 of the Joint Report, though personally I should prefer a Joint Committee which would include Peers as well as Commoners.

6725. Perhaps you would like to say something in supplement of those answers—to make a statement on the general position?—I would rather, if I may, await the questions you and other members of the Committee may wish to put to me.

6726. You have nothing at all you would like to say?—The only thing at present I should like to say is that I am in entire agreement with the opinion expressed by Sir George Lloyd, that delay is dangerous, that the most dangerous thing of all is to sit still, and that it is better to get on with a scheme which may be theoretically imperfect than to delay matters until you can find a theoretically better one.

Lord *Sydenham.*

6727. I think you agree that the present Councils as they now stand exercise much indirect influence on Government?—Yes, I have said that in my preliminary replies.

6728. You have said that Government Bills are now so framed as to avoid friction in the Councils as far as possible?—That is so.

6729. Therefore you admit that non-official members coming on Select Committees often materially modify the Government Bills?—They do.

6730. If the Provincial Councils are now enlarged with elected majorities, and if their sphere of influence is immensely extended by the decentralisation which is to come, would you not say that that is a substantial step in the direction of self-government?—It is a step in one of the directions that leads to self-government, but it still does not directly associate the Legislatures with administration. It merely gives them a greater power of criticism.

6731. It also gives the power of moving resolutions which they now have, and moving them with greater force than they had in the past?—That is so.

6732. If a unitary Government remained under those new conditions, and if the new Councils proved to be really representative bodies, would there not then be a very good foundation for what is technically called responsible Government?—You would, on the hypothesis you put, some time or other have to come to responsible government, but you would have to do it *per saltum*, and I think that state of things would be more embarrassing than the dualist scheme of the Secretary of State and the Viceroy.

6733. On the other hand, if what you have called in your note a temporary halting stage were to produce friction in every Province, and to undermine the authority of government and put nothing in its place, would not the attainment of the goal of responsible government be retarded?—If it were worked in that way so as to produce, as you put it, friction in every department of government, undoubtedly; but I would submit that the very fact that it is a halting stage, and that it will get on to a further stage the quicker from the way in which those entrusted with powers work the first stage satisfactorily, will be a direct inducement to them to work on a rational system—to get to work and not block things.

6734. You hope for smooth working at the outset of the system that is proposed in the Bill?—Yes, because, if I may emphasise the fact, it is *ex hypothesi* the way to further development. If it was not for that promise of further development, and it were meant as a definite halting stage, then I should say that it would produce friction.

6735. You know that in all cases in which what is called responsible government has been given in the Dominions it has always been given as you say, *per saltum*?—I submit to your authority upon that, but take South Africa—I think there was an intermediate stage in the Transvaal between a full responsible Government and the military Government which took place after the war.

6736. There was a military Government, undoubtedly, but the actual grant of full control of the executive by a representative body was given as a whole at one time. The present executive Governments, as we know, make mistakes, all Governments do that,

Lord *Sydenham*—continued.

but do you not think that these Governments have in the past acted only with a single eye to what they believed to be the interests of the people?—Undoubtedly.

6737. You have occupied responsible positions in the Government of Madras and in the Government of India; did you ever in those positions think of anything else except the good of the masses of India?—No, I certainly in my fallible way tried to work in the interests of the masses of India.

6737A. Is it not the fact, therefore, that the unitary governments so far have stood generally above sectional interests and have shown impartiality?—They have done their best to do that, but we are all fallible, and they may have failed every now and then.

6738. Do you know of any instance in any country in which one part of the Cabinet is made independent of the other part?—No, it is a novel experiment in that way; but the joint scheme deliberately provides for it only as a temporary measure, and it provides for bringing the two wings of the Cabinet into as close connection as possible, which is the reason, as I said in my preliminary statement, that I disagree with some of the Government of India's later proposals, which seemed to me to have the effect of separating them.

6739. Do you think really that joint consultations between two mutually independent halves of a Provincial Cabinet are likely to lead to unanimity?—I think, very often; take our experience in Select Committees on Bills under the present system, you there have the two different elements, the official element and the non-official element, and we have often found that when we did agree our unanimity was wonderful.

6740. Those meetings of Select Committees in which unanimity, as you say, very often results, take place in camera, do they not?—Yes.

6741. Which makes a considerable difference?—Yes.

6742. Might not the popular Minister naturally think first of retaining his popularity among the elected members of the Council? It is human nature, is it not?—You might say the same of a Minister here, but you get cases in which Ministers in England have deliberately sacrificed their popularity for what they thought right.

6743. In case of differences between the popular and the so-called official members, would not the popular members obtain all the support of the National Congress and all the Press which it controls?—I should hope that these differences would not be ventilated in public so frequently as you suggest, because if the joint consultations lead to modification by each of the opinions from which they started, there is no need of ventilating them.

6744. Would you go so far as to say that we are asked to make what is a great experiment, untried in any other country?—The method of the experiment is different from what has been, so far as I know, tried in any other country, certainly, but the conditions of India itself are peculiar.

6745. Do you think an inflammable country like India, where there are large masses of ignorant people who can always be worked up to violence by propaganda of falsehoods, is a safe field for a great political experiment?—From that point of view I should say that it is safer to have the people who may upset the coach, inside it.

6746. You hope to get them inside it?—I should in time.

6747. I see that you say that in the United Provinces, at any rate, you think the next Governor should be appointed from home?—Yes.

6748. Like some of us who have come from home, they will at first, will they not, require the best expert advice they can get?—Certainly.

6749. How do you propose to give that best advice to those Governors from home?—The Governor will have his Executive Council, he will have his Secretaries, he will have the Heads of Departments, and he will be able to send for anybody whose opinion he may think specially useful. He will also have his Ministers, who by that time will have had experience of a sort in their subjects.

6750. At first is there any guarantee that the popular Minister will have had any experience whatever in administration?—He need not have any more than a Minister here.

6751. You

Lord *Sydenham*—continued.

6751. You understand that a Minister here practically in every case, unless he is appointed as an expert for a special purpose, goes through an apprenticeship; you know that?—I do not quite follow what sort of an apprenticeship you refer to.

6752. Nobody gets into the Cabinet here, as a rule, unless he has made his mark in some way as a Parliamentary Under-Secretary?—But there are surely cases to the opposite effect; take the present Prime Minister, he came into the Cabinet without any previous official training, and Mr. Chamberlain did the same, I think.

6753. I think Mr. Chamberlain held office?——

Chairman.] No.

Lord *Sydenham.*

6754. I see you approve of the Joint Purse system, and you are opposed to this divided purse, on which we have taken a great deal of evidence?—Yes.

6755. What measure of control do you propose to give to the elected majorities over finance?—The control proposed in the original joint scheme, that outside certain charges which would be fixed definitely on the Provinces, the whole of the Provincial Budget would be liable to debate by the Legislative Council, and the modifications they might introduce would stand unless under special circumstance the Governor thought fit to disallow them as provided in the Bill.

6756. So that they would have really complete control other than any veto which the Governor might impose afterwards on their decisions?—Yes.

6757. What powers of taxation would you give to the elected majorities?—Their powers of taxation? Of course you would want to take the Provinces——

6758. I am thinking of the Provinces?—The Provincial powers of taxation would be limited to what has been proposed in the Joint Report, but there would be certain matters, such as an extra cess on the Land Revenue, and so forth, in which the Provinces might act by themselves, and there would be other matters which might affect Imperial Revenues in which they would have to go up to the Government of India.

6759. If the majority in the Legislative Council decided on increasing taxation, that taxation would go through unless the Governor decided that it was impolitic or undesirable that the additional taxation should be imposed.—It is proposed in the Bill, surely, that any additional increase of taxation or additional charges must be moved by a Member of the Government, so that I submit no private member could move for extra taxation.

6760. Of course, a popular Minister, whether you call him a Member of the Government or not, would have that power, would he not?—The idea of the Joint Report, which is mine also, was that the Government should act together in these matters; the two wings would act together; there would be what the Governor considered necessary provision for reserved subjects, and then you would get to the transferred subjects over which the larger demands for expenditure generally arise, and the Provincial Cabinet would have to consider whether they could get along as they were, which would depend on whether they had large balances to draw on; or whether they would go in for taxation. But if I may say so here, it seems to me that the separate purse system is based on the fallacy that everybody will want to rush into taxation and that the Members of the Executive Government as opposed to the Ministers will say "we do not care a blow for education, sanitation, and so on; we must have our full provision for our reserved subjects." Taxation, as you know, Sir, is a very awkward matter to take up in an Oriental country, and I think that no Government would take up taxation unless they thought it absolutely necessary; and as for the reserved and transferred subjects, the members of the bureaucratic wing of the Government are also interested in education and sanitation, and would be very glad to promote them.

6761. In municipalities controlled by election, is there not often a great reluctance to increase rates, even when the municipality requirements demand it?—Very much so.

6762. Do you think that the popular Minister and the elected majorities would impose increased taxation in a way generally understood by the public at large, and finally responsible for it?—I think that the

Lord *Sydenham*—continued.

danger would be not that taxation would be imposed unduly, but the other way round, that people would not have the courage, as the outset at any rate, to impose taxation when it might really be justified.

6763. Do you think that for many years the new electorates, which are very large and largely illiterate, would be able to discriminate between the action of the popular Minister and the action of what is called the official Minister?—Not at the very outset, perhaps; but I think the intelligent element among them would soon learn.

6764. I see that the Government of India proposes to retain the well-known phrase, "Governor in Council." Will that be strictly applicable when the half of the Council may strongly disapprove of what the Governor does in his capacity as Governor in Council?—It is perhaps not a very happy nomenclature for the new state of things, when part of the Government will consist of people outside the Council; but still, unless somebody can think of a better one, it is there.

6765. It may lead ultimately to the dropping of the phrase altogether under the new conditions?—One would hope that by the time they had got to consider a re-christening they might be getting on to a stage at which this dual system would become unnecessary.

6766. May it not be that the general trend of these reforms in practice will be either to diminish the authority of the Governor or to force him to exercise much more authority than he has ever wielded in the past by his veto?—I should say that the general trend would be to increase the personal weight of the Governor.

6767. Will not the question of which of these tendencies prevails depend very largely on the personal characteristics of the Governor?—Undoubtedly; but you might say that that element would be important under any system.

6768. Then would it not be to some extent a matter of chance, as Governors change rapidly, and may not that produce instability in the working of the new constitution, if it depends so much upon the personality of one man?—The Secretary of State would have to be very careful in giving his advice to His Majesty as to the Governor to be appointed, but I think that the additional responsibilities thrown on the Governor would, even in the case of an untried man, tend to develop character.

6769. I think you wish to keep industries for a time as a reserved subject in the Provinces?—Yes.

6770. You also wish the Government, I suppose the Provincial and the Central Government, to take a hand in the development of industries?—Yes, I think it essential at the beginning, with these new departures proposed, that the Central Government should have a good deal to say to it.

6771. You know that we are constantly accused of doing India injustice in our own interests. Do you know of any restrictions on Indian enterprise, or where any individual is found to have adequate business knowledge and organising power, is there any restriction to prevent him starting business?—No.

6772. Has not the mill industry of Bombay passed almost entirely into Indian hands?—It has.

6773. Has not the Government always encouraged sound Indian enterprises, even although it has not at present put public money into them?—It has encouraged them in the abstract, but the Indian feeling is that it might have done a good deal more; and the Indian feeling again (I do not pronounce as to its rightness or otherwise, but I am giving it as I understand it to exist) is that where Indian and English economic interests come into collision there may be a tendency at home to give it in favour of the home interest.

6774. Do not the existing British-managed industries in India attract a very large amount of Indian capital?—I do not know about a very large amount—it would depend upon the particular industry—but, speaking generally, there is a good deal of Indian capital invested.

6775. Has not Indian capital sometimes shown shyness in lending itself to Indian-managed industries?—That depends on the industry. There has been no difficulty on the part of the great Indian firm of Tata and Sons in getting the capital they required.

Lord *Sydenham*—continued.

6776. I suppose you know that they got capital for the Hydro-Electric Company entirely because of a certain speech I made; they got it within a week after that?—They ought to be very grateful to you.

6777. At the Congress meeting last year, in Bombay, the President said this: "When the transference of rule from the Company to the Crown took place the greed of wealth and the lust of power abated not one jot in the inheritors, the only difference being that tyranny became systematised and plunder became scientific. (Loud cheers.) The people know it, they feel it, and they are asking for a reparation for the incidents of the past. (Continued cheering.)" Is not that a gross libel, not only on the Government of India, but on the Parliament of this country?—Absolutely.

6778. You are aware that statements of that kind, including certain allegations that we are responsible for famine and epidemic, are often used as the basis of the demand for Home Rule?—Yes, but I do not think India is unique in that. I have seen some rather wild speeches by English politicians on the subject of things which they demand.

6779. The meaning of it is that under a purely Indian Government, under Home Rule, an immense increase of prosperity and progress would take place. Do you gather from your experience that those expectations are likely to be realised?—I think in every big political reform—for instance, in the first Reform Bill here in 1832—there is a tendency to make the people believe that a new heaven and a new earth will follow, but it does not; things go on very much as they did before.

6780. If all that the Home Rulers are now demanding and are holding out as their promises to the people—that is, an enormous increase in educational, a very large development of irrigation, and an enormous expenditure upon sanitation—do you think that all that must depend upon either economies in the present administrative expenses or on a great increase of taxation, or, of course, upon administrative capacity infinitely superior to what there has been in the past? In the first case, do you think any great retrenchment in existing expenditure in administration can be arrived at?—I do not—I think what one generally learns is that the more democratic a country gets the more extravagant it is.

6781. I suppose you also think that it is not easy to impose any great increase of taxation upon India at the present time?—No, it is a thing one has to be very careful about, but the Indian politician says, "You have to be very careful, because you belong to an alien race. We could impose taxation much more easily."

6782. Do you think import duties will provide the large increase of revenue which the Home Rulers require to carry out their policy without injuring the interests of the consumers of India?—In the first place, a scheme of import duties would be Imperial, and it would require to be set on foot by the Government of India; but, apart from that, I do not think that under any rational system of finance you could get the money straight away that the Home Rulers talk about. That is one of the reasons, is it not, for trying to make these people responsible instead of being able to shout loudly about things they do not know?

6783. Presuming that the fiscal control—which, as you know, is demanded—were granted, do you think that, even with fiscal control, such sums could be got as would fulfil all these large new reforms?—Not by itself, certainly.

6784. You have seen an estimate of the cost of the proposed reforms; do you think it covers the whole ground?—Which estimate do you speak of?

6785. The estimate which has been circulated of the cost of the reform proposals?—I have not seen that.

6786. One more question. I think you are particularly anxious for the establishment of a Parliamentary Committee on Indian affairs: What duties and powers would you impose upon that Parliamentary Committee?—It is, perhaps, a little presumptuous that a man outside Parliament should suggest things to those who are inside, but, speaking generally, one would say that they would have Indian Bills referred to them, and that the Secretary of State would keep them informed

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on questions relating to the Administration; and one advantage which, it seems to me, would accrue is that there are constant questions now asked in the House of Commons about India, some of them with very little real knowledge at the back of them; and one would think that a Committee of this sort might "shroff"—as we say in India—or analyse these questions, and get a better residuum; because so long as members of Parliament can ask questions about anything and everything relating to India you will find it rather difficult gradually to relax Parliamentary control.

6787. You think that it would be possible to prevent the asking of questions in Parliament, because of the existence of this Committee: do you think Parliament would submit to that?—I think it would depend upon the sweet reasonableness of the members of the House of Commons.

Sir *J. D. Rees.*

6788. Sir William, in your answer to Question No. 1, and in your answer to Question No. 11, you refer to the necessity, in your opinion, for introducing some responsible government into the Central Government, and to the risk of the idea spreading that it is not intended to popularise it, unless something is done at once. I want to ask whether you consider that it is not practically popularised by the changes proposed to be introduced into the Provincial Government, inasmuch as the Government of India is a factor in the administration of all India, the Provinces included?—The idea of the Reform Scheme is that the control of the Government of India over all Provincial subjects should be very largely relaxed, but at the same time there is to be a pretty clear line of demarcation between the functions of the Central Government and those of the Provincial Government, and the functions of the Central Government include many things, such as income-tax, for example, and stamps which the Indian politicians say they ought to have some popular control over.

6789. In so far as the control of the Government of India is relaxed, as you have just said, does not that mean its being popularised?—In one group of subjects, the subjects to be transferred to the Provinces, you may say that the things are popularised by being made over to Provincial Ministers, and so on, but that does not affect the group of subjects which the Government of India will keep as part of the Central Government.

6790. Upon that, would you say that in regard to the transferred subjects, which are roughly half, it is popularised or would you not?—That half being the transferred subjects?

6791. As regards the transferred subjects, is not the Government of India popularised insomuch as it is transferred to a Government in which there is a popular element of control?—We are using the term Government of India in two different connotations; you mean, when you say the Government of India is popularised, the Government *in* India is popularised because you take the Provincial Governments in. When I said that some beginning ought to be considered five or six years hence with the popularising of the Government *of* India, I meant the Central Government.

6792. Well, the Government of India is in some sense the Government in India; you can hardly altogether distinguish them?—In the old days the Provincial Governments were the agents of the Government of India, just as the Government of India in its turn was the agent of the Secretary of State, and the idea now is to change all that.

6793. In your answer to Questions 7 and 8, you indicate that you think Governors from England should be sent out to all the great Provinces; is that so?—Well, that should be the general system, but I follow the Joint Report in looking to an Indian civilian being made Governor when it was thought he was distinctly the best man for it.

6794. Would continuing the present system of appointing Civil Servants to Governorships of the Great Provinces make the introduction of these reforms and their working very difficult, or more difficult?—I think the dual system, with the two wings of the Government, and the Governor sitting as arbiter between them, would be more easily worked if he were regarded

as

Sir *J. D. Rees*—continued.

as an impartial arbiter from outside, rather than as a man who perhaps might have come himself from the Executive wing.

6795. In your answer to No. 17 you say: "Subject to the suggestions made above, power should be taken to enable further devolution to popular control in the Provincial Governments, and a beginning of this in the Government of India at an earlier date than that prescribed by Clause 28." What period have you in mind—something shorter than 10 years?—As I said in the answers to these questions, I adhere to what was originally said in the Joint Report—that after five or six years the Government of India, with the concurrence of the Secretary of State, might have power to alter the transferred subjects in the Provinces, and then I added on my own account (that was not in the Joint Report) that I thought that about the same time it might be considered whether you should not make over certain subjects under the Government of India itself to more popular control.

6796. In your answer to 19 (c) you say: "For the sake of peace and co-operation between Brahmins and non-Brahmins in Madras I would, if the non-Brahmins will accept this as a satisfactory settlement, follow the proposal in Paragraph 26 of the Government of India's Despatch of the 23rd April, 1919, that a certain proportion of seats in plural constituencies would be reserved for non-Brahmins." Are you willing to have as large a proportion as 50 per cent. reserved in that behalf?—Considering the great numerical predominance of the non-Brahmins, I do not think it would be unreasonable.

6797. Do you find that there is a diversity of interest between Brahmins and others?—I think there has been always a certain amount of caste jealousy in Madras. You may remember that in the Standing Orders of the Board of Revenue, for instance, it used to be laid down that the two principal ministerial officers of the Collector should be of different castes; and I remember about 20 years ago there was an acute feeling in a great educational institution in Madras—Pachaiyappa's College, a non-official Hindoo college—between non-Brahmins and Brahmins.

6798. What you say, when I ask if there is diversity of interest, is that you refer to a certain caste jealousy; but would you say there was a real diversity of interests between the Brahmins and others? Can you divide them in that way?—In those days the interests were gauged chiefly by the appointments, and over that there was a certain amount of jealousy, but I take it that the non-Brahmin attitude at present may be put something in this way: "In the old days we could look to the Government to help us. Now the Government is going to abdicate very largely, and we shall be at the mercy of the Brahmins." I do not associate myself with that view, but it is the view that a lot of non-Brahmins do, I think, honestly take.

6799. Do you not recognise that the most intelligent should have the majority of the appointments? Is it not a competition?—I think you have got to qualify that; if you have got the intelligent very much of one section of the population, there would be some jealousy on the part of the others.

6800. In your answer with regard to the Functions Committee, under Question 19 on the last page, you want to reserve a certain amount of control. You say: "I also agree with Paragraphs 116 to 120 as to the desirability in present circumstances of reserving a certain amount of control and initiative in respect of industrial development to the Central Government, and of keeping industries at the outset as a reserved subject in the Provinces." Do you not think that reserving that control to the Central Government will be exceedingly unpopular in Madras, for instance, and that they will resent it?—I am afraid they may resent it, but you have got to start a very new experiment; you are to depart from the old *laissez faire* attitude. There is not so very much money to spend, and you have got to see that that money is laid out to the best advantage, and you have also to guard against Provincial particularism.

6801. Evidence has been given about the wrangle which will happen if there is a single pool, and that you think that wrangle would be very serious, but would it be so different from what used to happen—

Sir *J. D. Rees*—continued.

the wrangle over the allocation of the contributions to the Government of India by the Provinces?—Under the Joint Purse system?

6802. Yes?—Not a bit. There is always in every Government a bit of a wrangle when the Budget time comes round. There are the collective demands of the various Departments to be met out of what can be spared, and there is a little jostle as to which shall get their hand into the purse first.

6803. You spoke of the growth of nationalism somewhere in your evidence; do you think that Madras has less a taste and less desire for democratic advance than other Provinces, so far as you know?—No, I should think Madras has been more captured by the extremists than most Provinces.

6804. Would the adoption of this scheme—this being a matter of which you would have special knowledge—tend to prejudice—Lord Sydenham touched upon this, but I did not quite understand whether you thought the adoption of this scheme would prejudice the employment of British capital in India or commerce in general?—Not a bit.

6805. Would it tend, on the other hand, possibly to bring out the hoards of which we hear so much?—If the hoards come out—it is always a moot question what the extent of the hoards is, but if they come out—it will be owing to the development of commercial and banking ideas, rather than any particular political departure.

6806. Would it affect the position of the Soukar who finances the ryot, or would it help him?—I think the relation of the Soukar to the ryot is much more determined, or will be, by the progress of the co-operative credit movement.

6807. And this will *not* affect it particularly one way or the other?—No.

6808. Reference has been made on the Franchise question to the illiteracy of the population; did you consider the ryot, as you knew him in your early days in camp, as a person capable or not capable of judging what is to his own interests and which candidate would be most likely to serve those interests?—I found him quite capable of judging of his own interests in the matter of cultivation or a village well, and things of that sort, and if you had a system of village councils he would be quite capable of judging of those, but it would take a little time to make him a good judge of the relative merits of A and B for the Provincial Council, and still more for the Imperial.

6809. At the same time, did you notice any signs of oppression of the lower castes or classes by the upper classes generally in the villages of the country?—In parts of the country, in Tanjore, for example, you had the Padyals, who were largely serfs at the beginning, and there was individually some oppression of them by the landlords.

6810. On the point of the Provincial Executive Council, do you think it is necessary to have a second official member of Council attached in the event of the Governor being a stranger to India?—No; you have got three members of Council outside the Governor now, and with the transferred subjects you would get on with two quite well.

6811. Would not the appointment of a second official member possibly tend to impair the position of the Governor, as being the arbiter under the new system? Might it not represent him as being in leading-strings?—Are you suggesting the policy of two Europeans and one Indian in the Executive Council?

6812. The Government of India, while accepting one member as the normal thing, would prefer to see a second official member of Council attached in the event of the Governor being a stranger to India?—I think, in the first place, if there were to be two European officials and one Indian only, Indians would say this was over-weighting the European element, and if there were two Europeans and two Indians I should say it was pure waste.

6813. Would the waiting to devise a system of direct election to the Legislative Assembly by the Council of State delay the matter so considerably as to produce an unfortunate effect at the present crisis?—I do not think so if the Provincial Governments get to work at once with their franchise proposals.

6814. If a Provincial Governor, such as the Madras Governor, were asked for his opinion on any matter

Sir *J. D. Rees*—continued.

in your time when you were Under-Secretary, was it understood in the Madras Secretariat, or by the Madras Government, that that meant the individual opinion of the members of the Government, without regard to the public opinion so far as they knew it or had any means of ascertaining it?—I think in the days when I was Under-Secretary most of the references were treated as departmental bureaucratic references, but there might be cases in which the public was involved. There was, for instance, the Ilbert Bill agitation, but most questions were such as in those days were not deemed to be of very much concern to the outside public.

6815. But now when matters other than political matters are concerned, would that be the view taken in the Secretariat?—I think certainly; for instance, when I was Finance Member and making references to the local Governments about financial or currency questions one generally asked them to consult their Chambers of Commerce and other non-official persons whose opinion would be valuable, and they would do the same in other departments. The tendency is certainly greater nowadays to call outside people into informal consultation.

Marquess of *Crewe.*

6816. Sir William, Lord Sydenham, asked you some questions about the position of our Dominion Governments, and stated, I think, that in all known cases it had taken place *per saltum*, and not gradually. In one sense every transfer of the kind must proceed *per saltum*, must it not, in the sense that the time comes when somebody has the last word, and if you change the possession of that last word the complete change has taken place?—Yes, technically the complete change has taken place, but you may have been working up to it, of course.

6817. Do you know anything about the various constitutions of the very different administrations which are lumped together under the name of Crown Colonies and Protectorates?—Not very much. I had an opportunity of studying the Philippine constitution when I was in the Philippines a few months ago, and one has read, sometimes, about deadlocks which have arisen in Jamaica, Malta, and so on; but I do not profess to be any authority on Crown Colony constitution.

6818. You know, I daresay, that those constitutions vary immensely in the degree of power which is possessed by the representative assemblies in different colonies?—Quite.

6819. There are some, for instance, where the power of the bodies is absolutely in the hands of the Assembly, even although it be called a Crown Colony and not a Dominion?—I did not know they had gone quite so far as that.

6820. There are one or two in which that is the case. Therefore you would be rather afraid of proceeding gradually, although it is on an entirely new path, by this principle of divided control, or what is called diarchy. As regards the Government of India, you think with the power left a somewhat similar step ought to be taken in dividing control in the Government of India itself?—I think so.

6821. Do you think there would be any risk in announcing now that in five or six years—which is the period you mentioned—some such step would be taken? And I ask you that question, if it is found desirable to make a change so shortly, might it not be better to make it at once?—I said, in my preliminary answer, that after five or six years the question should be considered; and I said that by that time we should have very valuable experience of the results of what had been done in the Provinces. It might be that the system—I hope it will not be so—had worked unsatisfactorily in the Provinces, and in that case you would not want to extend it to the Central Government; but anyhow to extend it at once seems to me to be taking too much of a leap.

6822. Do you think the Provincial analogy would supply, in fact, enough material to enable you to make a change within that short time?—I think the chief criticisms are that you are conducting a composite Government, and that the Ministers will not get on along with the Council members, and *vice versa*, and that there will be confusion and friction. All that can be tested, I think, in five or six years.

Marquess of *Crewe*—continued.

6823. In the meantime, as we have already heard from various quarters, there is a strong feeling, I gather, that something more ought to be done now to the Central Government?—There is strong feeling; but I think that feeling would be to a certain extent satisfied by a definite promise that within a few years you would take up the question of the Central Government. What the people who have expressed that feeling now hold is that there is no definite pledge that after a few years the powers that be will take up the Central Government at all.

6824. Do you think that would best be done by a Commission of Inquiry on the spot, such as is foreshadowed in the Joint Report?—I do not think it would be necessary to have a commission for that; the Government of India could thresh it out with the Secretary of State, and rules, I suppose, could be put upon the tables of both Houses. I daresay a Select Committee on Indian affairs might help, too.

6825. It might require another Bill, of course?—It might.

6826. If there was to be any extended transfer?—I, personally, should like to see this Bill so framed as to admit of it without having to go to Parliament for fresh legislation.

6827. You think that it should be done by Regulations, presumably laid on the tables of both Houses, and with the acquiescence and consent of Parliament, although without the long operation of a Parliamentary Bill?—That is so.

6828. You mentioned a Parliamentary Committee, which I understand you favour; you favour a Joint Committee of both Houses?—Yes.

6829. You know that the argument which weighed with the Committee—of which I was Chairman—was the precise opposite to that which you used in reply to Lord Sydenham's question, namely, that the continued existence of such a Committee would be apt to encourage excessive interference with Indian affairs, rather than as I understand you to argue, that it would tend to the discouragement of vague and casual questions by Members of Parliament?—It is my view that you would have the criticism more informing, and one would hope that the transition period would not last long enough to enable the Select Committee to develop traditions of administrative usurpation. This always takes a certain time.

6830. You think it would be content to do that as the further advance proceeds towards responsible government, because obviously where responsible government exists or anything like it, Parliamentary interference tends to diminish?—Yes; if and when the time came at which India could get complete self-government, Parliament would remain theoretically controlling, as it does in Canada and the Dominions, but as a matter of practical convention India would secure the government for herself.

6831. Nobody has ever suggested forming a Canadian Committee, for instance?—No, but at the time of the Durham Report, for instance, that might have been useful.

6832. Therefore, I am to understand that the argument is, that 20 or 30 years ago this Committee might have done extremely valuable work, but it is slightly belated?—I see the point, but I reply to that, that the bulk of Indian opinion seems to be in favour of it, so why not give it to them?

6833. As regards the Home industries; I see you generally favour the suggestions put forward by Sir James Brunyate in his memorandum?—Yes.

6834. That involves the continued existence of the Council, with the creation of something of the diarchical system as between the Council and the Secretary of State in Council and the Government of India?—I do not quite follow the diarchical system. It would be the present system, would it not?

6835. It would be the present system, but with an agreement not to deal with a great number of subjects with which the Council deals at present?—That is so.

6836. It would practically be a division into reserved and transferred subjects?—The Council would have to restrict its field of operations, certainly.

6837. And that would have to be done by rules, I suppose?—I take it so.

6838. If that were done, would you favour the retention of the present Council with its powers, rather that

Marquess of *Crewe*—continued.

that the creation, which was recommended of a purely advisory body?—I think so. I think the Council looks better, if I may say so; it tells more in the public eye.

6839. Which public eye?—The public eye of India, and the public eye of those in England who are interested in Indian affairs. There is always a feeling, among the latter especially, that you might have a new Secretary of State, who is rather swept away by impulses and has not enough administrative experience to draw from.

6840. That is an argument for the retention of the Council and against its complete abolition, whereas, as you know, its abolition is the goal and desire of a large body of Indian opinion?—They want it abolished in order that they may reign in its place, but as long as you have a considerable amount of bureaucratic government in India, you must have control at the India Office, and it is merely a question whether you will have the control by the Secretary of State sole, or by the Secretary of State with a Council.

6841. But there is still this choice, is there not, between the Council, with its present statutory powers, including that of complete technical veto, if it chooses to exercise it, and an advisory body composed of very much the same people, but not able to have its way in the last resort?—I think it was some Irishman who said that the beauty of an advisory body was that you never needed to take their advice, and a rather autocratic Secretary of State might get into that position, and say: "It is very nice of you to offer this advice, but I am not bound to take it."

6842. You know that it is pledged to meet twice a week all the year round?—That might be altered. As for the veto on expenditure, Sir James Brunyate was not particularly keen on keeping that up, and I am not specially keen either. It does occur to me, however, that although it is never actually exercised, it might be useful when there is pressure put on the India Office by the War Office or some other Department of the Home Government for the Secretary of State to be able to say: "I could not get this through my Council, you know."

6843. You mean that the Secretary of State might retreat behind the bulwark of his Council?—Yes, which is very useful sometimes.

Sir *Henry Craik.*

6844. You contemplate, Sir William, I think, that the ultimate goal should be responsible Government on the model of the Dominions?—Yes.

6845. You agree in accepting the declaration of the 20th of August, 1917; you accept that in full, but you do not agree with those who would count as a subordinate and negligible part that the British Government must not be the judges of the time and measure of each advance?—No, I fully concur with the declaration of August, 1917.

6846. You are aware that there has been some expression of opinion contrary to this latter part of the declaration; to that you do not attach much importance?—No, I think the British Government is the trustee, and must decide when to make over its powers.

6847. Do you think you can find a comparable analogy between the Dominions, which are entirely British, composed of all parts of the British race, and a country like India?—Of course the position is very different in many things. Still, the Dominions are not entirely homogeneous; you have got English and French, and immigrants of other nationalities, in Canada, you have British and Dutch in South Africa, and so on.

6848. Surely the bulk of our Colonies are parts of our nation and our race?—They are.

6849. Do you think it would be possible to have responsible Government in a race divided from ours as India is, and yet to make sure that the bond with the British Empire would be preserved at all?—The view of British statesmen of the Victorian era, like Macaulay and so on, was that the time would come at which India would be fit for self-government, and that when that time came she should not be retained unwillingly; but I think, in the present state of world politics at any rate, that most Indians realise, that they cannot stand alone, and that if we were to walk out somebody else might walk in.

Sir *Henry Craik*—continued.

6850. You are thinking of two things; you state that Macaulay and many of his contemporaries had the idea that India might some day pass away altogether from the British Empire and go alone?—Yes.

6851. Then you very quickly changed Macaulay and his contemporaries and substituted the Indian people; but is it possible to suppose that the Indian people might not if they had government on the model of Dominions, insist upon separation?—Conceivably they might.

6852. Is it in the least probable that they would not?—I think that to-day there is a certain Far Eastern power which they regard with very considerable apprehension, and the feeling, I know, among many of them who are reckoned extremists, is that it is far better to have the British connection than that.

6853. You think there might be grounds on arguments of expediency which might render it necessary in their minds to retain that connection?—It would be very largely expediency, because, as you have brought out just now, there is not the sentimental tie of blood.

6854. Passing from that, you look to the dual system as a pathway which will lead to responsible government?—Yes.

6855. Is not the best way to make that a clear line of attaining to responsible government to make the Ministers responsible for that part of the government which is placed in their charge?—But that will follow from the dual scheme, will it not?

6856. Why? You are going to have a Government joined together in which you know there will be two divergent tendencies?—Yes; there will be the two wings, as you say, the Ministers' wing dealing with the transferred subjects, and the Executive Council wing dealing with the reserved subjects, and above both will be the Governor. And I say, as regards the transferred subjects, the Governor would ordinarily defer to the advice of his Ministers, although he might occasionally have to over-rule them. Similarly, in the case of the reserved subjects, he would ordinarily defer to the advice of his Executive Councillors, although he might sometimes have to over-rule them. The advantage of consulting together is that there are many points, of course, in which reserved and transferred subjects will touch each other, and where the Ministers and the Councillors will get a better knowledge of each other's difficulties.

6857. Will it not diminish and separate the individual responsibility of the Ministers?—I do not think it would do so unduly.

6858. I do not wish to pursue that further. I am just asking your opinion?—Remember that you are starting from no responsibility at all.

6859. At present they have none?—Yes.

6860. If you are to create and strengthen that responsibility, is not the financial element the very first element in it, and if you are to take that responsibility, is it not better brought about by the separate purse?—I do not think so, because that will lead to constant bickerings.

6861. How can you help bickerings, and what harm would they do if they only represent a real divergence of opinion? Why should you try to prevent them?—The argument put forward by the Government of India in favour of the separate purse is that it would diminish friction. There would always be a contest under the *joint-purse* system as to who should get most out of the pool. My answer to that is that you will have even more friction under the separate purse, because whatever friction is going will be reflected in the Legislative Council with increasing force on the ground that the allotment is not fair to the transferred subjects, and you would have very much more difficulty if the Minister had to come and ask for taxation for the transferred subjects while the reserved portion of the Government were basking in a *surplus.*

6862. In both cases you would foresee friction. The friction in the one case would be friction behind the joint purse, *purdah,* where they would wrangle with one another; the other friction would be friction in which each side of the Government would be responsible clearly and definitely for the line they took up. Is it not better to fight out the fight on these clear issues rather than behind the veil of the joint purse?—It is a matter of opinion.

Sir *Henry Craik*—continued.

6863. You are against it?—I say these fights, as you put it, round a table will often be quite friendly, just as Budget discussions have been in the Government of India, the Cabinet Budget discussions, I mean.

6864. I pass from that. In one part of your evidence you speak of the representation of the non-Brahmin and other interests. I do not quite understand, and I ask solely to get the information, whether you are in favour of doing this by reserved seats or by communal representation?—I would not have communal representation because it seems to be a mockery to give communal representation for a huge majority of the population. These non-Brahmins are in a great majority; in the electorates they would be, at any rate, four or five to one is compared with the Brahmins, and to say that they must be treated communally as a minority seems to me to be rather absurd; but as they profess themselves very frightened that the Brahmins, with their superior inherent ability, will get most of the seats, I would not at all object, if it would satisfy the non-Brahmins, to say, "We will have plural constituencies, and say there are six seats going, three shall go to non-Brahmins."

6865. You would allow the communal representation as regards other interests, Mussulmans, for instance?—Yes.

6866. But for the others you think the reserved seats would be better?—Yes.

6867. You say that you disagree with the view of the Government of India with regard to the operation of University seats. What are those University seats, as they are called in the Bill?—At present they are rather close boroughs.

6868. Are they really University representation at all in the proper sense of the word? Does it not really mean that you are to represent a small governing body of nominated persons?—The present men are elected by the Senates, which are relatively small bodies, and I should not myself object to widening the franchise and giving the vote to all masters of arts and bachelors of, say, five years' standing.

6869. Would any University representation in this country that did not at least include that be listened to for a moment?—No.

6870. We would never give University representation to the governing bodies of Universities?—No, but still nowadays you rather favour University representation in that wider sense. The last Reform Bill——

6871. But not in a case of this sort; it seems to me to be a perfect farce?—I would like my answer to your previous question to be read along with my preliminary replies, and when I say I favour University seats I mean University seats which have a real constituency behind them.

6872. Which these do not?—I admit they do not, but they have been useful in time past.

6873. With regard to education, you say that you want the whole of the education transferred?—I cannot find any clear line of demarcation. I am like the Functions Committee.

6874. Do you think the same principles and the same qualities are required for administering University and primary education?—The teaching of primary classes and lecturing to University classes are, of course, very different things.

6875. I am not talking of teaching primary classes and lecturing to University classes. I am speaking of administering primary education and holding a proper relation to the government of the Universities. That has nothing to do with teaching, and surely they require very different qualities?—Still, there is a connected staircase. There was, I think, an Education Committee in the United Provinces some time ago, and they found that the University education was unsatisfactory, because of the inadequate way in which the boys were sent up by the high schools, and in turn the high schools complained of the middle schools until you got back to the primary.

6876. You would not think that we ought to contemplate the administration of the whole of education as one thing, University and primary schools, in this country?—No, but you have it all under one Department.

Sir *Henry Craik*—continued.

6877. The Education Department has no hold over my University?—I accept the correction as regards Universities, but the tendency is, is it not, to put the mantle of the State over Universities also?

6878. I am very sorry to hear it indeed?——

Mr. *Montagu.*

6879. I would like to repeat to you a question which I asked Sir Claud Hill when he was in that chair. In the Government of India letter, dated the 5th March, 1919, occurs this sentence, "The members of the Government of India were indeed kept in close touch with the deliberations, and no important conclusions were arrived at without reference to them." That refers to the Montagu-Chelmsford Report?—Yes.

6880. With the exception of that part of the Report which deals with the Native States, was not every proposal discussed with the Government of India?—Repeatedly; there were numbers of proposals discussed and some emerged.

6881. Were not the proposals under discussion repeatedly modified in order to get unanimity?—So repeatedly modified that the position sometimes got a little bewildering.

6882. At that time—things have varied since—the Government of India was in general accord with the decisions which had been taken?—Speaking for myself, I should emphatically answer, Yes, and I think one may say that the Government of India as a whole was in general accord.

6883. Since then, after reviewing the working of the system and the criticisms which have reached them they have come to the conclusion that there should be certain modifications in the scheme, and perhaps the most important of them are the proposals for the separate purse and the proposals for the modification in the composition of the Grand Committee. May I ask a few questions about both of those? It is conceivable, is it not, that under the joint purse system the two wings of the Government would find themselves incapable of coming to an amicable agreement, and might always find each other unreasonable on the Budget statement?—It is possible.

6884. It has been suggested that a joint purse might be inaugurated, and if that position of affairs became intolerable in any Province, as two people who said: "Well, we cannot agree; let us submit to arbitration in order to get this thing settled one way or another," is that an addition to the scheme which would find favour in your eyes?—Under the joint purse scheme, on the hypothesis you mention, the final decision falls on the Governor, he has to decide, and if the Governor were to come to you and say: "The position is really intolerable, because I cannot get my two wings to agree, do let us have a separate purse," it would be worth considering, but I would not do it unless the joint purse proved a practical failure.

6885. What would happen under the Joint Purse System if increased expenditure was required for the reserved services, and the Ministers refused to submit to the Legislative Council proposals for new taxation?—It would be their own loss, because the reserved subjects have priority, if necessary, under the joint scheme, and if the Governor was convinced that this additional expenditure was necessary for some reserved subject, say, Police, he would say: "We can't cut this down, and if you Ministers will not tax you must consent to the cutting down of the sums which would otherwise be at your disposal."

6886. I hope you will acquit me of expressing any views of my own, but I am just trying to get the benefit of your experience in answering some of the objections that have been raised. May I put this case to you. Supposing there was no balance to the credit of the transferred subjects, supposing, that is to say, they had no surplus, and supposing the position of affairs I have suggested had arisen, is it certain that the reserved half of the Government could take any part of the transferred subjects funds. They could not, for instance, leave people without salaries, and they could not close down schools, could they, practically?—It would be difficult, certainly, but I think, if I my say so, that is an extreme case, and

what

Mr. *Montagu*—continued.

what really would happen would be that they would not be able to get on with development, especially under education, I would say. Normally the provincial revenues are expanding revenues unless some unforeseen incident like a famine occurs, and that is much less serious in its effects now than formerly. It is not so much a question of cutting down expenditure that has already been sanctioned, as of allocating the growing surplus.

6887. So that on the whole you think the system as it stands is the best system?—As proposed in the Bill, certainly it is the most effectual

6888. I think the general trend of your argument, if I do not state it unfairly, is that diarchy has a better chance of working the more united you can make the two halves of the Government?—Yes.

6889. Do you know any subjects for which joint deliberation would be a mistake?—I cannot think of any. Of course you distinguish between joint deliberation and final responsibility?

6890. Yes?—I can conceive no subjects in the Provincial Governments in which it would not be to the advantage of either wing of the Government to have the views of the other wing.

6891. The final responsibility, I suppose, you would distinguish in order to get the electorate to learn ultimately where the responsibility lies?—Yes.

6892. You have been questioned as to whether you are not shocked by the fact, or whether you are not impressed by the fact, I should say, that there is nothing like this system in any other country, and it was suggested that we were going into an unknown experiment. May I put this question to you: Of the two experiments you might try in the Provinces, diarchy or complete responsible government, which exists as you are aware, in many other countries, which would you regard as the more risky experiment?—Under present circumstances the latter, complete responsible government.

6893. So you are less afraid of the novel than the familiar in this particular instance?—Yes.

6894. The next point of great importance which the Government of India make is the suggestion that they make for altering the composition of Grand Committee. Would you give me your opinion of the avowed lack of water-tightness, if I may use that expression, in the Grand Committee as it is constituted in the Report?—I do not quite follow the expression lack of watertightness. I might, perhaps, explain that I do not know quite what the Government of India proposals to which you are referring are.

6895. It has been much criticised in this Committee that the Local Government would have no certainty of getting its reserved legislation through the Grand Committee as proposed to be constituted, because of the fact that they would have to get the support of the seven members that the Government nominated?—I should say if they cannot do that there is probably a *prima facie* case for thinking that the legislation is not required.

6896. You would not give, then, a Provincial Government the power to get legislation through in face of the opposition of all the non-official members of the Legislative Council?—No.

6897. You see no necessity for that?—The only case in which I can conceive that might be reluctantly taken up would be if the country were in a state of serious disorder, and then there is the Governor-General's power of Ordinance.

6898. Would you give the Governor the power of ordinance?—I do not see that it is necessary to arm him with fresh powers.

6899. The Government has never been secure of getting fresh legislation since the Morley-Minto scheme?—No.

6900. And you do not see where it could be made use of now?—No, it has always got to take a certain amount of risk.

6901. Now I go from the Grand Committee to the Council of State. The Council of State is watertight, by which I mean there is an official majority which gives the Government of India a certainty of getting its legislation. Do you like that part of the scheme, or have you any observations to make upon it?—I think it is necessary at present, because you are not

Mr. *Montagu*—continued.

going to democratise the Government of India *ab initio*, and that being so, the Government of India must have the power to get through its legislation. It has that power in the existing Legislative Council; you are going to take away that power by the constitution of the Legislative Council, of which two-thirds would be elected, and therefore you must have a reserved body of much the same composition as the present Council in which the Government of India can get essential Bills through.

6902. What about an Ordinance as contrasted with that form of legislation?—There is all the difference in the world; an Ordinance is an autocratic act of the Government. There is no necessary discussion on it, whereas in the Council of State a Bill will be put forward, there will be a Select Committee, there will be discussion and debate and amendments, and very often, as happens at present, the Government may find that it is advisable to accept some of the amendments. That would not arise at all in the case of Ordinances.

6903. What about an ordinance after discussion?—After discussion in the Legislative Assembly? I think the Legislative Assembly would at once, like Oliver Twist, ask for "more"; it would say "you have allowed us discussion, but not allowed us to vote; you pass the Bill over our heads."

6904. Is not that what you do, in fact, on the Council of State proposal?—There you switch it off to another body in which the non-officials are to a certain extent represented.

6905. My last question is this: What do you think would be the effect of those proposals if they become law, on the Civil Service? It is suggested that it will be very prejudicial to recruiting, and it is also suggested that many of the Civil servants would prefer to leave India when these reforms become law? What is your view on both those propositions?—I think the Civil servant of the future will have very large fields of power; he will not rule so openly as he does now; but he will have very great influence as a permanent Civil servant. In the districts he will retain his position very largely. I was talking only yesterday to an old friend, who had been a civilian in his time, who asked me about his grandson; he said that his grandson rather wanted to get into the Indian Civil Service, and would I advise his going, and I said "most certainly. There may be a certain number of men in the present cadre who have got so used to the existing system that they will not readily adapt themselves to the new one, but I think they will be the minority, and that the younger men will prove themselves quite adaptable.

6906. It is said that a large number of ex-civil servants and civil servants want to leave, and would, if they were asked, give precisely the opposite advice to a grandson or a young boy?—Well, that is a matter of opinion; but there has never been a time which I remember at which there was not some "grouse." I remember when I first came out the Statutory Civil Service had just been invented, which permitted of Indians becoming collectors and judges, and one heard the senior civilians of that day say that nothing would induce them to send their sons out to this country, but they came all the same.

Lord *Sinha*.

6907. In answer to question 11, you emphasise that it is desirable to avoid the risk of the idea spreading that the scheme is not intended to popularise the Central Government for a long time to come. Should you recommend that there should be a promise that that would be taken up after five or six years?—That it should be considered.

6908. With the same object in view, would you be prepared to recommend, or is it your opinion that it would serve the same purpose, if there was an addition to the number of Indian members of the Executive Council of the Viceroy from two to three?—No, I do not like that, because keeping the Government as it stands you are keeping the bureaucratic Government, and at the same time you would be increasing the numbers of people who regard themselves as rather more responsible to the Legislature, say——

6909. Taking

Lord *Sinha*—continued.

6909. Taking the thing itself, would you think there was any danger in that?—I should rather, as long as you have a bureaucratic Government, let the bureaucratic Government be sure of its majority inside. The two members will represent exactly the same proportion as now obtains in the Provinces.

Lord *Islington.*

6910. In answer to question 16, you are speaking of Clause 23, and you say that "power should be taken to enable the Secretary of State to transfer control to a larger extent than would be otherwise admissible under the Government of India Act; but I think unless it is more clearly indicated at the outset in what directions it is proposed to decentralise there may be suspicion in India that the Secretary of State is in no hurry to shed any of his existing powers." Do you mean by that that some of these regulations should be embodied in a schedule to the Bill?—I think under Clause 23, as it stands, the Secretary of State in Council can do anything by rule, etc.; but it does not give you any idea of what the scope of the rules is to be. I should be quite satisfied myself to make the position more plain by stating that the Secretary of State shall delegate some of his powers in respect of legislation, administration and finance, the extent to which the delegations were actually made being determined by rules, which might, of course, require modification from time to time.

6911. So that that particular measure would be laid on the table of both Houses of Parliament?—Yes.

6912. Then you say, you think that for some time to come the Government of India should have a considerable control over Provincial industries. We have had witnesses before us who have strongly urged that industries should be handed lock, stock and barrel over to the Provinces?—If I may say so, "Provincial industries" is a question-begging epithet; I say that the industries are Indian industries, whether regulated by the Provincial or the Central Government as a matter of expediency.

6913. You regard them as a central question, although they, of course, must be developed in the Provinces?—They must be developed in one paticular Province, or more than one, but what is present to my mind is that at the outset there would be rather a tendency to Provincial particularism. Perhaps I might give an instance which I think has some bearing on the case. Some years ago the Madras Government were very much perturbed by the fact that Bombay salt was penetrating the western districts of Madras, the reason being that the Bombay salt was light, and salt there was locally sold by measure and not by weight, and it was cutting out the heavier Madras salt. The Government of Madras were greatly perturbed by this, and came up to the Government of India and said: "You must do something, you must make the sale of salt by measure penal," and so on; but the Government of India replied: "Salt is an all-Indian matter; if the people in the Madras district prefer the Bombay salt we are not going to interfere with them; it is open to you to make light salt, too, if you can." That is an instance showing Provincial particularism. and you will get it, I think, unless it is changed, in the Provinces when there is development of industries. A Province will say: "We want to have a match factory," and you may say to them: "There is a match factory in the Province next door; try producing pencils," and their answer might be: "No; that is not the same thing."

6914. You would give the Government of India power to turn that down?—Yes; say that it was Madras that wanted a match factory, and Bombay had one; you would be able to say to Madras: "It would be much better to turn out pencils, or one thing or another; do not bother about matches, because Bombay is producing all you want."

6915. Would you be prepared to give power to the Central Government and to the Central General Assembly over the fiscal policy in India?—I do not see how you could possibly give full control over fiscal policy, involving, as it does, inter-Imperial and international relations, until you have got full self-government in India. As long as the Government of India is mainly bureaucratic, I think the fiscal policy is one of the things the Secretary of State as responsible to Parliament must keep control of; but, of course, that does not prevent his giving as great weight as he can to such representations as the Government of India may make, especially if they are backed by public opinion in India.

Lord *Islington*—continued.

6916. Is that a question that you would say is very keenly felt by Indian opinion in India?—There is a considerable cry for fiscal autonomy; but I do not think a lot of the people who raise that cry have thought it out, or that they know exactly what it means, because a number of these very people at the same time say that so long as the Government of India is bureaucratic you must have control by Parliament. The two propositions are incompatible. If you have fiscal autonomy you have practically shaken yourself loose from control by Parliament.

6917. I know whatever fiscal policy is laid down for India, it would have to coincide with the policy decided on for the whole Empire?—If there was an inter-Imperial fiscal policy India would, naturally, have to fall in; but India should be consulted.

6918. I think you say in your answers that you would agree with Sir James Brunyate's Note?—Yes.

6919. Do you also agree as regards his proposals about the future relations of the Secretary of State with the Government of India and the Provinces?—As embodied in his statement, yes, I am in general agreement with those proposals.

6920. That scheme practically proposes the removal of the power of veto from the Government of India, does it not?—Yes.

6921. And transfers it to the Secretary of State?—Yes.

6922. And you generally agree to that?—Yes.

6923. Would you agree to the India Council having a larger Indian representation on it?—It would depend on the size of the Council. If you are going to reduce the present size, I should say that three Indian representatives are enough. If you are going to increase the size, or to keep it to the same size, there might be a case for more.

6924. Would you agree with this, that perhaps there will be 50 per cent. Europeans and 50 per cent. Indians?—I do not think that is necessary. It may come to it eventually, but, after all, what you want to get at the outset, if the Council is to be of real use, is a body of experts to advise the Secretary of State.

6925. But you would like to see a fully adequate Indian representation on it?—Certainly. I would go so far as not less than one-third Indian at present, and I would be prepared to add to that proportion later on if the Council remains in existence; but I am in agreement with Sir James Brunyate in thinking that after 10 or 12 years its existence should be considered.

6926. It should be given consideration. Do you agree with those who suggest that the personnel of that Council in future should be composed of younger men, men in the middle of their career rather than men at the end?—That is rather a difficult position. Of course, in favour of it you may argue that India is changing so rapidly now that the men who have left India tend to get fossilised; but, on the other hand, it seems to me that to bring in men in mid-career is open to considerable objection. You are putting them into a position in which they will be taking part in the highest stage of authority; then you are going to send them back to a stage where they will be much lower; and it seems to me these men, when they come into the India Council, will not have the ripe experience and knowledge of India as a whole that is gained by the men who come from India at present—ex-Lieutenant-Governors and ex-Members of the Viceroy's Council, and so on. On the whole, I think, as long as you make it clear that you will not appoint men unless their Indian service is pretty recent, the present system is better.

6927. You prefer the present system?—Yes.

6928. Would you like to see the staff of the India Office more interchangeable with the service in India?—I think occasional changes would be quite useful.

6929. You have occasional changes now, but it has been suggested to us that it should be extended to a much greater degree?—I do not know that that would be of such great advantage. Each lot would be working

Lord *Islington*—continued.

ing in a non-familiar atmosphere at the outset, and I think it is just as well to keep them apart, but send picked men over now and then.

6930. As regards the Parliamentary Advisory Committee, you are strongly in favour of that?—Yes.

6931. Composed of Members of both Houses?—Yes, composed of members of both Houses.

6932. Do you see any danger of it becoming the recipient of every kind of agitator's desires and faddist's last wish?—I think, no doubt, you would have copious correspondence from India, but you have also got wastepaper baskets.

6933. You would not look with any apprehension to running the danger of being wrongly advised from India in that connection?—After all, any individual Member of Parliament or individual Peer can now get letters of this sort from India, and some of them may act upon them. I think it would be a greater safeguard for men of that sort to come into the Select Committee and hear how matters really are, very often from their colleagues.

6934. One more word about the Government of India. You are not in favour of democratising the Government of India for the next few years?—No.

6935. You would be prepared to do it in five or six years' time?—I would be prepared to consider it. A great deal would depend on how the experiment had worked out in the Provinces.

6936. Do not you think there would be a danger, even in that short period, with a large elected majority, of the General Assembly becoming a centre of discord?—Do you mean under the existing system?

6937. Yes; giving it a large majority, a two thirds elected majority, and withholding any responsibility from it?—That is why, among other reasons, I want to get a certain measure of responsible Government as soon as possible, but if the spirit of your question is why should not you have it at once, I should say that you are putting too much into the boat, and that you may swamp it if you overload it. It is much better to begin with the Provinces and see how that will work.

6938. That would be putting a lot into two boats?—Well, two boats that are closely linked together.

6939. As regards the electorate of the General Assembly and the Council of State, the members will be drawn as under the proposal, will they not?—Under the Southborough Committee's proposal?

6940. Yes. Do you see any objection to that?—Very much. I have indicated in my preliminary memorandum that I do object to it. I have said that if possible there should be direct election for both the All-India Chambers, but if it is not possible to have both, then have direct election for the Legislative Assembly and indirect election for the other House, the Council of State.

Mr. *Acland.*

6941. I have heard you and other witnesses make the suggestion that it would be well to give a definite promise to consider the extension of popular control or representation for the Central Government of India in a few years' time. Have you thought how that promise could best be given, because it is not easy to put promises into Bills?—Could the Bill not be so framed? I am not a draughtsman, and it may possibly be so framed already; but, at any rate, could it not be so framed as to admit of such a policy being carried out by regulations which would receive the tacit assent, at any rate, of the two Houses?

6942. Yes, but although further powers might be given without further legislation, that would not be anything in the nature of a promise that anything of that kind would be taken into consideration at a certain time?—The difficulty, I take it, you would put to me is that the Government of to-day cannot bind the Government of five or six years hence.

6943. Yes, that one must accept, but one or two of the witnesses from India have stated that certain sections of opinion in India might be satisfied if there were a definite promise in the Bill. Although I think very likely there would be no difference of opinion, and a promise given in any way would be loyally and properly and fully carried out, I have seen the difficulty of putting a definite promise into the Bill, and I

Mr. *Acland*—continued.

wondered if you had thought of any other way which might seem to those sections of opinion equally satisfactory?—No, I thought the promise would have to be given by the responsible government of the day, and they would have to trust to their successor, to honour it.

6944. On the question of the joint and separate purse, do you agree that the advocates of the separate purse have based their arguments to some extent on the idea that there would be separate revenues for the separate purses, and that you would in practice collect more or less from the service you administer, the funds necessary to administer it? I have had something to do with the financial administration of four or five different departments here, and, of course, that idea is entirely foreign to our system. As Financial Secretary to the War Office, I never thought of raising the money from military sources naturally, or in education or in other departments, and therefore that idea seemed to me to be an extremely difficult one, even in the realm of the reserved and transferred services. It seems to me in education, or sanitation or health or poor law, and so on, it is a very difficult principle that you should raise from certain services the money necessary for their administration. Is that so, in fact, in India; is that idea that the persons who are responsible for administration might raise from the services they administer the funds necessary for the administration a tenable one at all?—I think what is at the bottom of the separate purse proposal is that they want to continue the system that is adopted now between the Central Government and the Provinces, Forests, for example, is entirely a Provincial subject. The receipts are Provincial, and the expenditure is Provincial. Education is a Provincial subject. Primarily the receipts are Provincial and the expenditure is Provincial, though the Government of India may give grants in aid. That is really a Budget classification which is convenient, but it does not actually solve the question. For instance, in the old settlements between the Government of India and the Provinces, having classified a certain number of subjects, you found that the Province was either unduly in surplus or in deficit, and you had to make arrangements to meet that. It would be just the same under the separate purse. Take land revenue, the sheet-anchor of Provincial finance, because land revenue is judged to be fitly at the outset a reserved subject, it is proposed, I gather, by the advocates of the separate purse to hand over all the land revenue to the reserved wing of the Government, subject to their giving back something later on. That, if I may say so, seems to me an absurdity, because after all land revenue is general administration.

6945. Taking one of your illustrations, just as in the United Kingdom, where we are starting a forest service, that service may draw for many years on Imperial funds, but will perhaps, later on, be self-supporting, or more than self-supporting, so it will be a service in general in India that may pass through different stages, and anything in the nature of working on an assumption that you must find from certain services the money necessary for their administration you would regard as an unsatisfactory system?—Yes. I do not think it can be really seriously put forward. It would be only a beginning of the sort of thing you would have to take into consideration in mapping out your reserved and transferred revenue. Even the adherents of the separate purse in the Government of India, do not I think, really propose that. I think they merely started on that with the idea that there would have to be further adjustments.

Mr. *Bennett.*

6946. You mentioned, I think, that you had recently been in the Philippines?—Yes.

6947. Did you find there that some Ministers were responsible to one power in the Government and other Ministers were responsible to the Governor-General for their particular departments?—They have had a very large measure of autonomy in the Philippines since 1916, but they follow the American system, and so make the Ministers responsible to the Governor-General. In fact, of half-a-dozen Philippine Ministers I should say only one sits in either Chamber, and even that is rather an accident. At present the majority of the Ministers are outside the two Chambers, and there

is

Mr. *Bennett*—continued.

is also an American Minister—the Vice-Governor, who is *ex-officio,* the Minister for Education and Public Health. The Americans regard those, to use our nomenclature, as the very last subjects to be transferred.

6948. Some subjects then are kept by the American authorities to themselves, and others are left to the administration of the Ministers?—Yes.

6949. Then there is some precedent for this unprecedented device of the diarchy?—To that extent, and it may perhaps be interesting to you to know that in important matters they also bring into the Cabinet *ad hoc* the President of the Senate and the President of the House of Assembly, who are, in fact, really more important people than the Ministers.

6950. That is instructive. You refer to Sir George Lloyd's brief dispatch, in which he spoke of the terrible danger of delay in dealing with this?—Yes.

6951. To put it in a word, would you say that it would be something like a disaster if, through the exigencies or an accident of Parliament, or through competing claims of other legislation, this session were closed without the Act being passed? Would you regard that as approaching a disaster?—I would.

6952. That is not too grave a term to use?—I think the effect in India would be most regrettable.

6953. You spoke with approval of a Standing Joint Committee of the two Houses. Have you thought out how the service of information, so to speak, for such a Committee would be organised? Would it be organised at this end or in India?—At this end. There would be a Committee to assist the Secretary of State, not to deal with the Government of India direct at all.

6954. How would you supply them with the necessary information, and what kind of information would you give them?—For instance, they should have all the papers relating to the Indian Budget and the Provincial Budgets. They should have the papers regarding legislation, and I think the most important resolutions of the Government of India on matters of general interest, and the more important pronouncements of a Provincial Government. I think some judicious person at the India Office would have little difficulty in knowing how to feed his Select Committee.

6955. Have you thought of the difficulty that an ordinary Member of Parliament would have in doing that work and at the same time attending to his constituents? Also, I have no doubt you have thought of the great disadvantage it would be; the harm, in fact, that would follow if he only half did his work. It must be thoroughly done or it had better be left alone, would not you say?—Of course, the time of Members of Parliament is much more occupied now than it used to be; still, you do find Members of Parliament who have time to interest themselves in Indian affairs, and I should say they would take a more rational interest if I might put it so, and a more informing interest, through this Select Committee.

6956. Do not you think a little too much has been made of the assumption that there would be mutual antagonism between the two halves of the Government?—Very much.

6957. You think that has been exaggerated?—Absolutely. I think, for instance, this whole idea of a separate purse is based on the untenable supposition that the two halves would always otherwise be at one another's throats. I think, as a matter of fact, in most cases the two halves would work quite amicably.

6958. You do not recognise that there are divergent tendencies and divergent interests necessarily at work in the administration?—There must be a certain amount of divergence. There is a divergence in any Cabinet. There are divergencies occasionally in the Viceroy's Council, for example, although that mainly consists of sun-dried bureaucrats.

6959. We have heard of the Minister being careful of his popularity with the Legislature, and as being anxious to get on with the Legislature. Would it also be to his interest to get on with the Governor, seeing that it is during his pleasure that he retains office?—Certainly.

6960. And as a reasonable man he will endeavour to get on with both?—He will endeavour to show what an extremely reasonable man he is.

6961. Has it struck you in reading criticisms upon

Mr. *Bennett*—continued

this scheme that many of them are based on the assumption that it will be one set of unreasonable men dealing with another set of unreasonable men, and in constant antagonism one with the other?—I think so, certainly.

6962. Have you seen too much of that?—One may add, perhaps, they all talk as if this was going to be a definite stable scheme, whereas it is only to be a halting stage, and the very fact that it is a halting stage and that the popular wing will be judged according to how they make use of it will in itself tend to harmony.

6963. You have spoken of the liberalising of the Central Government. Would you regard the adoption of the recommendation of the Crewe Committee, that when the Government are in agreement with the conclusion of the Legislature, their decision should ordinarily be allowed to prevail? Would not you regard the acceptance of that principle as a very definite advance towards a more liberal tone in the Central Government?—Yes; but I think that is qualified by the fact that in all important matters the Government of India are to have a preliminary consultation with the Secretary of State. The result is that the Secretary of State would turn them down if he did not agree with them; so, as Sir James Brunyate points out in his minute, it really amounts to very little. On the other hand, there may be cases in which the Government of India and the elected majority in the Assembly might be in agreement, and yet the Secretary of State would feel it his duty to hold out. I mentioned just now, when I was cross-examined in regard to the fiscal policy, that so long as Parliament has control it must be undoubtedly responsible in a large measure for the fiscal policy. I do not think Parliament would allow the Secretary of State to wash his hands of it and say: "What can I do; here is the Government of India in agreement with the Legislative Council."

6964. Do you approve of the joint purse for this, amongst other reasons, that it would be an element contributing to unity of action and feeling in the Government?—Certainly; the two wings will learn each other's difficulties and each other's aspirations.

6965. Would you say generally the more two sides of the Government do things together, to put it in that way, the better the machine will work?—Absolutely.

6966. You have had a good deal of experience in the Imperial Legislative Council. Have you, in looking round that Council amongst the unofficial members, seen men who would be likely to make competent speakers or Presidents of the Assembly?—I think one could pick out one or two.

6967. Men who do their work well and have the confidence of the Assembly?—I think so.

6968. You would not feel that you were confined to the official order in the Assembly to get a competent person?—No; personally, I should be quite prepared to make over the Presidentship of the Assembly to a non-official. I would allow the Assembly, in fact, to elect their own President. Possibly they might prefer an official to begin with, or they might prefer a nominated non-official, or they might prefer an elected non-official; I would leave it to them.

6969. You see what is contemplated in the Bill?—What clause of the Bill, may I ask?

6970. Rules can be made as to the choice of a President; I cannot find it at this moment, but I think you will find that is so. Have you seen a reference in the functions papers to feeder railways; that branch railways should be made a transferred subject; do you agree with that?—I see no objection.

6971. Do you see any advantage in it?—I think anything that makes branch railways more popular in the sense of getting more money for them is an advantage. A lot of Madras districts taxed themselves in addition to their land-tax and normal local cess, in order to get railways, and then they have been held up with one thing and another—quarrels between the South Indian Railway and the Railway Board, and so on—and they are naturally getting rather disheartened. I think anything that would tend to expedite that and to allow feeder railways to be run locally would be an advantage.

Chairman.] Thank you, Sir William.

(*The Witness is directed to withdraw.*)

6972. You

MR. NABIN CHANDRA BARDALOI and MR. PRASANNA KUMAR BARUAH are called in; and Examined, as follows:—

Chairman.

6972-3. You gentlemen come representing the Assam Association?—(Mr. *Bardaloi.*) Yes.

Chairman.] The Secretary of State for India, Mr. Montagu, has something to say.

6974. You hand in this document to the Committee and not to the Secretary of State?—That is so. (See Appendix A.A.)

6975. Is there anything you wish to say in supplement of it?—Yes. When we started from India at that time we had not seen the despatch of the Government of India and the official proposals. It is only to-day that we saw it here now. Looking at the recommendations of the Government of India, I certainly say that we object to it. We do not want any different treatment from other Provinces; as a matter of fact, I beg to submit that when our Province was separated and we got a Legislative Council we had an assurance that we would go along the line we were going at the time, and so we got the Legislative Council. Now, in the recommendation of the Government of India we find that the ground on which the suggestion that different treatment shall be given to Assam is, first, that the major part of Assam is hilly, and only one-third of it, the plains, is peopled by intelligent people or forward people. They treat two-thirds of it as hilly, and therefore the greater part of the province being peopled by simple hill people such a structure cannot be built upon it. So far as that is concerned, we find that those two-thirds, being hill people, does not apply. It does not at all affect our position. In those two-thirds there are only seven lakhs of people, and as a matter of fact, the plains pay the larger portion for the maintenance of these two-thirds, so that the reason assigned by the Government of India does not stand here. Secondly, what I beg to submit is that if really these hill tracts are excluded from the reforms I do not see why we should be made to pay; because I know that in tracts like the Naga Hill tracts and the Lushai Hill tracts, a few of the people have been educated by missionaries, and they are quite wild and savage; only in the Khasi and Jaintia Hills are the people advanced. In the Garo Hills there are some converted people, and the rest are as savage and wild as possible. If they are kept in Assam they ought to be under the Assam Legislative Council; and if they are kept out of Assam, as recommended by the Committee, then I beg to say that Assam should not be made to pay for that. We pay, as a matter of fact, 14 lakhs extra for that from our revenue. I find, from the recommendations of the Southborough Committee, that the Government of India accepts the recommendations of that Committee regarding the subjects, and also almost all the reasons. The main are that these tracts are hilly, and that the people are simple, and that they may be affected. That being so, certain subjects that can be transferred in other Provinces cannot be transferred in Assam. We have submitted in this representation that that is not so, if you will permit me I will take them one by one. For example, the subject of Excise has been exercising the minds of the people a great deal. Excise brings in about 54 lakhs of revenue. The system of Excise administration is this: That the Government brings in the opium—I am particularly referring to opium—and sells it to retail sellers, and the shops of the retail sellers are sold by auction every year at a certain time. The highest bidder gets the shop, and then he sells it to the people. We find that some shops have decreased; but the revenue is not decreasing, neither is the consumption decreasing very much. As a matter of fact, we feel that the consumption has not much decreased, although it may be seen from the Treasury Account that some portion of the opium consumption has decreased. I suppose it is due to smuggling. We feel, as people of the country, that the consumption of opium is not decreasing, and particularly the selling system—that is, the system of the Government bringing it and selling it does not at all decrease the consumption. Then the Government of India says that the Minister ought not to get it. As I understand, from the reasons given in the Despatch of March 5th, the people are generally addicted

Chairman—continued.

to opium, and if it be given to a popular Minister he might relax the rigour. I say that the facts do not support that statement at all. If that be the reason for not giving the Excise Department to the popular Minister, I submit that the reason is untenable. I believe, as the people are very much affected by it, this subject should go to the popular Minister. Then the Public Works Department is a Department which spends much, and in this Department the reason given by the Government of India is that there are roads which pass through the Hill districts, and therefore this Department should not go to the popular Minister. I beg to submit that there are only a few roads which pass through the Hill districts. The rest of the money in the Assam Valley is spent in the two valleys, so that ground also does not seem to be tenable.

Then, regarding the Fisheries. In all other Provinces of India Fisheries are treated as a transferred subject. The Assamese people proposed some measures for conserving the Fisheries.

One fact is stated in this Note, and it is this; the Brahmaputra River is a very big river, and in that river there are alligators. It was notified that alligators ought to be killed; and for the killing of each alligator a reward of ten rupees would be given. Certain adventurous people who killed alligators by hundreds drew thousands of rupees and as it is a vast river, extending over many hundreds of miles, the alligators did not lessen in number. After spending much money, it was not seen that the fish have increased in the river, so the people opposed it in the Legislative Council, and on account of the opposition that measure was withdrawn, and so, if that be the reason for saying that the people opposed, I beg to submit that is also another untenable ground. Now, about the forests also the reason given does not seem to be tenable. The reason given is that the greater part of Assam is forests, so that the question does not arise at all; but on a comparison of the figures I find that the income from the hilly districts is about seven lakhs net, and the gross may be 12 or 13 lakhs, whereas the net income from the whole forest is about 40,000 or 50,000; that being so, the bulk of the income from the Forest Department is derived from the plains, so that it is not seen why, on that ground, it should be denied to the popular Minister. Then, about the other matters, it is put down shortly on the last page those are the questions which affect the other Provinces of India as well. As I said in the beginning, we want to be treated along with the other Provinces of India just as they are treated. I will not go into details on those matters, but if you want to ask me anything, of course I am ready to answer. These are the main objects at present, and we are taking our stand on that fact—that we should not be differentiated from the other parts of India. In the present Despatch I find that the reason assigned is that it is backward socially and politically; that is why the Government of India thinks that the same treatment cannot be meted. As a matter of fact, I feel great difficulty in understanding the word backward as applied to Assam. I have considered over it very carefully. If it means that the people have not got education enough, I beg to submit that the figures show that is not so. If the proportion of educated men to the population is taken, Assam, I think, comes third or fourth in India. Socially, I do not know how Assam is considered to be backward. On the other hand, I believe it is more forward in many respects than all the other Provinces of India. With regard to education, I do not see that we are backward. About social customs, I do not see how we are backward. Had it not been for that fact, possibly the recommendation that Assam should be included among the major Provinces ought to be followed, and it ought to have the same treatment as the other major Provinces of India. There are backward tracts, the three tracts that I mentioned just now, and as far as our opinion is concerned, we do not mind if they are excluded. Those three are quite different. They are as different from the Assamese people as any other race in India, and

Chairman—continued.

as they are frontier tracts they may be politically important, and they may be brought into the Government of India as some other tracts have already been. So far as the Plain districts of Assam are concerned, I beg to submit that they ought not to get a difference of treatment. That is what actually exercised the minds of the people who have read the Government of India Despatch of 5th March. After seeing those recommendations of the Government of India, I feel that the recommendation that was originally made by Sir Beatson Bell in his first scheme would have been much better than what is now proposed by the Government of India. Of course, we do not agree with all that is said, but if I may be allowed to refer to that, I find in his scheme one suggestion that the two Ministers ought to be elected by the Administrative Council and two members ought to be Government officials. I think that proposal of the Chief Commissioner of Assam is much in advance of the present proposal made by the Government of India. This is, in short, what I can say in addition to what I have said.

6976. Did your deputation appear, or was your association represented before the Functions Committee?—Yes.

Chairman—continued.

6977. But you left India before you had seen the Government of India's Despatch?—Yes.

6978. You have only seen that to-day?—I have only seen it to-day.

6979. When you go away, and study it further, if you wish to put in any further memorandum to this Committee on that subject you will be quite at liberty to do so?—Yes, I will do so.

6980. I understand that the point you want to make, and which you are sent here to make, is that there is no reason why the Province of Assam should be treated differentl in the matter of reforms from any other Province?—Yes.

6981. You admit that there are very peculiar characteristics of the country in the existence of these backward tracts?—Yes.

6982. And you say exclude those tracts?—Yes, if necessary.

6983. And leave the rest as any other Province?—Yes.

6984. That is your position?—Yes.

Chairman.] We are very much obliged to you.

(*The Witnesses are directed to withdraw.*)

MR. A. RAMASWAMI MUDALIAR is called in; and Examined, as follows:—

Chairman.

6985. You have been warned for this afternoon; but we had rather more time this morning, so we took your colleagues when you were not here through no fault of your own. You come here representing the Madras Dravidian Association?—Yes.

6986. Especially with a view of presenting the case of that section of the non-Brahmins?—Yes.

6987. You have put in a statement already. (See Appendix S.) have you not?—Yes. I desire to draw the attention of the Committee primarily to the fact that, so far as the Madras Presidency is concerned, not a single non-Brahmin has come forward and said that the scheme of communal representation which we are asking for is not necessary for the Presidency. I am using the word "communal representation" in a rather larger sense than the special sense of communal electorates. I am leaving out for the present the idea of communal electorates, but, speaking broadly and generally, every section of the non-Brahmin community of Madras is entirely agreed that some sort of protection ought to be given to the non-Brahmins of the Presidency. You have heard various shades of opinion from Madras, and your Lordships' Committee has also heard several non-Brahmin representatives, and I believe I am right in saying that not a single non-Brahmin from my Presidency has stated that, for theoretical considerations or for practical reasons, a scheme of communal representation will do harm to the Presidency. On the other hand, I think every one has insisted that the only practical way of getting over the difficulties of the Madras Presidency, the special difficulties under which the non-Brahmins of that Presidency are labouring, is the granting of some scheme which will provide adequate facilities for the non-Brahmins of the Presidency to be properly represented in the Councils of that Presidency. That in itself, I respectfully submit to your Lordships' Committee, is a sufficient reason why, without any further considering of the theoretical objections, or any other objections that may be brought forward, the principle of communal representation should be granted to the non-Brahmins of our Presidency. Even to other sections of the non-Brahmins—the reasonable section of non-Brahmins, as they have been termed—in my own Presidency have come forward and made the suggestion that they do want communal representation, not in the technical sense in which we put it forward, and which we urge is the only right sort of communal representation. While they do want what is called reservation of seats in the actual proposals that they have put forward, I find that they are not very different from the scheme which we have ourselves put forward. For instance, the delegates of

Chairman—continued.

that Association have told your Lordships' Committee that they would like the Madras Presidency to be divided into twelve electorates, each electorate to send in nine candidates, of whom not more than two should be Brahmins. That, in effect, works out in this way, that in the 108 seats which will be given to Hindoos in general, twenty-four will be given to Brahmins. They were assuming that the strength of the Council would be 200. If we reduce those figures to the proportion fixed by the Southborough Committee we find that out of the sixty-one Hindoo seats or non-Mohammedan, as they have been called, the proportion would work out to something like thirteen Brahmin seats, whereas we have suggested that twelve seats should be given to the Brahmins and the rest to the non-Brahmins, so that both wings of the non-Brahmin party, the reasonable and unreasonable wings, which I represent, are agreed as regards the definite number to which the Brahmins may be entitled under this scheme of reform. So that the unanimity of opinion is something striking when it is remembered from what different points of view we lay our case before you. I should also like to address your Lordships very shortly on these two points of view. I say that the Brahmins, for various reasons, which I do not wish to go into, do exercise an unwholesome influence in the elections of any Presidency; that we are simply crushed by the clannishness of the Brahmins. They also want the same result, namely, adequate protection. Though they may speak in terms of praise of Brahmin philanthropy and good nature, and all the rest of it, in the result, the actual working out, I do not see any difference at all between the ideal which we aim at and the ideal which they aim at; whereas we say we are crushed, they say that we are simply smothered by the kindness of the Brahmins. Beyond that I do not see any difference at all between the two different points of view. There is only one other point I should like to put before your Lordships in this connection. It has been said by the delegates of this other Association, the non-Brahmin Association, that they have actually entered into a pact with the Brahmins, and that they have come to a certain compromise with them in Madras, and that it was the result of this compromise that was put forward in their scheme, namely, when they asked for twenty-four seats out of 108 to be given to the Brahmins. Your Lordships' Committee is aware that several Brahmin witnesses from my Presidency have gone behind the compact in this country, that whereas in their political associations in Madras they did accept this compact, that they would be willing to give to the non-Brahmins special facilities, whereas even the Conference held in Bombay passed a resolution that special facilities should be given to the large majority of non-Brahmins in Madras, your Lordships' Committee

Chairman—continued.

Committee finds that gentlemen when they come over here have gone behind this compact. The delegate of the Presidency Association said that it would be a breach of political faith. I do not want to characterise any of their views at all, but I would seriously suggest that it is a really important question which could not be weighed by the evidence given by Brahmin witnesses in this atmosphere, where they have not got all the considerations bearing on their minds which they undoubtedly will have in the atmosphere of Madras itself. I should like to draw the Committee's attention also to the objection that has been put forward that the granting of communal representation militates against the formation of an Indian nation. I would seriously ask the Committee to consider whether it is possible that this large population of non-Brahmins of all sections of opinion really want not to develop the idea of an Indian nation, and it has been given only to the same community of Brahmins to have this lofty ideal of an Indian nation. I would seriously ask further whether it is possible to develop an Indian nation at all if 36,000,000 of them refuse to be developed into an Indian nation except by one policy and one means. I would further ask whether it is at all in our interests to prevent the formation of an Indian nation, and whether it would in any way help us if we were wantonly and wilfully placing obstructions in the way of an Indian nation. I really feel that it is one of those odious suggestions that are so lightly and easily made, and I believe who make these suggestions really know that we are at least as anxious to form a united Indian nation as any other section of the Indian public in fact. I would strongly suggest, and my association would urge, that we want communal representation because we say that that is the surest way of making a united nation. This particular point of view has been so admirably put forward by Sir Stanley Reed the other day in his evidence that I do not think I can improve upon that, and I would only urge in the language that he has used that communal representation is a national and democratic and unifying influence in the transitional stage in India. It has further been stated to your Lordships' Committee by some witnesses that as we are in a majority we are certain to have a large number of the elected members, and one witness went the length of giving the numbers in a particular constituency showing the enormous majority of non-Brahmins in that constituency. I would only appeal to your Lordships' Committee to consider why, if that were so, we should come all the way here and earnestly appeal to your Lordships for the grant of communal representation. Why do I come here to admit that we are not educated in such large numbers, that we are not organised, that our voters are illiterate and do not understand the value of the vote; they were coerced by the officials, and that they are a poor, helpless lot who can be driven like sheep by the Brahmin official? My association feels, and I, too, feel, certainly the humiliation and shame of making these confessions, but we have to make them. Sentiment cannot stand in the way of subordinating the very vital interests that our community has in the coming reform scheme. It is because we feel that, in spite of the humiliation in making these admissions, especially with an adverse audience behind me, that I have to make them to your Lordships' Committee, and that I have to seek protection for me and my community at your Lordships' hands. It is really a very vital matter for us, and it is not in any spirit of lightness that we have come forward and said that this is one of these things which cannot be got rid of by mere platitudes. My association would like to lay emphasis on one other aspect of this question of communal representation. We ask for communal representation only as a temporary expedient. It is said that the reforms themselves are only for a transitional period. We do not ask for communal representation for all eternity; we only ask for it for a transitional period, so that, for instance, when the next Parliamentary Committee meets and goes over the whole question it will be quite within its powers to say that communal representation is no longer necessary; that doubts were expressed and fears were expressed by non-Brahmins at one time, but those fears are unjustified in the light of experience,

Chairman—continued.

and we do not think that communal representation is necessary. Our own people may come forward and say that within the decade that has passed we have got some power into our hands and we are able to better organise ourselves; we are able to get our own representatives in the Councils, and the fear of the Brahmin influence is not so bad as it was before, and we would rather throw our lot in with the rest of India and have general elections—it is just possible—and we do not want it as a permanent or enduring measure, but only as a temporary transitional, if short-lived, measure. If the Parliamentary Committee find, after ten years, that this communal representation has worked harm to the State, if it finds that it has outlived the period of usefulness, if it finds it is no longer necessary, if it finds that the non-Brahmins themselves are prepared to give it up, certainly by all means let communal representation be taken away from us; we would be quite willing to give it up, because as a matter of fact we give to the Brahmins 12 seats in excess of the number which they deserve. It is only because we take into consideration the vast predominance that they have had that we assign 12 seats. Certainly our people ought to get many more seats. Therefore we are ourselves not interested in keeping this communal representation longer than it is necessary. I do feel that this question ought to be considered in the light of this legislation also. It has been suggested to your Lordships' Committee again that there cannot be any question of separate interests between the non-Brahmins and the Brahmins. I should like to say in the first place to your Lordships' Committee that, apart from this question of separateness of interest, it is essential that all sections of the community ought to be represented in the councils of the Empire, the deliberative assemblies. We find, for instance, in the English Parliament various sections of the English people represented whose interests are opposed. I would say that in my Presidency, in certain circumstances, the interests are diametrically opposed. No doubt there are a great number of subjects in which the interests are identical, in which there cannot be any difference of interest between the Brahmin and the non-Brahmin, but there are several subjects in which their interests must clash. For instance, you have large questions of communities, of vernacular education, of Sanscrit education, and of the reform of Universities in which the Brahmin view is all on one side and the non-Brahmin view all on the other side. I only take a discussion that was held the other day in the Provincial Legislative Council on the subject of transferred subjects. The Madras Presidency Council met, and the non-official members were allowed to discuss as to what subjects should be put on the transferred list and what subjects should be put on the reserved list. It will surprise your Lordships to find that on the question of civil justice all the Brahmin civil members voted for transfer and all the non-Brahmin members, including Mohammedans and Christian, voted against the transfer of civil justice. Only the Brahmin members wanted it to be transferred, and the non-Brahmin members, including non-Brahmins and Christians, said that it ought to be a reserved subject. No doubt they did not put the argument that it was because the Brahmin interests were opposed to non-Brahmin interests. That is not the way they put it, and they would certainly not put it in that way; but I would seriously suggest to your Lordships' Committee that on that question opinion was divided, not by the fact that the member was a Home Ruler or an anti-Home Ruler, or that he was a rational or an advanced politician, but opinion was divided by caste, the Brahmins all voting for civil justice and all the other castes voting against it. That is a living example of how caste interests do diametrically differ in our Presidency at any rate. I have referred in my memorandum to the argument that there will be a fissiparous tendency introduced by the grant of communal electorates. I am not a learned man myself to put it in such language, but what I understand by the argument is that because there are 153 communities among non-Brahmins therefore communal representation cannot be granted to them because every single community among the 153 may afterwards come and claim communal representation. I really think that that is too disingenuous to be

Chairman—continued.

accepted. It merely comes to this, that just as because there are 153 communities among the non-Brahmins it is better that the Brahmins should represent them than that they should as between themselves. It is not a fair argument. It has also been suggested by one witness that Kshatriyas might not like to come into this scheme. I do not know this statement, and on what authority this statement is made. I have in my association many a Kshatriya member who is pledged to this policy of communal representation, and the Madras Presidency Association claim some Kshatriyas who are also for communal representation, though in a private form. Apart from that, the population of the Kshatriyas, or fighting classes, as they have been called, are no longer fighting classes. Fighting classes come from all sections of the population. The Kshatriyas as a fighting class in the Madras Presidency is an old antiquated thing; it does not exist now. The Kshatriyas are only a lakh and a half, men, women and children included. It is a population of 37 millions of non-Brahmins. So I do not think it is a fair argument to say that the Kshatriyas are against communal representation, and therefore do not give communal representation of non-Brahmins at all. In my Memorandum I have touched on one other subject which I should like to elaborate a little with your Lordships' permission. It is suggested that in the list of transferred subjects only elementary education should be included, and that secondary and University education should be made reserved subjects, and my association strongly feels that it would not be proper at this stage to transfer secondary and University education. My association, therefore, feels unable to understand what administrative difficulties there will be in making one Department administer elementary education, and another Department administer secondary and University education. I do not see how the administration of those branches is so vitally inter-connected that it could not be done by two separate authorities. It is really a position in which I, not being in the inner councils of the administration, feel unable to explain; but I do feel, taking a common-sense view of the case, that administration of primary education does not necessarily conflict with the administration of secondary and University education if it is carried on by two separate bodies. The objection which my association would place before your Lordships' Committee in this connection is this: At present, in my Presidency, very nebulous ideas are in the air with regard to how secondary and University education ought to be organised. We are none of us in a position to say in what direction educational reform should proceed. We are all for reform; we all feel that some sort of progress ought to be made in the question of educational reform, and we feel that the present educational policy may not be all that is desired, but the difficulty is that no constructive programme has been before us as to the direction in which educational reform ought to proceed. We have just had Dr. Sadler's Commission on the Calcutta University, and though they do not touch on the Madras University scheme, it is very likely that some of the recommendations of Dr. Sadler's Commission will have a very direct bearing on Madras University educational progress. But apart from that, we have all sorts of wild and faddist notions prevailing in our Presidency in regard to higher and University education. The Government of India and the Government of Bengal, I believe, some time back found that the total absence of any religious education in these Universities and schools had something to do with revolutionary crime in Bengal. I believe that is how they put it, though I am not perfectly certain. Just now the idea of religious education in these schools is very prominently put forward by some of our people. Mrs. Besant, for instance, in my Presidency has been pushing forward very vigorously a scheme which she calls national education. We have national education weeks and national education bazaars, and all sorts of national education things, at which funds are collected for what is called the national education system. Mrs. Besant proposes that mathematics,

Chairman—continued.

science, and several other subjects ought to be taught nationally, and not denationally, as is being done now. My association feels that it is unable to understand how a subject like mathematics should be nationalised on denationalised, and how in the teaching of such subjects there should be a national system of teaching, as opposed to the present system of education. Apart from that, Mrs. Besant has started a national school, and in that school, it is stated, the deleterious influences which at present prevail in other institutions are not prevailing. It is a sort of Utopia, in which the best education, the most national education, is being taught. I was trying to pursue that a little, and I find that in that school the system of teaching is, in fact, much worse than in missionary schools. I have myself been educated at a missionary college, the Christian College of Madras, and I certainly prefer the education that I got in the missionary college to the religious education which is being given at this national school. In this national school, which is managed by a trust called the Theosophical Educational Trust——

6988. You are giving us an argument for dividing the two spheres of education. I do not want to go into the general subject of education?—No; I am only giving an argument to show why secondary education ought not to be transferred just at present, and I hope my reason will have a direct bearing on that. What I said was, very nebulous ideas of reorganising the educational system are just now in the air, and if Ministers are to be given the power of administering this secondary and higher education, a cheap form of popularity can easily be gained by making changes in the system of education which are not conducive to the welfare of the State. As I was saying, in this National Education, instead of an open Christian teaching being taught which everybody knows, and every Hindoo knows is the Christian system, and against which he is warned, it is a teaching of a different religion. Every Hindoo knows the Christian religion to be the Christian religion, and we do not go there to become converts. We know it is another religion, and if some of us follow it, we follow it in a philosophical spirit, and not with the idea of absorbing the religion itself. But in this national system, instead of the Christian religion being taught, or instead of any other religion, they teach what they call Theosophy, which in other words means absorbing the White Lotus Day, the Besant Birthday, and the Arundale Birthday, in which different people are being worshipped as the saviours of the world. I distinctly object to that sort of teaching for our boys. I very much fear that if this secondary and University education is transferred to Ministerial control, that is the sort of system which will come into existence in our schools. There is also this agitation about what is called the conscience clause; that is to say, Hindoo students ought not to be allowed to listen to the teaching of Christian missionaries on subjects like that. I have been in the Christian College myself, and I know in what manner the Bible is taught. It is not taught by faddists; it is not taught by uncompromising Christians; it is taught by reasonable men in a reasonable and philosophical way, and the students are not obliged to listen to everything that is taught, neither are they obliged to study the subject carefully. I know of heaps of students who have got no marks at all in these subjects, and against whom no complaint has been made by any professor at all; it is left to the good sense of the student whether he follows the teaching or not. The advocates of the conscience clause do not wait to see what the effect of that will be on missionary education, for instance. I have authority to say, and I have spoken to several Christian missionaries, that if that conscience clause is insisted upon the effect will be the closing of many a missionary institution, and that would be a disaster, from the point of view of my Association, to higher education. Therefore, I do feel that only primary education should be a transferred subject, and secondary and higher education ought not to be a transferred subject; that is all I have to say.

Chairman.] Thank you.

(*The Witness is directed to withdraw.*)

Ordered,—That this Committee be adjourned to to-morrow, 11 o'clock.

Die Martis, 26° *Augusti* 1919.

MEMBERS PRESENT:

Marquess of CREWE.
Earl of SELBORNE.
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE, in the Chair.

SIR JAMES MESTON, K.C.S.I., is re-called; and further Examined, as follows:—

Chairman.

6989. We asked you to be good enough to come back because there are several matters we should like to hear further the views of the Government of India upon. Last time you had not time to refer at all to the question of rules, which will play such an important part in amplification and clothing the bones of the Bill with living flesh. Perhaps you will be kind enough to say something to us about that?—Even before the Government of India had seen the final form of the Bill they had set to work to prepare rough drafts of a number of regulations which they felt certain would be required in order to carry out the executive and legislative details of the proposed measure.

As I mentioned to your Lordship on the last occasion when I was here under examination, I brought several of those drafts home, and I found that the India Office had also been at work, in a Special Committee that has been dealing with those subjects, in preparing similarly sets of rules under the more important rule-making powers. I was associated with that Committee, and to put the matter briefly we, that is to say, the Indian Office and the Government of India between us, have collected a number of draft rules which purport to be prepared under the powers of making rules, which are given in the first two parts of the Bill. Those rules, as they at present stand, are mere drafts; they have not been approved by the Secretary of State, and many of them have not, I think, even been seen by him; and certainly a number of them, particularly those which have been framed in England, have not been seen by the Government of India, although in some cases it would be the Government of India who would be the primary rule-making authority. But as they stand it did seem to me, and I think I have the general authority of the Secretary of State for the statement, that they would indicate in a rough sort of way the sort of regulations that the Government of India would be prepared to frame, and that the Secretary of State would be prepared to look at favourably. The advantage of bringing them up, even although they may be embarrassing in their present rough, unauthorised form, the advantage of submitting them to your Lordships' Committee now, or at least those of them which the Committee wish to see, is, that they do fill up parts of the picture which are not apparent in the Bill itself. They may even assist the Committee in coming to a decision on some of the principles in the Bill, because very obviously if a principle is stated, as it must be in a measure of this sort, in very general language, the authority which has to pass a decision upon it would desire to see how the principle will actually work in practice. Those rules are intended to assist that object. For example, the principle of diarchy or dualism, which has hitherto been the subject of much evidence before your Lordship's Committee, is a principle which is so novel that one who is unfamiliar with it might naturally desire to see how those who have attempted to visualise it do see it in its actual working; they might desire to see that before they even arrive at a final decision as to the propriety or otherwise of the principle itself. From that point of view I have prepared a list of the more important rules, which will have to be made under Part I. and Part II. of the Bill. If your Lordship's Committee wish to see them there are a number of those rules which are now in draft. It would be taking up far too much time to attempt to read through them, and some of them would require probably a little editing before I actually submit them, but I am ready to put them in in a day or two if your Lordship will indicate the rules which you think are likely to be most interesting and helpful. I have here a list of about 20 sets of rules. If I might run through the list it might meet the case.

Chairman—continued.

Under Clause 1, rules will be required for the classification of subjects into Central subjects and Provincial subjects. What is required here is a simple formal rule giving cover to lists which Mr. Feetham, in evidence, has already submitted. I might take the opportunity of saying that I think those lists may be taken subject to two important exceptions, as agreed lists, that is to say that the Government of India would be prepared to endorse those lists.

6990. You mean the revised lists?—Yes; not the illustrative lists in the Report. I think the Government of India would endorse the first list. I think there is no difference of opinion with regard to the first list. The next rule-making power is the devolution of authority over Provincial subjects to Local Governments. That I think will be purely formal, but we have the rules ready. Next comes the allocation of revenues for Provincial subjects. This is under Clause 1, Sub-Clause (1) (b). This is a matter to which I should perhaps be allowed to revert later, because it deals with the distribution of the whole of the revenues of the Indian Empire, if I may use the expression, between the Central authority and the different Provinces. In regard to that there is also no difference of opinion.

Then comes the transfer of subjects to the administration of the Governor acting with Ministers. This also will be a formal rule giving cover to another list which Mr. Feetham put in evidence, and in regard to that list the Government of India wish me to press again upon your Lordship's Committee very earnestly the propriety of reserving, and not transferring, the subjects of higher education and industrial development. Perhaps I may have an opportunity of coming back to that point.

The next rule-making power of importance deals with the allocation of Provincial funds for the purposes of the administration of transferred subjects. This touches on the old controversy of the joint versus the separate purse, and in the meantime certain rules are being drafted in accordance with a *via media*, which has been suggested, and to which reference has been made in examination before the Committee.

6991. A *via media*?—Yes; the *via media* being that the joint purse should be the initial arrangement in each Province, but that each Governor should be empowered if he found that unworkable to move on to the separate purse. I do not put forward this on behalf of the Government of India, because they stand by their guns as regards the desirability of beginning with the separate purse, but it is a *via media* which has been worked out in the India Office.

The next set of rules of importance would be those fixing the contributions payable by the Provinces to the Central Government. These rules will touch on the appointment, on which the Government of India lay great stress, of a Committee on Financial Relations for the purpose of making the contributions in time more equable, and distributing the burden of the Central

Chairman—continued.

Central Government more evenly between the different Provinces.

6992. When is it suggested to set up that Committee?—As soon as the proposal is approved by the Secretary of State. We have done all the spade work in India, and we are ready for the appointment of that committee as soon as it is sanctioned.

Then come rules for the constitution of the Finance Department and its duties. Those are very simple and they are ready. Then come rules for the authority which a Local Government will exercise over members of the Public Services in its province. Those are also ready. Then come rules defining the powers of the Governor-General in Council in relation to both reserved and transferred subjects. Those are ready. That deals with important matters under Clause 1.

Under Clause 3 the chief question is the procedure in the event of a vacancy occurring in the office of a Minister. That is a very simple set of rules, and they are ready.

Then, under Clause 6, there will be an elaborate set of regulations defining the constitution of the Provincial Legislatures. Those cannot really be put forward until a decision has been arrived at in regard to the recommendations of Lord Southborough's Committee; but they are matters which can very easily be dealt with, because it is simply a question of recording the constituencies, the manner of voting, and the handling of election petitions, and so on. They present no difficulty, and we have already very useful models in the existing rules.

Then, under Clause 8, will have to be framed, amongst other things, rules for the protection from Provincial Legislation of certain laws or certain subjects, without the previous sanction of the Governor-General in Council. These are not ready; it will take a very elaborate examination of the whole of the Code of law of British India. I do not think it is a matter in which substantial controversy can find a place.

Under Clause 9 will have to be listed the permanent charges on all Provincial revenues. That list is ready in its draft form. Under the same Clause will have to be described the course of business in the Provincial Legislatures. Those regulations are ready. But in connection with them there would also have to be framed a set of Standing Orders supplementary and subsidiary to the statutory rules of business, and as the Bill stands the first of those Standing Orders are to be made for the Council, although it will have subsequent liberty in varying them. We propose, therefore, to get ready a draft of the sort of Standing Orders which we contemplate would be useful for the initiation of the new Legislatures. Those Standing Orders in draft are also ready.

Marquess of *Crewe*.

6993. 6 and 7, is it not?—Yes; sub-Clauses 6 and 7. It may be that, on closer examination, some of the rules, some of the things we have prepared as rules, would be more suitably placed among the Standing Orders, and *vice versa*; but that is a matter of subsequent domestic discussion, so to speak

Then, under Clause 10, we shall have to prepare rules which are not yet ready, because the principle has not yet been decided as to the reservation of Bills by a Governor. There, also, I think, there is no field for dispute or difference.

Then coming to Part II., under Clause 19, there will be rules for the constitution of the Indian Legislature. Obviously it would have been premature to prepare those until the form of that constitution is finally settled. And there will be, under Clause 20, rules for the course of business in the Indian Legislature, and whatever I have said with regard to them and the Standing Orders, and the relations between the two with reference to Provincial Legislatures would apply here *mutatis mutandis*. Those are the more important statutory rules with which either the Secretary of State or the Government of India are immediately concerned. But under Clause 5 there is provision for rules and orders which in some respects are of the very highest importance. They will define the whole of the relations between the Governor, and, if the dual system is accepted, the two halves of his Government, and the relations between those two halves *inter se*.

Marquess of *Crewe*—continued.

In order to clear their minds, and to try to make the case for dualism as clear and convincing as possible, the Government of India had framed a set of rules and orders which might be described as a model, that is to say, they would be a draft which would be put before the Governors for their assistance. Those are ready. When one comes to look at them in the light of the discussions here one is rather afraid that they will be regarded as somewhat too lengthy and elaborate, and if the Committee desire to see them in their present form I should like to make it clear that they will be very closely examined again from the point of view of reducing them, shortening them, and simplifying them. Or, what might be more convenient to the Committee, I think I could very easily throw them into the form of a narrative of suggested procedure, something in the nature of a short manual, which would be handed to Governors for their assistance and guidance.

Finally, again a matter of very grave importance, is the draft instrument of instructions to the Governor. A draft of those instructions was prepared by the Government of India; it has been very thoroughly criticised and discussed in the India Office, and a new draft has been prepared which, I think, meets with very general acceptance by those who have been working on it, but it has yet to be seen both by the Government of India and by the Secretary of State. That is the position as regards the rules and regulations.

Chairman.

6994. In order to prevent any misunderstanding—I think you and I are perfectly clear on the matter—these drafts have no authority at all?—No, none.

6995. And you merely offer them to us as a picture of the kind of thing which may eventually emerge?—Quite so.

6996. With full authority?—With full authority, yes.

6997. As such, I think they will be useful to the members of the Committee for their private information, and I should like you to put them in?—Yes. (*The same are handed in* (See Appendix Y.).

6998. They are merely in the nature of memoranda to assist us in visualising the kind of thing that will eventually emerge?—I quite understand.

6999. They are purely provisional, temporary, without authority, and merely suggested sketches?—Quite so.

7000. Have you anything more to say to us on the great question of dualism, on diarchy, especially in relation to the financial side of it, and of the work of the Grand Committee?—Yes. I should be most grateful to attempt again to put before the Committee certain considerations which it was difficult to state on the last occasion, because I felt that my examination was then mainly confined to the Bill and the chief methods of giving effect to the policy which it embodies. The Government of India feel, and I did try to express their feeling, that the means of securing compliance with the policy of His Majesty's Government is inextricably associated with some form of dualism in the Provinces, but I did not attempt to lay before the Committee all that dualism involves to the mind of the Government in India. It seemed to me it would be premature to pursue the matter into details until the Committee had heard the case for and against the broad principle. That case has now been stated from every possible point of view, and by many various schools of opinion, and I think it is now of very considerable importance to try to explain exactly how dualism, as it has been visualised—to use your Lordship's word—by the Government of India, can be worked as a successful piece of administrative mechanism. The whole essence of dualism as it is seen by the Viceroy and his colleagues, indeed the main and almost the sole justification for it in theory, is that it provides a field in which the new popular Government will learn to do the work of administration by actually taking it into their own hands, and in which also the first elements of responsibility will be brought home to the representatives of the people in Council, to the Ministers who are their mouthpiece, and eventually, we hope, to the people themselves.

And

Chairman—continued.

And further, this is the only way, as we see it, in which the fitness of the new popular Government for an extension of its powers can be judged. There is no other means of gauging capacity except by seeing the work that has been done and the manner in which it has been done, in other words by holding the new authorities accountable for the results of their work.

Now, in order to fulfil these conditions, if these are the true conditions, there is a clear duty devolving on the Government of India, and on the official Government in India generally, to allow the popular Government the widest possible liberty within the field that has been allotted to it, the liberty of doing its work in its own way, working out its own future, making its own mistakes, proving its own capacity, and so on. That being accepted, the Government of India do press most earnestly that the official half of the Government has a corresponding right to be left alone in the field which is reserved for it, the field which is not transferred. We, the official half of the Government, are wholly responsible for the reserved field; we have not, and do not expect to receive any mandate to relax materially the standards of administration in our own field. We feel very strongly that it is impossible for us to fulfil our responsibility to Parliament unless we are permitted to carry on our own work in our own way.

Now, it is perfectly true, as has been pressed on your Lordship's Committee, and it is perfectly essential as an example of the new spirit in which we begin all this work, that our policy must in future be very much deflected into closer accord with popular views. We shall have to relax a great deal of the old rigidity of our so-called efficiency, and we shall have to give a great deal more weight to what is often called sentiment, and generally we shall have to prepare the way in the reserved field for a form of evolution which will probably shape very differently from anything that we know or can possibly pretend to forecast. While we accept fully and wholeheartedly this growing influence of the popular view upon our work, we urge that it does not affect the principle of dualism, it does not affect the essential conditions of the experiment on which we are now engaged. We feel that that is an entirely separate matter, and we are really most anxious to guard against any possible confusion. The clear conditions of the experiment, I would again submit, are that each half of the Government should have its own work, and should be allowed to do it unfettered by control exercised by the other half. Now, this is not what has been put before your Committee by many of the witnesses that you have heard. They ask quite frankly, not only that they should be given their own field of administration, but they also ask that they should receive very considerable powers, what we contend are new powers, in the reserved field of administration, and those powers we submit amount to the virtual control of the policy in our field.

The case was very frankly put to the Committee by Mr. Srinivasa Sastri when he was examined. Perhaps I might be allowed to refer to it. I do not want to deal with controversial matters; I only refer to this for the purpose of making clear the position of the Government of India, because this gives a text on which I think I can hang our case better than if I left it *in vacuo*. On page 232 of the printed evidence Mr. Sastri used these words: "The power of the purse, the power of determining the revenues to be raised, and the way in which the revenues should be expended, is one of the elementary powers recognised in the English Constitution." I omit certain unimportant words. "That elementary right has yet to be conceded. . . . Many years have elapsed, and it is high time, when you are inaugurating a great experiment in self-government, that you gave us the power of the purse outright. Without the power of the purse responsible government can only remain in a very inchoate and unsatisfactory condition." That, I think, is a perfectly fair quotation. It is an exact quotation, and I do not think the omission of the intermediate words garbles it. That is the plea which has been put before you very powerfully, very strongly, for giving to Ministers the power of the purse in regard to reserved subjects.

7001. Ministers or the Council?—The Council, and the Ministers, I fancy, as their representatives. Then

Chairman—continued.

the second point also in the same evidence is in the first column, on page 234, in which Mr. Sastri is discussing the constitution of the Grand Committee. "In the Grand Committee under the Joint Report the elected members and the nominated non-official members together would still be in a very considerable majority over the official members, and therefore there is preserved this right—it may be academic to a large extent, but a legal right—of refusing Government measures as presented to us in the Grand Committee." Those two quotations, I think, state fairly the attitude of our Indian intelligent critics towards the consequences of dualism. In other words, they ask for control over the legislation for reserved subjects, a power to refuse Government measures, and they ask for control over the finance of reserved subjects. Both those points the Government of India authorise me definitely to contest. They feel that those two contentions would be fatal to the idea, to the spirit of the scheme, and they are certain that they would be fatal to the success of the scheme.

In putting this case I should like, if I may, to get right away from the Report, and from all the hopes that have been built up on the Report, or the arguments which have been based on the wording of the Report. What we ask is that this Committee should consider, as a plain business proposition, the absolutely cardinal issue—namely, whether it is possible for a Government to do its duty if in the last resort it cannot make its own laws and cannot control its own finances. It was from that point of view that I pressed the unpopular scheme for a separate purse. I could, I think, meet some of the points, if it is considered desirable, which have been brought against the scheme of a separate purse; but I ought to ask also that I may be allowed to beg you to consider the constitution of the Grand Committee, because the matter is one which has not really come under close scrutiny yet, and some of the comments which have been made upon it I think are a little misleading, quite unintentionally. The separate purse and the Grand Committee are, in the eyes of the Government of India, the two greatest issues to be settled if dualism in the Provincial Government is accepted. Before touching upon this again, perhaps I might just refer to one very symptomatic point which has come out in the course of the evidence, and that is the status of the Minister. It has been urged very plausibly, and very fairly, that the Minister should be put in exactly the same position as regards status, pay, and powers as the Member of Council. The Government of India, I am sure, have no possible objection to his status and rank and pay being made the same as those of the official Member of Council. But the fallacy that they wish to avoid is that the Member of Council should become a Minister; that is to say, how they view the new situation is, that the existing position remains, subject to such influence as the more powerful will exercise, the present position of the Executive remains very much as it is within the reserved field. But you have cut off a very substantial field, which you hand over to Ministers, and in regard to which Ministers have to enter into an entirely new position. They have got to take up a situation which is not that of the old Member of Council; they have to initiate constitutional democratic methods in dealing with their own field. We, left in charge of our field, contend that we ought to be left to manage it pretty much on the existing lines, and that the course of the evolution of this scheme consists of gradually reducing our field, transferring it period by period ——

7002. Subject by subject?—Yes, to the custody of the Ministers; but in the meantime, if for no higher reason, in order to cause as little dislocation as possible, the existing methods of procedure, subject to the growing influence of popular opinion, should remain unaffected in our own sphere of work. That is speaking generally, the general argument that I should like to put forward for the great consequences of dualism. I do not know how far you wish me to develop the subsidiary points by themselves. I can do so very briefly—the finance and the Grand Committee.

To begin with finance, might I, at the outset, try to clear up some little confusion which, I think, exists in the minds of some of the witnesses who have appeared before you as regards our general scheme of finance?

We

Chairman—continued.

We contemplate two divisions. Just as there are two divisions of subjects, we contemplate two divisions of finance. I think the expression "divided head of revenue" has been responsible for a certain amount of slight misunderstanding. I want to get rid of that. Of these two divisions of finance the first is the division between central finance and the Provincial finance. The Government of India accept the view that the Provinces should be left to the entire use of their own revenues, that is the revenues, speaking quite generally, which they assess and collect and administer themselves. The only exception to that under the scheme in the report, a scheme which the Government of India fully endorse, were the heads of income tax and general stamps. They occupy a somewhat different position from other revenue heads, inasmuch as it is sometimes very difficult to say whether they are really central sources of revenue or local. For example, the income tax of the great manufacturing interests of the Tata firm and other firms which are growing up alongside of them, the income tax of those firms is all paid in Bombay and becomes an asset of the Bombay Presidency, whereas the factories themselves are very largely located in the territories of Bihar and Orissa, and the Government of Bihar and Orissa would be responsible for the administration of the area, the Black country, which is growing up within their boundaries. That is an example of what I mean as to the difficulty of localising income tax. It is familiar to every country that assesses it. Consequently I do not think that any reasonable objection could be taken to throwing income tax and general stamps, to which similar arguments apply, into the category of central revenues. Having given the Province their own revenues, and having kept for the Government of India the revenues which it assesses and administers, plus income tax and general stamps, the report found that the Central Government was not left with enough money for the conduct of its own affairs, more particularly the general defence of the country, and it decided therefore that the Provinces should be asked to pay contributions, which in popular parlance you may take as contributions towards general defence. Some critics have suggested that we might go at once a great deal further and divide off the heads of revenue which are inherently Central from the heads of revenue which are inherently Provincial, and expect the Central Government to subsist on its own revenues, without the annoying procedure of having to levy contributions from the Provinces. I want to suggest that that is an ideal which, at the present moment, at least, is perfectly unattainable. In the first place it is very difficult to see why any particular source of revenue, or at least many sources of revenue are inherently either Central or Provincial, and any allotment of revenues which may be made must to some extent be artificial of necessity. Take land revenue, for example. It is true that land revenue has by tradition and custom become a provincial asset, but the origin of land revenue was the right of the State to levy either a rent or a tax—there is bitter controversy as to the proper term to be used—from the occupier of every piece of land within the Imperial dominions, so that it might be held that land revenue is a Central asset. I mention this as a danger of laying down any dogmatic line of division, but we have tried to lay down a line of division which roughly corresponds with the actual facts and is also in consonance with our past traditions. I do not think, speaking generally, that we could annex any other heads of revenue as Central. That being so, there is unquestionably a deficiency in the Central revenues as compared with their necessities. You were told the other day that this deficiency could be, and would be, filled up by the efforts of the Central Government itself. It may be true that in time—we have looked into this matter very fully—we shall be able to get less dependent on our Provincial subsidies, but there are many factors which are operating in very much the reverse direction. Our revenues from irrigation works, for instance, are now becoming subject to the law of diminishing returns, and that is bound to go on. The new irrigation works which are being planned and constructed are not likely to pay anything like the net return on the outlay that their predecessors did, and possibly so with

Chairman—continued.

railways. Then Customs, the whole question of expanding our Customs revenue is inextricably associated with the question of whether we are going to become a great protective country, and also the question of Imperial preference, so that it would be foolish to say at the moment that from Customs or Railways or Irrigation we are going to get, in a few years, enough money to enable us to dispense with Provincial assistance. Salt again is a head of revenue which is extraordinarily unpopular, and I should think the tendency would be gradually to diminish it, and probably in time to get rid of it altogether. Behind all lies the growing cost of defence. Within the last eight months we have had enormous additions cast upon us, through no views of our own, in regard to the military expenditure of the country, and everything points to an increase in that head of outlay; so that the Government of India have to press that the system of contributions should be allowed to stand, and they ask that the most impartial tribunal that can be devised should be set to work as soon as possible to make those contributions, as I said before, a great deal more equitable. They realise the difficulties attached to the present preliminary and tentative scale of contributions, and they want to have the matter put on an equitable basis, with as far as possible the concurrence of the Provinces, especially those which will have to impose fresh taxation in order to come into line with the others.

Then we come to the second aspect of the financial division, that is the division of Provincial revenues into two parts for the services of the two halves of the Government. That point has been argued before your Lordship's Committee, *ad nauseam*, and I do not want to waste more time upon it, but there are one or two points which perhaps I might be allowed to clear up. It has been suggested in some of the evidence—in fact, I think it was suggested by a note put in by my own colleague, Sir Claude Hill—that the issue is in some way dependent on the decision which the Committee and Parliament arrive at with regard to the method of dealing with the Budget in the Provincial Councils. As you know, the Government of India advise that resolutions passed by the Legislature upon the reserved part of the Budget should be advisory and not binding. But what I want to say is, whether the Joint Committee and Parliament accept this recommendation or reject it, it makes no difference to the separate purse as a proposition on its merits. I mean that the separate purse can be worked equally well even if the Budget resolutions are made binding in the reserved field and that the case for the separate purse is equally strong.

Here again one has to come back, I think, to first principles. There has been a great deal of discussion as regards two alternatives, but very largely of a subsidiary kind, very largely dealing with incidental merits or demerits. Some of your witnesses, for instance, have considered that the joint purse is more educative than the separate purse. Some of them think the joint purse will cause less friction than the separate purse. Those are really matters of opinion; they are very largely speculation. There are speculations in regard to which the Government of India hold an entirely opposite view, but they do not deal with the essential consequence of the separate purse and the joint purse. Some of the Indian gentlemen who have spoken here have dealt very directly with those consequences, and it is those consequences which govern the preference which they have expressed for the joint purse. They are stated perfectly clearly in the quotation which I just picked from Mr. Sastri's evidence. The consequences that this evidence foresees are that into the hands of the popular half of the Government there is placed, through their handling of the purse-strings, a very large measure of control over the policy in regard to subjects which are not under their administrative control, and consequently for which they are not responsible. Now that seems to me the bare, naked issue which has to be settled. Is it consistent with the scheme that this sort of control should be given, and is there any other question which need be answered if it is found to be consistent? All matters of friction, matters of educative influence, the relative and subsidiary merits of the two alternatives, can all find their place, can all settle themselves, once the broad issue

is

Chairman—continued.

is faced and tackled. I have nothing more to say on the subject, except what has been said so often—that it would be very easy to show by figures how a joint purse and how a separate purse would work—and all that I will ask permission to do is to hand in a paper which I found among my old papers; it is a letter which was prepared by a very important firm in Calcutta, Graham and Company, people of the highest commercial standing and financial experience. This letter was apparently written to the Bengal Chamber of Commerce on the subject of the financial arrangements in the Provinces. I knew nothing about it; it is only by sheer accident that I heard of its existence. I happened to be talking to a partner in the firm, and I asked him his view, as a business man, on the proposition. He replied, "We have already sent in our views, and here they are." It is a brief statement, such as would come from a business office, on a matter which they did not look upon as a technical piece of bureaucratic mechanism, and I think it is a very useful contribution to the discussion. (*The letter is handed in.*)

Now I will turn to the Grand Committee. Here, again, my instructions are to put the matter forward in the simplest and broadest possible form. The question again is this: Are you going to give the official half of the Government any legislative means of securing the measures which it regards as essential for the safety of the Provinces, and for the fulfilment of its responsibility to Parliament for the good government of the Provinces? Now what the Bill offers is a bare majority. It describes the Grand Committee—this is Clause 9, sub-clause (3)—as being a body in which the majority of the members shall be nominated members. That is the whole distance that the Bill goes. Then, when you turn to the report to supplement this, you find that what is proposed is that the nominated majority shall be a bare majority, that is to say, a majority of one, and that only two-thirds of that number—two-thirds of the nominated members—shall be officials. Now let us take for example a Grand Committee of thirty-five members. Under the Bill, read with the report, eighteen would be nominated by the Governor and seventeen would be appointed *ad hoc* by the Legislature—the non-official members of the Legislature. Out of these eighteen there would be only twelve who would be officials, so that in a Grand Committee of thirty-five you would have twelve officials and twenty-three non-officials. Now some of the evidence which has been given reads as if what is proposed were a majority in favour of Government. I noticed, in the evidence of Mr. Samarth, on page 159, in the first column, in answer to Sir Henry Craik, Mr. Samarth said: "The Grand Committee therefore must be such that it must be constituted as proposed in the original scheme of a bare majority in favour of the Government." Now I want to submit that that, again I say quite unintentionally, does not convey what is in all probability going to happen. If you have a bare majority of nominated members, and if you have only one-third of the total Committee official members, there is absolutely no certainty that you will be able to get the Grand Committee to pass any law which has been certified for its consideration by the Governor, if that law is disliked by the leaders of non-official opinion in the Legislative Council. There was a time when members nominated by the Governor felt it a duty to support the Government, and did so. That time has long passed. I can speak from my own personal experience. In the Council of which I was president for six years, out of a very considerable number of nominated non-officials, in a crisis—I put it quite crudely—I could only count on the votes of two—two out of, I think, eight or nine. The others very naturally took their own line. They said they had been paid the compliment of being nominated, and that they paid me the compliment of voting according to their conscience. That is a most estimable frame of mind, but what I want to point out is that the mere presence of nominated members—of a nominated majority of the Grand Committee—will not secure that the Government will command a majority on any measure which the leaders of the Legislative Council have decided is to be opposed.

Now what do the Government of India ask? They put forward their proposals in a despatch, the 7th

Chairman—continued.

of the series, dated the 28th May. That despatch, I am afraid, is very difficult reading. It is full of figures and deductions, which are not probably very easy to follow; but the essence of their argument is extraordinarily simple. They say: We cannot face a position in which the measures which the Governor has certified as essential for the efficient conduct of his own business are liable to be rejected in the Grand Committee. At the same time we do see the grave disadvantage of asking for an official bloc, such as exists in the present councils, and causes so much irritation. We do not ask that Provincial Governments should be put in a better position in the future then they now are in the present Morley-Minto Councils. We have to take risks now, and in some Provinces greater risks than in others, and we are prepared to take exactly the same risks, if they can be reduced to figures, in the future. And, therefore, what we ask is that the ratio of officials to non-officials in the future Grand Committee should be the same as the ratio which the rules of the Morley-Minto Councils allow us to have under existing circumstances. It is quite true that this will not give us an official majority, and we shall have to appoint and to rely upon a certain number of non-official nominees, but we are prepared to take that risk.

It may seem at first sight that there is comparatively little difference between this and what the Report proposes, and when you go into the figures you will find that in some Provinces the figures are very close to those of the Report. But in others they differ considerably. Speaking generally, the difference is one of very vital and grave importance, we consider. We cannot accept a one-third ratio of officials as being sufficient to insure us in carrying out our own work. We are prepared to accept, in order again to cause as little dislocation and as little variation from the present procedure as possible, the same ratio of officials as we are entitled to have under the Morley-Minto regime, and to take the risk of the nominated non-officials voting against us, but we cannot take a greater risk. I do not think I should be misinterpreting the case of the Government of India, if I said that if we are asked to take a greater risk than what we have attempted to describe in the despatch of the 28th May we should rather prefer a system of permanent ordinances, after full discussion in the Legislature, of the nature that has been indicated in the evidence before your Lordship's Committee.

7003. Is that all you want to say?—Yes, on those points.

7004. I think that is a good point to stop. There are one or two other matters you want to speak on, but they are of quite secondary importance?—Yes.

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7005. You told us, I think, at the beginning of your evidence this morning, that the Government of India wish you to adhere to the views that you have expressed in your first hearing. Of course, they have not heard any of the evidence given before us?—No; I do not think anything except the first few days' evidence has yet reached them

7006. Have they commented upon that, because it was entirely yours?—It was entirely mine, yes.

7007. Do you think it would have affected their judgment? Would they expect this Committee to sit from July 10th to August 26th, hearing evidence every day and not be affected by it?—Oh, no; I am sure they would not. I am sure they would be reasonable.

7008. And they might even have been affected themselves if they had heard it, might they not?—I hope so; yes.

7009. I asked that question because you will remember that you told us at your first hearing that they had made their suggested alterations in the scheme, not so much as the result of evidence that they had heard, or criticism that had been offered, but from their own private cogitations and contemplations?—Only partly that, I think—partly from the very detailed criticism that had been offered upon the scheme by the executive authorities throughout British India. I have no desire to appear impenetrable. I am only trying to-day to supplement evidence, which on the first occasion when I appeared here had naturally to be of a very general character, and to press

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points which although they were in the mind of the Government of India at the time, it was not possible to put forward in full detail. I do not, for a moment, suggest that if the Government of India had been present during this inquiry they would not have found material for thought and possibly variation.

7010. I think I am right in saying that, except for your evidence, no single witness that has appeared before us has advocated the separate purse?—I am afraid not.

7011. Is not there really a vital difference of principle between your view and the view of the Bill and of the report? I think you stated it quite clearly when you said that you wanted, as far as possible, to hand over the transferred subjects, and you claimed as a corresponding right to be left alone in the reserved subjects. That is your principle?—To be left alone in control, while fully amenable to the modifying influences of popular opinion.

7012. Is it not true to say that the principle of the Bill, and of the report, was that Ministers should decide under the influence and advice of the Executive Council in transferred subjects, and that the Executive Council should decide under the influence and advice of Ministers and the Legislative Council in the reserved subjects?—Yes, I accept influence and advice; I object to control.

7013. You object to control?—Yes.

7014. But there has got to be a certain control of Ministers inherent in duality, has there not?—The only control that we foresee is the paternal control, if I may use the word, which the Governor exercises in helping and guiding men who have had no previous experience of administration. We certainly did never contemplate any interference or control by the Governor in Council with the action of Ministers.

7015. Is it not a fair counterpart of that sort of paternal control to suggest that the parent himself should be subject to the influence of a growing child whose wishes have been rather largely disregarded in the past?—Oh, yes; but we do not propose that the child should carry the cane.

7016. Let us go a little further with that. Let us test the difference between you and the Bill by your remarks about the Grand Committee. You remember that the Grand Committee scheme, and the proportion suggested for its composition, was drawn up by a Joint Committee of the Government of India as it then was and the delegation which accompanied me to India?—I was not there. I believe that was so; yes.

7017. And it was done deliberately and designedly not to give the Local Government complete power to pass any legislation that it liked. You made that criticism of it, and it is obvious on the face of it?—Yes.

7018. Theoretically, surely, if your arguments were valid against that composition of the Grand Committee, what you ought to ask for is an official *bloc*?—I quite agree. I tried to explain that we were very anxious to avoid an official *bloc*, partly because of the inherent viciousness of the system, and partly because we were anxious to ask for no more than we have at present.

7019. As soon as you make that concession, does not the whole of your argument upon principle become vitiated?—It becomes deflected to the extent to which the power of independent control is diminished under the present Morley-Minto system. I ought to have made that clearer than I did. I have always endeavoured to state that we do not desire to go back; we are perfectly content to stay where we are in regard to legislation, finance, and everything else where we have been placed under the scheme which now regulates our government. But as regards the moving forward, we say that that movement ought to tke place in the field which is specially demarcated for the purpose.

7020. Absolutely and entirely, without any sort or kind of progress or movement in anything else but the transferred subjects? That is your position?—That would be the rigid, logical, inhuman statement of the case, I admit, and I tried to modify that by saying that there will be, in spite of that, a very strong psychological movement due to the increasing influence and power of the Ministers and those whom they represent. I do not wish, and the Government of India do not wish, that influence to be insidiously converted into control.

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7021. You admit that there must be control of your legislation, because there is control of your legislation now?—Yes.

7022. But you dig your heels into the ground, if I may say so, and say, as the price of getting control in your own transferred subjects you must leave us absolutely where we are to-day in the reserved subjects. That is your case?—That is so.

7023. And you say to people who would like great progress in the transferred subjects, and some progress in the reserved subjects: You must trust to us to pay more regard in the future to your wishes, because you have more opportunity of expressing them?—Quite so.

7024. But do you not think that your whole attitude—I do not mean you personally now, but the attitude of the Government of India—on this matter affords one reason why people would prefer something more definite than that trust of you in the future? Is not it a clue to what will happen?—We are always being invited to accord greater trust to the representatives of the people, and we ask a similar confidence and a similar compliment from them. I think that trust on both sides will gradually solve these difficulties.

7025. But is this attitude which you are putting today doing your share of that mutual confidence?—I think so. I put it on another ground. I would suggest that this is a very great experiment, of which we do not see the results, and that experiment, as I tried to say to-day, will probably work out on lines of evolution which are very different from those which we can now calculate. I do plead that on the scientific ground there are the greatest possible advantages in restricting your experiment to definite factors. We all know when a scientific experiment has to be made you try to eliminate everything except the particular factor which you are testing. That is exactly what is to happen here. If you hand over to the Ministers and the popular voice a very large field of very important functions of government, it is desirable to see how they work, how they administer, how the results come out, without being at the same time embarrassed and puzzled by having to evaluate the effect of their roundabout methods of control over the field in which we try to govern, if only for the purpose of comparison with our own methods.

7026. Let me sum up the situation once more, so that I may be quite sure that I understand it. The principle of the Bill is greater control in the transferred subjects, greater influence in the reserved subjects?—Yes.

7027. Your answer is as great control as possible in the transferred subjects and no machinery for greater influence in the reserved subjects?—The machinery exists. I would accept your statement of the spirit of the Bill as a statement which the Government of India fully accept. But when you come to add a machinery of influence we only ask that that machinery should not be a machinery of control.

7028. I am sorry to press you upon it, but it is, to my mind, of great importance. In either case, if this Committee accepts the Grand Committee of the Government of India, or accepts the Grand Committee of the Report, it is a machine of some control?—Undoubtedly.

7029. But the principle to which you stick is that there should be no more control than there is at present?—No more control than at present.

7030. No new machinery for control?—Quite so.

7031. And you say rather than submit to a step forward in that direction of any kind whatever you would prefer an ordinance such as has been suggested—an ordinance after discussion?—What I said was, rather than submit to the continuous chances and in many cases the virtual certainty of being unable to pass measures which we have a reasonable chance of passing at present, we would go back to ordinances.

7032. Would you agree that no ordinance should be passed without the sanction of the Secretary of State in Council to introduce it?—Yes.

7033. I forget whether you yourself or the Government of India, as at present advised, is in favour of a Select Committee of both Houses?—The Government of India advised that it should be a Committee of both Houses, I think, in their first despatch.

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7034. Would you agree that an ordinance should be submitted to such a Select Committee and to Parliament before it has the effect of law?—I think that is more a matter for the decision of the Secretary of State, the Minister in charge, than for the useful opinion of the Government of India.

7035. Let me just put it in this way to you: If the Government of India or a Local Government, is liable to be overriden on the subject of an ordinance, either by the Secretary of State or by Parliament on the Report of the Select Committee, does it make any difference to them which it is?—Oh, no.

7036. You began your evidence with, if I may say so, a very valuable discussion on rules. The rules under the Bill are to be made largely by the Government of India?—Yes.

7037. Do you approve of that suggestion? Do you think that that is the right way to make them?—In regard to the classes of rules which are so stipulated in the Bill I think it is quite satisfactory, yes.

7038. It is of course, impossible to draft the rules, either by the Government of India or by this Committee, or by the Secretary of State, until the Bill has been passed into law?—Oh, yes, in anything like a final form, certainly.

7039. At the same time it is important to avoid a charge such as was made against the last scheme of reforms in India, that the scheme has been spoilt by the rules?—It is important to avoid that charge. I never quite understood what underlay the charge.

7040. I am not sure that I did either. But I do not want to go into that controversy; I wanted to ask you if you could help us to devise machinery to avoid that charge?—The Government of India certainly have never made any difficulty about the freest criticism and previous publication of rules of any importance, and I certainly do not think they would in this case. Publication, in practice, would take place in India—that is to say, publication before the rules are finally made; but I can see no reason why they should not be similarly published in England.

7041. And no reason, if there was a Parliamentary Committee such as this is, for their not considering the rules?—Quite.

7042. You apprehend no difficulty, proceeding upon the suggestions in your drafts, of this Committee advising on the policy of the rules?—I think in many instances it would be extraordinarily helpful to the Government of India to know in advance what is the policy which this Committee read into the Bill, because it will materially influence and direct the framing of the subsidiary regulations.

7043. You said that you adhered to the your recommendation that part of education should not be transferred. Did you hear Sir Michael Sadler's evidence?—Yes.

7044. Did that move you at all?—In two different directions, yes.

7045. May I analyse that painful process?—Would it be permissible for me to make a short statement on the subject, because it is difficult to piece together the argument from a question such as you put to me? The main issue with regard to the treatment of education, as either a reserved or a transferred subject, was definitely put in Sir Michael Sadler's evidence. That issue, as we read it, is whether education as a whole is an indivisible unit, or whether it is a subject which can be divided between two administrative authorities. Perhaps I may be permitted before attempting to answer that question to take up an argument which has been heard by this Committee, that if education is an impartible subject, the whole of it had much better go to that side of the Government which has to deal with primary education, inasmuch as the primary stages are so much bigger and in many ways so tremendously important. If the whole question could be dealt with as one that had never been approached before, in other words, if we could handle it *in vacuo*, I think the Government of India would entirely agree, but it would be subject to the very important provision that Sir Michael Sadler laid down, that we should first get our Universities into order. I forget his words, but that was the purport of his main argument. What I have been asked to put as clearly as possible before this Committee is, that we do not believe that

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in the present conditions in India—I go no further than that—education is an impartible subject. The Government of India have listened, and I am sure will listen, with the greatest respect to expert opinion that is taken on the subject here, but their position up to the time at which I left India was that their own chief expert, the Educational Commissioner of the Government of India (and certainly no one knows the conditions of Indian education better than Mr. Sharp) definitely advised us that education—again I say under present conditions—is clearly a subject which can be divided for purposes of administration; and he went further, and said that it would be divided with great advantage, inasmuch as primary education would then get a reasonable opportunity for development; it would get its own staff and its own policy, much more attention would be given to it, and it would not live as it does now on the crumbs from the table of higher education. Secondly, the actual concrete fact exists that in certain Provinces, my own Provincefor example, University and secondary education are under one authority, and primary education is under another; so that the Government of India had not only expert opinion in favour of partition, but also the fact that partition at the present moment exists. Of course it is quite true that partition cannot be made between the University and the high schools which feed it. If there is to be a line of demarcation, it lies between the Universities-*cum*-high schools on the one side, and the primary, or, speaking almost in synonymous terms, the vernacular schools on the other side. What we feel is that inasmuch as the control of primary education at the present moment is in the hands of local bodies we must leave it in those hands. But in regard to University and secondary education the matter is very much more difficult owing to two main reasons. One is the state of our Universities, and the other is the very great weakness that has been shown in private effort in regard to secondary education. I do not mean anything offensive by "weakness," I only mean it has failed in its purposes to a very large extent. I have again no desire to wound any susceptibilities, but it is necessary to talk quite frankly about a matter of this tremendous importance to the future of India; and I would like as far as possible to talk from my own experience so as to bring facts rather than theories to bear upon it. It was pointed out yesterday, I think, that the development of high school education in Bengal is very largely the result of private effort. Now that is true in other Provinces, though certainly not to the same extent as in Bengal. I should like to make it perfectly clear that the Government of India have no desire whatever to interfere with it; they have no desire to stop private effort. It would be the most foolish and impossible thing in the world to imagine that we should step in and establish, guide and control every single high school in India. The more we can encourage private effort and enlist local interest and sympathy the better, and our whole policy has moved in that direction. All that we mean when we ask that secondary education should be reserved and not transferred is that it should be the official half of the Government which guides the general policy of secondary schools, provides them with grants, and generally encourages them to take their proper place in a really sound educational system.

Now Sir Michael Sadler (and here, I am afraid, after a long proem, I am trying to answer your question) said that his inclinations were in favour of transferring higher education on two conditions. I have not got his evidence, and I cannot refer to the exact words, but, broadly speaking, the conditions were, first, that Universities in India should first be put on a sound footing, and secondly that there should be a Board of Control over secondary education for the assistance of Ministers. Our whole point is that our Universities are not yet in a state in which they can undertake the charge of secondary education. The lines that Sir Michael Sadler has indicated in his report, with which I think we are all in entire accord, will involve a vast amount of labour and a vast amount of time, and that labour has to be done, and must be done, by the official Government, because they alone have got at present the driving power and the funds to do it, or indeed the command of expert knowledge. So

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that our clear duty, as we view it, is to get that difficulty put out of the way before any further step is taken in the development of responsible government. When that difficulty is put out of the way—I should like to be perfectly clear about that—when we do get our Universities on to a footing of real genuine democratic responsibility, with a realisation of the tremendous importance of their duties, then I am sure that the Government of India will be perfectly prepared to consider the question of varying from the position which it now takes up. There is another consideration that I should like to put before this Committee, and that is that the University is really only one of the doors through which the high schools at present pour out boys, and a few girls, into the world of business. The University has its own matriculation test, and attracts a very considerable ratio of the students from high schools. But what we are endeavouring to do more and more, and I hope with more and more success, is to make the high school also an entrance to that vast field of middle-class life and energy where a good, sound, all-round education is of the highest importance, even though it is not crowned by a University degree, and for that purpose we are establishing—in some Provinces it has been already a great success—a School Leaving, or School Final Certificate, which at present—again I speak for my own Province, the Province I know—is under the control of the Provincial Government and not of the University. I think we still have to make quite sure whether our Universities are prepared to take over this very important part of the work of secondary education before we can talk about transfers. However, I want to hark back again to personal experience, and just touch upon the weaknesses which I think it is our imperative duty to get rid of before we can think of handing over secondary and higher education to popular control. The two great weaknesses at present with which we have constantly to contend, and in contending with which we are liable to constant attacks, as if we were enemies of education, are first of all the inevitable tendency to drop standards, to be content with lower standards of educational qualifications for school certificates and University degrees; and secondly, constantly very much associated with that, the pathetic attempts to increase the quantity of literati and graduates, without very much regard to the quality. I do not think we can do a greater or more cruel wrong to India than to recognise those two weaknesses or to give any ground for perpetuating them; the whole of our work ought to be to check them, and we can check them with greater power and greater success than Ministers will be able to do during the first stages of their work.

I might perhaps add a third great difficulty which has been touched on in evidence, and that is the constant attempts to bring in schoolboys and University undergraduates into the work of politics. I know very well that Mr. Gokhale strongly resented this, and did his very utmost to prevent it, and that those who are carrying his mantle feel exactly in the same way. But still the fact remains, that scattered about the country, out of control of the Central agencies, the local politician is constantly tempted to bring in the boys of the neighbouring schools or the boys of a college, if it happens to be near, to form his gallery, and we all know from practical experience in India that that constantly happens. There is no reason why boys should not amuse themselves with amateur politics if they like, but what has happened is that politics has become an obsession to the extent of crowding out much of their other work, interfering very seriously with their scholastic work, and I think the temptation to that in every direction is one which is tending to grow, and which may become a very grave evil, and against which I think it would be very much more more difficult for Ministers to set their faces than it is for us. That is an example of where the present tendencies lead us. I would simply mention two concrete difficulties which are always being felt by us, as people who try to administer education. One is that we have always endeavoured to limit the number of students who may belong to one class in a school or in a college. We are constantly being pressed to increase that number, from 30 to 40, from 40 to 50, and so on in the interests of quantity versus quality,

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and if we acceded to those requests, if we gave way one inch over certain definite lines we have laid down for ourselves, we should arrive at a state of affairs in which no student would ever get anything like personal attention from the lecturer or teacher under whom he is sitting. That is one difficulty.

Another difficulty which I have found myself constantly up against in the United Provinces was the impossibility of getting private colleges to concentrate at all. As you know, the Universities in India have a very large field of options for their degrees, a large number of groups of subjects which can be taken, especially for the Arts degree. Now, the tendency for every little college scattered all over the country is to try to teach all these groups. It means having an enormous number of subjects, and it means having an enormous number of underpaid teachers, because their funds do not go round; they do not provide efficient teachers. I have actually seen in quite a reputable college, a lecturer who was imported as a specialist in physics and set to work to teach physics, and for some reason, owing perhaps to the failure of some of the students who had gone up from that college to the University, to get a creditable degree in physics, the college decided to drop the subject, and they sent for this gentleman and asked him if he would mind lecturing in philosophy. He said he had seen a few books on philosophy when he was an undergraduate, but that was the extent of his acquaintance with it, and he had to set to work. That sort of thing is absolutely fatal to real collegiate education, and what we have been endeavouring to do, what I certainly endeavoured to do in the United Provinces was to get colleges by agreement to take particular groups of subjects to pay men who could teach those groups sufficiently, and to refuse steadfastly to deal with a vast variety of options which students ask them to coach them for. In that we have had the greatest possible opposition from parents, and I know that in private colleges the authorities are unable to face that opposition. I say that is the sort of opposition which the official Government is in a much stronger position to deal with than Ministers will be for the present.

I do not think it is necessary to adduce evidence of how disappointing in many ways private effort has been, with the best possible intentions. You see evidence of it all through the Bengal District Report; you see the saddest possible evidence of it in the Rowlatt Report, and I think you find very considerable evidence of it in Sir Michael Sadler's lengthy Report. The Government of India asked me to put before this Committee two striking cases which they had to deal with. One was the Dayaram Jethmal College in Sindh, where the Government had to come in and take over the control in its most drastic form to save a very important educational institution from collapse and ruin. Another is the great Khalsa college of Amritsar, which is the centre of orthodox Sikh education. Here also things had got so bad that the Government had to come and give the Lieutenant-Governor personally the power to step in, suspend the rules and direct the administration of the trustees. In my own experience we made a most excellent start with what was going to be the great Benares Hindoo University, and by the time I left India the position had turned from the rosiest to the gloomiest. As long as we had one extraordinarily capable and very exceptional Vice-Chancellor the thing was held together; since he died there has been a succession of catastrophes, and I understand quite recently the present Vice-Chancellor resigned and four of the leading Indian professors resigned. They found it impossible to get on. The last example I would mention is that of the Mohammedan Anglo-Oriental College at Aligarh. I have watched that college from the days of its founder, and it has been a melancholy tale in recent years of steady decline owing to the fact that the trustees allowed political agitation and a very distorted form of Mohammedan nationalism to interfere with the whole administration of the college. It took away practically all power of discipline from the instructional staff, and the matter came to a head the other day by the resignation of every European member of the staff of the college. The future, to my mind, is extremely gloomy.

I said

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I said that I do not want to tread on any susceptibilities, and I am sorry if I have done so, but I have pointed out frankly that those are the sort of things which are happening in all our experience, that we do not want these things to happen, and that those Indian gentlemen who are associated with us are equally alarmed and distressed that they should happen. But we feel that until we are able to put our Universities into a position in which they will take over the handling of those very difficult and controversial problems we are better able to serve the educational interests of India in the matter of higher secondary and University education than Ministers would be at present. In saying that I do not attempt to look a day beyond the first ten years of this experiment.

7046. That is a very gloomy picture. You suggest it cannot be cured by Ministers—that it ought not to be dealt with by Ministers acting with the advice and influence of their official colleagues, although you have just said that Indian opinion was strongly with you in fearing these results?—Well, what I fear is this. I am sure that the Ministers would do their utmost to correct those evils, just as we should, but I do feel that the pressure of outside, uninstructed opinion upon Ministers in this particular field would be so great, and so insistent, that they would be deflected from their ideals in a manner which, I hope, would not be the case with us.

7047. It is curious, if I may say so, that you derive your experience from the United Provinces, the present Lieutenant-Governor of which, with a comparable experience, comes to precisely the opposite conclusion. I have only two other questions to ask you. I am sorry to have taken up so much of the Committee's time. Would you mind repeating the sentence which you used about the Executive Councillors not being Ministers. What exactly did you mean by that—that they were not to be influenced in their decisions by the discussion of the Legislative Councils?—No. All I was pleading for was that the present statutory position of the Executive Councils should be retained in their own field. I did not mean to go any further than that.

7048. The last question I want to ask you is about the Government of India. A criticism has been made before this Committee of the scheme of the Bill and of the Report that you will not get the best men into the Legislative Assembly unless you give the Legislative Assembly more defined powers, and also that you are by the scheme in the Bill and in the Report inaugurating a system which is open to all the criticisms which have been made of the Morley-Minto Councils. Has that evidence impressed you at all?—What impressed me very much was the criticism that the proposals with regard to the Central Government were not only open to the objections of the Minto-Morley scheme, but that they also contained in them the elements of the heresy of the Congress-League scheme. If I may answer your question perfectly frankly it did impress me; but I am still wandering in the dark for a solution. Might I just try to put the matter as it appears to me—the difficulty as it appears to me, and the possible line of exit? As you know, the feeling in regard to the Government of India was that when you were making very great changes in the Provinces and contemplating making very considerable changes in the Secretary of State's methods of administration, it would be impossible to leave the intermediate grade of the Government of India unaffected, and at the same time it was felt, I think we all felt, that the present Legislature of the Government of India is so small that it does not adequately represent the very varied interests in India which have a right to be heard in that Assembly. So that if you will pardon the presumption, I have always felt that the authors of the Report were led into the position they took by considerations which were rather different from those which have produced the avowedly democratic Legislatures in the Provinces, and that having reached that position, in order to avoid anomaly there was no course open except to superimpose on this Assembly a Second Chamber, which would be a legislative organ, so to speak, in harmony with the needs of the Executive Government.

Mr. *Montagu*—continued.

What I wish to say is that if it is felt that there is a dilemma inherent in the present situation I do hope that there will be no attempt to solve it by the method of diarchy in the Government of India. To my mind it would be quite impossible—I have to speak without any brief in this matter; I am trying to express what I believe would be the views of the Government of India, but I am not sure of them—what I feel is that you could not put in a Minister into the Central Executive in order to look after, as has been suggested, the development of the popular movement in the Provinces. That is the work of the Governor and of nobody else, and there cannot be a power above and outside him other than the constituted authorities for the special encouragement and surveillance of that branch of his work; nor, on the other hand, can you divide the work of the Government of India in the way in which you divide that of the Provinces, mainly because the subjects are entirely different, and we have not reached a stage at which we foresee the gradual smooth transfer of one important Imperial subject after another to popular control. Nor do I think that a bifurcated Executive in the Government of India is conceivable at the present moment. We do want, while this great experiment is going on in the Provinces, to retain the power of the Government of India, its power for good, we trust, as effective, as clear, and at the same time as flexible as possible; and it would be neither clear nor flexible if you bifurcated it and brought in the diarchic principle. Nor, indeed, do I feel that there is much to be said for the theory that in the Government of India's field of administration there is a class of domestic subjects and a class of subjects of a higher scale. There are no subjects which will in future be controlled by the Government of India that I can think of, which are not either directly or indirectly related to external affairs or affected by international arrangements, or which do not involve great financial and fiscal issues. I do not see any light in either of these methods, and if it is still felt that there is a dilemma and we have to get out of it, my only nostrum is that we should wait until we know something about the fate of the experiment in the Provinces. But, in the meantime, I quite contemplate that a practice—a convention, if you like—will grow up by which measures of a particular type more particularly affecting the social life of India will be thrown open to the Assembly very much more than at present. Officials will be told to vote exactly as they think right, without inquiring what is the policy of the Executive Government; there will be no Government whip. I think a practice and convention of that sort will in time afford very great relief, and will probably be the best way out of any difficulties that you feel at present. One can picture at once certain Bills in regard to which in the past there has been difficulty, and in regard to which it would be of the greatest possible advantage that the Assembly should take full responsibility. I might mention Mr. Jinnah's Bill, which has been referred to in evidence, on Mohammedan Succession. It is a complicated thing, and it is difficult to find a single word in English which describes it. I should also certainly mention Mr. Basu's Marriage Bill of several years ago, in regard to which I think, if I may say so, we looked rather foolish in having to oppose it when it was essentially a matter for decision by the popular voice. That, to my mind, is the only way, at the present moment, I can see out of the dilemma, if it is felt to be a dilemma.

7049. If I may ask you to prophesy, do you contemplate that at some time or other there will be diarchy in the Government of India?—I should think that that would be the natural evolution ultimately.

7050. Would it really affect the stability of the Government of India? I am not now expressing my own view at all, but putting a question arising out of the evidence. Would it affect the Government of India very much if there was a Minister in charge of the supply, development and taxation of salt, that is if the Salt Department were in the hands of a Minister?—I was Secretary of the Salt Department at one time, and the work did not occupy more than two hours a week.

7051. That would be your objection to the Salt Department, but are there not other Departments of that kind which could be grouped with salt?—Possibly there are. It is not a question of finding work for Ministers;

Mr. *Montagu*—continued.

Ministers; it is a question of the propriety of bringing Ministerial influence into the homogeneity of the Executive Government.

7052. I ask you this question, because it has been made a point of by other witnesses; assuming that Parliament approves of the Council of State procedure and composition such as has been suggested in the Bill, is it likely that it will often be used for anything else but legislation designed to maintain order or the defence of India?—It would certainly be required for those purposes, and it might be required for technical matters of a commercial type; that is to say, company law or the laws relating to banking. I think in those cases it will probably be as well to remove subjects which very vitally affect the commercial world of India from the risk of popular misunderstanding.

7053. As you have now been addressing the Committee in your personal capacity, may I put one last question? After hearing from day to day the evidence, much of which has been directed to increasing the scope of the Bill—to demanding more than the Bill gives—is there any single point upon which you think that that evidence could be met?—I start with a tremendous handicap: I have lived in these conditions for many years—conditions which familiarise me with the constant demand that a gift should be increased—and I am not probably quite so much impressed by the claims for a further advance as others might be. But, speaking quite frankly, if I had to decide, and if I felt, as I certainly should feel, that all this evidence should not be listened to in vain, my disposition would be to adhere to the structure and principles of the Bill; but, if necessary, to enlarge the field of transferred subjects.

7054. Your evidence has been directed to cutting it down?—Only in regard to two particular matters.

Sir *Henry Craik.*

7055. I have only one question to ask you. You accept the principle laid down by Mr. Montagu as underlying the Bill, that of increasing responsible Government—the popular element of Government?—Yes.

7056. But in the dual system you wish that the Executive should also have free action uncontrolled, although subject to the influence and the advice of the popular element?—Quite so.

7057. Now that does not imply that you, in any way, wish to check the advance of the popular element? Your method of advancing that popular element would be gradually to increase the number of transferred subjects?—Quite so—by gradually increasing its direct responsibility rather than its indirect control.

7058. Rather than by setting up at the outset direct control over those subjects which are not controlled?—Exactly.

7059. You would increase the popular influence by gradually adding to the number of transferred subjects?—That is my plea, yes.

Marquess of *Crewe.*

7060. With regard to the Grand Committee, I understand you maintain that the Governor cannot absolutely rely upon the support of all the nominated non-officials, and that therefore you would maintain the same ratio that exists at present between the number of officials and non-officials for this purpose?—In the various Provinces, yes. It differs in different Provinces, as you know.

7061. Yes, it differs in various cases. You are assuming all through that all the elected members in a given matter would vote against the Government?—I have to assume the worst. There will be cases in which they probably would.

7062. I remember years ago, when I was Colonial Secretary, similar cases often came to my notice, and I remember saying that I had not a very high opinion of a Governor who did not bring over to his point of view—of course, entirely by constitutional means—some of the elected members of his Assembly or Council. Would you think that that possibility might apply sometimes in India?—I think it will. But one has, in cases of establishing a safeguard, hateful though the word may be, on a very vital issue, to try to make the safeguard effective. I really feel that if the course which your Lordship suggests had been before the Government of India six months ago they would probably have been much more flexible on the subject, but the attempt to reason with, and secure the support of, the smallest number of non-official Indians in regard to the Rowlatt Bill legislation has rather shaken us.

Marquess of *Crewe*—continued.

7063. Taking what might be called for this purpose an extreme instance, the Government of India think that there is a definite danger of trouble unless they are secured, at any rate to the limited extent they are at present?—Yes.

7064. Then with regard to the instructions to Governors, you say that a draft instruction was prepared in the first instance by the Government of India?—Yes; it is an appendix to one of the despatches.

7065. Do you know why it was originally prepared in India and not at the India Office?—The Government of India were only anxious to put into some formal statement the points which they hold should be incorporated in the ultimate draft instructions. They did not for a moment suggest that it should be regarded as anything more than matter for discussion.

7066. The main consideration and solution of the question rests, of course, with the India Office—the Secretary of State in Council?—Clearly.

7067. Have the general draft instructions been finally prepared?—Not finally. I have a draft here. I do not think the Secretary of State has approved of it yet.

7068. Have the Government of India asked you to express any opinions on the Report on Home Administration?—They have sent, by telegram, certain opinions to the Secretary of State; they have not authorised me to do anything more.

7069. Therefore, you would not say anything?—I should only be repeating what they have said in a very short series of telegrams, which I think are probably before the Committee.

Sir *J. D. Rees.*

7070. I ask you as an ex-Lieutenant-Governor when a Provincial Government is asked to report, or was asked with regard to reforms embodied in the Bill, is the opinion of the Lieutenant-Governor only invited thereby or also the public opinion, the opinion of his Province, so far as he can express it?—There are occasionally a few, generally either very confidential or very technical matters, in which the Lieutenant-Governor is asked for his own opinion. I recollect in my period of service only three cases in which I was told not to show the papers to anybody else. But, apart from those entirely exceptional circumstances, the ordinary procedure is to obtain public opinion as freely as possible. It is sometimes done by gazetting, and sometimes by asking district officials to consult the men in their districts on whom they most rely for a good opinion. Speaking quite generally, public opinion is invoked to the largest possible extent.

7071. You would not agree that it is for a Provincial Government to express its own views, and not those of the articulate classes. That was a statement made by one representative of a Provincial Government, whereas the representative of another Provincial Government said that a Provincial Governor would be bound also to state public opinion. I gather you would accept the latter statement?—Oh, yes.

7072. What do you think would be the effect of the reforms, to which the Bill is designed to give effect, upon the £400,000,000 odd of foreign capital now invested in India, and upon the introduction of any more capital?—I have very little apprehension of the effect of this on British capital at present—on outside capital. In the first instance the larger commercial interests are mainly under the custodianship of the Central Government, rather than of the Provinces, and, in the second instance, one has every hope that the interests represented by that capital will come in and take their share in the development of constitutional life as it grows.

7073. In saying that, do you feel that you are saying anything which is contrary to the opinion, let me say, of the commercial community of Cawnpore or Calcutta, to instance two wealthy centres which you know well?—I do not think that either of those two centres are withdrawing capital from India.

7074. Is

Lord *Sydenham.*

7074. Is not the devolution from the Government of India to the Provincial Governments an immensely important point, and do you consider it ought to be left to the rules and not embodied in the Bill?—The difficulty about that—and it has been very fully examined—is that the authority of the Secretary of State is at present very largely exercised under a general formula that can hardly be varied without materially undermining his power. What we contemplate is that when the financial rules, the very rigid financial rules, are relaxed, that then automatically will disappear a great part of the intervention which at present is regarded as somewhat meticulous and probably vexatious.

7075. I am also speaking of the devolution from the Government of India to the Provinces?—That, again, will take the form very largely of altering a vast amount of laws on the Statute Book, rules and regulations, and it would be extremely difficult to formulate the principle in words.

7076. I suppose you realise that granting a rule-making power on a very large scale is not very popular in Parliament?—I am not familiar with that.

7077. Do you know of any Bill which gives so much rule-making power as is found in this Bill?—In the Indian Legislature?

7078. No, in any Bill that you are acquainted with?—No, I do not know of any Bill in my own personal experience which goes quite so far as this, I think.

7079. It is a marked feature of the present Bill?—Yes.

7080. Are not some of these rules vital to the working of the reforms?—I have attempted to say so to-day.

7081. Might it not be said that the whole policy of the reforms in very importnat aspects is left to rules?—A very material part of policy is, yes.

7082. Therefore we cannot really judge the Bill without knowing the rules which are to be made?—I have attempted to say that I think it would be very helpful in judging the Bill to see the rules proposed to be made, and possibly to dictate the main principles underlying some of the rules.

7083. You think the principles could be laid down defining the rules before the Bill is introduced?—I think it is a question between inserting those principles in the Bill itself or giving an authoritative expression of them for the guidance of the authorities who have to make them.

7084. Supposing the rules prove unpopular, will it not be said that they constitute a breach of faith?—I believe something of that sort has been said about the regulations under the Morley-Minto scheme, but as I have said to-day, I am not familiar with the reasons which justify that statement.

7085. But this is quite a new situation arising now. Do you not think it is very probable that there will be a charge of breach of faith if the rules are dislocated?—If the rules do not come up to expectations?

7086. Yes?—It is quite possible.

7087. On the other hand, if the rules are settled in advance, would it not be better to embody them in the Bill?—If the rules were settled in advance they would have the same validity as the Bill; but that is entirely a matter for Parliamentary exigencies, I think.

7088. How do you think diarchy can determine responsibility or define responsibility if the Governor may at any time have to intervene with his veto?—The decision to take responsibility will have been manifested by the time it reaches the stage of a veto. After all, a veto is an exceptional thing; it is not daily procedure.

7089. The tendency of a veto is to destroy responsibility, is it not?—I see your point.

7090. Now, you have said very clearly that the Executive Council proper must not be interfered with in the matter of reserved subjects. You have seen, no doubt, the Memorandum of the Government of Bombay, which shows conclusively that reserved and transferred subjects are closely entangled in all sorts of ways?—I have seen that, yes.

7091. How, then, do you think each half of the Government can act independently, as you said?—In the narrative of procedure, which I have suggested I might be allowed to draw up for the help of the Committee, the mechanism—one can only speak of the mechanism, one cannot forecast the spirit—the mechanism of dealing with those compllicated questions will be set forth. They have been set out in rules, and it is really for the Committee to decide whether they deal with the matter satisfactorily or not.

7092. Out of this mutual independence which you contemplate might not perennial conflict possibly arise?—My view is that with independence and spontaneous collaboration there is much less chance of permanent conflict than there would be under a system of forced association.

7093. I think you told us that there is a demand that the reserved subjects also should be controlled by popular Ministers as mouthpieces of the majority in the Legislative Councils; will not that demand be pressed with all the power of agitation which the Home Rule Party possesses?—I think a decision by Parliament now will go a very long way to steady political feeling on the subject.

7094. Would you agree that it is impossible to hope that the reforms will work smoothly if agitation proceeds on the scale on which you have seen it in recent years?—Yes; I think so.

7095. Tranquillity is the first condition of success in the reforms, is it not?—I think that reasonable tranquillity is essential.

7096. I think you agree, as I have often pointed out, that the official *bloc* does not really exist now, because the nominated members generally vote as they please?—It does not exist in the Provinces, no.

7097. Now, is this Grand Committee intended to give one-half of the Government the power of passing a Bill, or is it not?—That is what I understand, yes.

7098. It is to give them that power?—Yes.

7099. If it is to give them that power, then the majority must be assured of its majority, must it not?—If every Bill is automatically to pass there certainly ought to be a majority.

7100. Is it not the object of the Grand Committee that the Bill shall pass?—I certainly understand that the Grand Committee was devised in order to give what may be called a reasonable opportunity for the acceptance of measures which the Governor feels he is bound to certify.

7101. But if there is to be a certain majority in the Grand Committee, then any discussion on that Grand Committee must be farcical?—An official majority?

7102. If there is to be an assured majority?—Yes.

7103. It must be farcical. If the Grand Committee is not intended to give the certainty of passing a Government Bill, what is the use of it—

Chairman.

7104. You did not assent to the proposition that it must be farcical, did you?—No; it would not be farcical, because there would be very free discussion on the subject, and possibly an opportunity of moulding opinion.

Lord *Sydenham.*

7105. Which discussion would only duplicate the larger discussion which had previously taken place in the Legislative Council?—Yes.

7106. Would you go so far as I would go, and say that a Bill should not pass if it were opposed by two-thirds of the elected members?—In the Grand Committee?

7107. No, in the Council—that the Bill should not pass if it were opposed by two-thirds of the elected members?—No, you are going far beyond anything I have suggested.

7108. I know. You think that would not do?—I think that might have the effect of paralysing the Executive Government.

7109. But in that case the responsibility for the loss of a Bill which some Indians might want would be brought home?—Quite.

7120. I think you said diarchy might ultimately be adopted in the Government of India; but, of course, you think that that would depend entirely upon the success or failure which it shows in the Provincial Governments?—Entirely.

7111. There

Lord *Sydenham*—continued.

7111. There have been some very serious riots in the Punjab which might have spread over the whole Province. Do you think that a Government the parts of which are to work independently would be able to deal with a great emergency of that kind?—Yes. We looked into that question very carefully, and I think I have the clear authority of the Viceroy for saying that under the scheme of the Bill there would be no power lacking which he exercised in dealing with the Punjab disturbance. I know he felt that very strongly, and I think he would authorise me to say so.

7112. That is the view of the Government of India, that the two independent halves of any Provincial Government would have as much authority in an emergency which had to be dealt with quickly as it now has?—I think so.

7113. We have had a good deal of evidence that the Universities are already under Indian control. Do you agree to that?—To some measure; not wholly.

7114. But you would agree, I suppose, that all that the Government could do in the way of reforms would have to be done by persuading the present controllers of the University?—As at present?

7115. Yes—by persuasion, I mean?—That is the case.

7116. I only want to ask you one more general question. I think you said in your Budget speech that twelve hundred million rupees had passed out of currency within four years, and principally within the last two years. Am I correct?—I think so.

7117. What does that mean?—It means hoarding and melting.

7118. Both?—Both.

7119. If it means hoarding, must it not also mean fear or uncertainty of what may be going to happen?—It must be remembered that the hoarding began during the war, at a time when the success of the British arms was not assured. It is also closely associated with the rise in the value of silver.

Chairman.] I want the Press kindly to take note of this point, that the evidence as it is printed at present is unrevised, and therefore wholly insufficient for anyone to rely on, but revised copies of the evidence will be issued eventually. I want that great distinction to be made between the final form of the revised evidence which will be issued and the unrevised copies which exist at present.

(*After a short adjournment.*)

Lord *Sinha.*

7120. Sir James, with regard to Clause 9 of the Bill, do you adhere to what you said on the last occasion with regard to the allotments in relation to reserved subjects that the provision in the Bill is still unacceptable to the Government of India?—I have had no further instructions from the Government of India, but what I should be disposed to do would be strongly to advise them to accept the provision of the Bill.

7121. That is with regard to the first proviso?—Subsection 2, Proviso A.

7122. So far as you are concerned you would advise them to accept it as it stands?—Yes.

7123. I think you have explained that that had nothing to do with the question of the separate purse or the joint purse?—No it is quite independent of that.

7124. Taking the question of the separate purse, it is more than a question of the allocation of funds, is it not?—Yes, very much more.

7125. There would be the allocation of funds even under the joint purse system; the funds would have to be allocated to the two departments under the joint purse system?—Funds would have to be distributed every year between the two. The separate purse suggests a more lengthy period of allocation.

7126. Under the joint purse system the allocation might either be each year or over a period of years?—I have not heard the latter suggested. I understood under the joint purse it would be an annual distribution of the available visible revenues of the year.

7127. There is nothing in the system itself which would render an agreement for a definite term impossible or inconsistent with the system itself?—Then you would get very near to the principle of the separate purse.

Lord *Sinha*—continued.

7128. That is what I wanted to get at: Is it very near the system of the separate purse, because the separate purse, as I understand, involves that the Department reserved or transferred collects its revenue from the subjects transferred?—Yes.

7129. The sources of revenue are allocated?—The sources of revenue are already under the control of the two halves of the Government, and the separate purse system contemplates that they shall have full user of the proceeds.

7130. The first stage is that each Department has certain sources of revenue under its control so far as the collection is concerned?—That is essential in the dualism.

7131. When you have got it you may either put it into a separate purse, or you may put the revenue from both departments into one common purse?—Quite.

7132. Having put that into one common purse, you may proceed to divide it according to the requirements of each department?—Yes.

7133. It is the latter you object to?—I object to the latter on the arbitrary basis. What I suggest is that the basis of partition of revenues which has a direct relation to the sources of revenue is infinitely preferable to an arbitrary fractional partition of the total revenues available.

7134. If I may venture to say so, does the basis which you call arbitrary mean that it is an improper system, because the division, I take it, will be according to the requirements of each Department, and not according to the amount it happens to collect from the Departments committed to its charge? I used the word "arbitrary" as distinguished from a method which again I can only say has direct relationship to the sources of revenue in the respective administrative spheres.

7135. What I have in mind, perhaps I did not express it properly, is that the division of subjects has nothing whatever to do with the revenue of the subjects. When you reserve one subject, and transfer another, you do so irrespective of the revenue derivable from either?—You do so without allowing the revenue to be a factor in the decision.

7136. Without allowing it to be a factor at all?—Quite so.

7137. That being so, why should you call it arbitrary if, in dividing the total revenue, that factor does not enter also?—Because in contradistinction to what I have named, and probably misnamed, an arbitrary system, the other system gives to the department to whom administratively a source of revenue has been entrusted a direct and immediate interest in managing the revenues from that Department.

7138. That is the argument used for that purpose, but I have put my point to you?—I am sorry; I do not want to misunderstand your Lordship, and I may not have quite grasped your point.

7139. I suggested that inasmuch as the reserving or transferring a Department has nothing whatsoever to do with the revenue derivable from that Department, the revenue itself ought not to be considered to belong to that Department; the total revenues ought to belong to all the Departments together?—From the purely financial point of view I could not accept that proposition.

7140. You are aware that, so far as Indian opinion is concerned, practically of all points the greatest importance is attached to the purse being joint, and not separate?—Yes; I have heard that from the evidence.

7141. That is one of the points with regard to which the Despatch of the Government of India is considered by Indian opinion to be a whittling down of the scheme?—Yes; but for the reason that it does interfere with the power of control which they had set their hearts upon.

7142. They do not want any more power of control than there is in the clause which you have already accepted—that is to say, proviso A, sub-Clause 2, Clause 9; they do not want any further power of control?—This is a power which is exercised *vis-a-vis* the Council after the Budget provisions are put before them. The essential power of control will rest at the stage at which the Budget proposals are being framed by the two halves of the Government in collaboration. That is when the point of real control will come in.

7143. You

Lord *Sinha*—continued.

7143. You call that control; that is after all discussion and deliberation together, with the ultimate power of decision left to the Government?—I call it control in this sense, that in so far as Ministers may be said, with the consent of the Governor, to deflect revenues which the Governor in Council had desired to apply to their own services, the Ministers are thereby preventing the Governor in Council from carrying out the policy which he originally proposed or meant to make possible.

7144. With great submission my point is that they are not to do that without the concurrence of the Governor, and that is not their control?—The fact would remain that the Governor and Ministers do exercise control over the Governor in Council.

7145. There being the common factor, the Governor, the Ministers cannot be said to exercise control when they cannot do it without the consent and concurrence of the Governor. Therefore, when you say that that would give them control I put it to you that you are probably over-stating the case?—I am using the phrase that has been made by witnesses themselves; they talk of the power of the purse.

7146. The witness may have misused the term "control." I think he qualifies it rather as far as I read it. I always understood that the whole contest was with regard to this proviso A?—No, I do not think so; proviso A is entirely a separate point.

7147. Apart from the words Mr. Sastri may have used, I put it to you that if it is not in the power of the Ministers to influence the division without the consent and concurrence of the Governor, that is not control; would you accept that?—No, I do not think I should.

7148. Why not? They require some outside aid?—What I suggest is that the Ministers, having behind them, as they do have, and will have, the great power of an elective assembly, will be able in the course of the division of revenues, if there is no automatic barrier between the two classes of revenue, steadily to encroach, if they wish to, upon the revenues of the other half of the Government. The Governor will not be in a position constantly to prevent this encroachment, and he must to some extent become a party to it if he wishes to keep his Ministers with him.

7149. That will always be the case, that Ministers will like to have the power always in the Government?—Yes.

7150. And, therefore, to that extent they will be able to put pressure on the Government?—Not so much under the separate purse system.

7151. With regard to the Grand Committee, I am sure that you have read and probably considered before you signed the Dispatch of the Government of India on Grand Committees, where Sir Sankaran Nair points out that in proposing the constitution you do for the Grand Committee, you make various assumptions?—Yes.

7152. You assume that you will not be able to rely upon what the Dispatch calls the more conservative elements in the community among the elected members; assuming they will be elected, you will not be able to rely upon them, the landlords, for instance?—I think there may be gentlemen answering that description who may not be members of the Grand Committee.

7553. They may not be elected?—Yes.

7554. Is there any reason to fear that, having regard to the composition of the Assembly itself?—I think it is quite possible.

7155. There are heterogeneous elements in the Assembly?—I think it is quite possible that in dealing with a measure of a very controversial nature, the members elected to the Grand Committee may almost invariably be those who are committed to the opposition view.

7156. Then there is the further assumption, or rather the proposition which you lay down, that you would not like to rely upon the votes of persons nominated to represent Anglo-Indians, Indian Christians, Europeans, Labour and other interests like the depressed classes, and so on. You exclude those from the nominated members?—We explained that we did not want to make the matter racial. I am not sure that we have a large representation of either Labour or the depressed classes in my own Province, and it refers more particularly to the Anglo-Indians and the European community. We think it would be a real calamity if whenever we had a controversial Bill we had to count upon them as constant supporters of the Government.

Lord *Sinha*—continued.

7157. On the Grand Committees some of those are bound to come in, are they not?—In Bengal they would, I think, but I am not sure about the other Provinces; the European element is not nearly so strong.

7158. They would have a very good chance. You assume, also, that all the elected non-officials will be opposed to the measure proposed?—As I said to-day, I had to assume that the worst might happen in the particular case.

7159. And you assumed that from the one instance you gave of the Rowlatt Bill?—No; I have had experience of other measures in which the unpopularity of the proposal is limited to native feeling.

7160. I ask you to name one where the bulk of the official opinion was against the views of the Government with regard to legislation?—I think I should be correct in referring to individual provisions of some importance in a Municipalities Bill I had to carry through the United Provinces Legislature. I should like to verify my references before being precise.

7161. The Grand Committee, as the Government of India proposed it, would perpetuate the official *bloc* so far as that is concerned?—No; we do not propose an official majority.

7162. The official *bloc*, although not an absolute majority, is very nearly that?—We should have the official element in any variant of the scheme.

7163. A very large element which the Councils which are now proposed will not have?—The actual difference in figures is relatively small.

7164. You also assume that all the officials serving on the Assembly will not be available for Grand Committee work?—That was so.

7165. As a matter of fact, you do not expect that there would be many occasions for having Grand Committees in the Provinces?—But we shall ask for so many fewer nominated members, if you make all the officials available.

7166. Is there anything to prevent them being available?—There might be exigencies of business. If I may say so I do not think that arrangement would help your case.

7167. You suggest they would be available for this reason, namely, that the occasions on which you would want a Grand Committee for certificated legislation would be few and far between?—Yes. Then the only reason for making them available is to increase the size of the official *bloc*.

7168. Upon that depends the number of the Committee?—To some extent.

7169. Your proposal is that the number should be regulated to the number of officials available?—That was proposed both by the Government of India and by Lord Southborough.

7170. The effect of the Government of India proposals is to considerably reduce the number on the Grand Committee?—Yes; as compared with the Report.

7171. But for particularly important legislation?—Yes.

7172. That is also one of the points upon which Indian opinion considers that the Government of India Despatch is whittling down the scheme?—I can only express my regret.

7173. I do not ask your opinion upon it; I only suggest that is the fact?—I regret that the expression should be necessary, but there it is.

7174. With regard to the question of education, I suppose you made yourself familiar with the evidence which was placed before the Southborough Committee on the division of functions in respect of that matter?—I cannot say I have studied it.

7175. I have not seen it myself, but I am told that by far the larger preponderance of opinion of the educationa

Lord *Sinha*—continued.

educational experts, both Indian and European, was in favour of the transfer of education as a whole?—So I gathered from the Report.

7176. And that most of the Directors of Public Instruction in the Provinces were in favour of the transfer of education as a whole?—I take it from you—I do not know.

7177. Please do not take it from me, because I am only giving you my information?—I have not analysed the evidence.

7178. And it is a fact, is it not, that most of the Local Governments are in favour of the transfer of education, the Punjab, the United Provinces, the Central Provinces, and Assam too, I think?—I think those four Governments advocated the complete transfer of education.

7179. And it is only two who are against, namely, Bengal and Bihar?—And Madras, I think.

7180. And Madras. Of course, Madras was against the transfer of anything; that is the fact, is it not?—Yes.

7181. You gave some instances of where the control of representatives of the people or trustees with regard to educational institutions was not effective and had to be replaced?—Yes.

7182. Taking the Benares University, have you heard of the difficulties which came into existence about the teaching, and they have now been composed?—I am delighted to hear it; I had not heard that.

7183. That is a University which is only two or three years old?—Yes.

7184. You would not expect that there should be smooth working in an institution of that kind always from the beginning, would you?—I should certainly hope for it at the beginning, because it began with such universal enthusiasm.

7185. You would not expect the same smooth working in an infant institution of that kind as you would in Universities which had existed for centuries in this country, for instance, and I am told that it is not always smooth even here?—I was genuinely distressed at the trend of affairs in a University which had begun under such favourable auspices.

7186. It is somewhat natural, is it not, when they have to find their own staff?—I think it has been very disappointing.

7187. Such difficulties exist in the governing bodies of Government colleges, do they not?—I do not think they come to such serious results; I do not remember any.

7188. Because they have got another body to compose it for them; these people have to compose it for themselves when there is a difference of opinion?—Yes, that helps my argument.

7189. With regard to Aligarh, that was due to the creation or coming into existence of two factions, so to speak, with regard to the Mohammedan University question, was it not?—I think it went much deeper than that.

7190. That was the origin of it?—That was only a symptom of it; the factions were due to causes which went deeper and further back in time than the discussions over the creation of a Mohammedan University.

7191. Have they been composed now?—Not to my knowledge.

7192. First, with regard to primary education, you had a Committee, I think, for primary education, presided over by Mr. Justice Piggott?—Yes.

7193. That Committee drafted a certain set of rules which was never accepted?—They drafted a scheme which we accepted; I forget whether they went into formal rules; I think not.

7194. The acceptance of that scheme involved the closing of a large number of primary schools, did it not?—Not a net closure; it meant the closure of certain schools to create others. It was not a net reduction; it was a very large net increase.

7195. That scheme has now been set aside?—I think that scheme has been very largely built upon. I do not understand that it has been rejected.

7196. The scheme has been set aside altogether as hampering the diffusion of primary education, and the educational policy of the present Government of the United Provinces is different from that of the preceding Government?—That was not stated in the resolution of the present Government of the United Provinces, because they referred to the Piggott Scheme as being a preliminary to the further development of the undertaking.

7197. They have considerably modified it and enlarged it?—They have very much enlarged it in regard mainly to the fact (I am not clear what the other scheme was) that what is known as the Piggott Scheme was started during the time when we were absolutely at the knuckle-bone of finance, owing to the requirements of the war. The new scheme which is now before the United Provinces relies upon very large additional funds which the Government of India have enabled them to draw from their balance after the conclusion of the war.

7198. With regard to higher education, that is both University and Secondary Education, is it the fact that the control has at the present moment passed away largely from the hands of the Government to those of the people themselves?—I think, in a varying degree, in different Provinces that is true.

7199. The Mr. Sharp, whose name you mentioned as educational adviser to the Government of India, stated in his note for the Functions Committee that it was no use keeping it reserved unless the control of the Government was to be tightened further than it is now?—Yes.

7200. And that unless you were prepared to tighten the control—that is to say, to exclude popular control such as exists now—it would be better to transfer it?—May I put it to take a larger share in control?

7201. His own recommendation to your Government, as the Government of India is, was that unless you were prepared to tighten the control and to exclude the popular control that exists now, it was no use to keep it as a reserved subject?—I think that is a general indication.

7202. That is the substance of it, is it not?—I should not say that he suggested the possible exclusion of popular control; I think it is a larger measure of Government control in association with present agencies.

7203. And the lessening of the popular control such as exists now?—Yes.

7204. Therefore, if you reserve it you will have to lessen such popular control as exists at the present moment?—Yes. I fear that is inevitable if we are to get rid of the weaknesses in the present system.

7205. Do you advise that, having regard to the state of opinion and feeling in the country?—Nothing could be easier than to say: "Let the popular element in the Government have higher education, and let them make the best or the worst of it." But I am trying to speak, as I have done throughout this case, with a genuine desire for the future welfare of India, which I believe does lie very much in the wise control and development of secondary education.

7206. Is it a fact that higher education has been a very great success up to the present moment?—I think it has done a very great deal for India.

7207. We have heard the complaint made very often that the higher education at present given is devoid of all real culture; is there any truth in that?—There is a great deal of exaggeration in it.

7208. Whatever truth there may be in that complaint, is it not due to the system which puts a commercial and pecuniary value upon each examination, Matriculation, Intermediate, the Bachelor of Arts, the Bachelor of Law, and so on; that without Matriculation you cannot enter into this service, that without the B.A. you cannot enter into that service, without the B.L. you cannot enter the profession of the Law, and so forth?—I must regretfully agree that is a very large factor in it.

Chairman.

7209. Sir James, there are one or two points I want to make quite clear to myself. First of all in respect of the joint and separate purse, do I understand your position to be this: the Legislative Council and the Ministers enjoying its confidence will want to spend much money on the development of the transferred subjects, particularly, you say, education?—Yes; undoubtedly.

7210. And

Chairman—continued.

7210. And they may be reluctant to impose fresh taxation?—I think so.

7211. And, therefore, when the free balance is expended there will be an inevitable tendency to try to reduce the Estimates for the reserved subjects?—That is so.

7212. Even beyond the point which those responsible for the reserved subjects think possible and consistent with their responsibility?—That is so.

7213. And the Ministers and the majority in the Legislative Council will have a stronger leverage wherewith to reduce the Estimates on reserved subjects under the system of the Joint purse than they would have under the system of the separate purse?—That is my suggestion.

7214. Now, I come to the subject that Mr. Montagu asked you a good many questions upon: the scheme of the Bill, and of the Report upon which it is founded is to assign a definite sphere of responsibility to Ministers in respect of transferred subjects, and to the Governor in Council in respect of reserved subjects?—Yes.

7215. Your conception of carrying out that scheme to the greatest advantage is, subject to the reservations you have made here, to transfer as great a number of subjects as possible to the control of Ministers?—Yes.

7216. And, having done that, your plea is that Ministers should be left as free as possible from control in dealing with those reserved subjects, except the control of the Legislative Council?—Yes.

7217. In fact, you say the Government of India and the Governor, if they are wise, will carefully desist from jogging the elbows of Ministers unnecessarily?—I hope so.

7218. How many Ministers do you think will be required to do the work of such a list as the revised list of transferred subjects?—In a normal Province I think two Ministers ought to be able to do it quite well. It is a little difficult to say, because we do not yet know whether it will be possible to find Ministers who will be prepared to make themselves, so to speak, whole-time administrators. One hopes that will be possible, in which case I suggest two Ministers would satisfy the needs of an ordinary major Province.

7219. It had never occurred to me that a Minister would not be a whole-time man?—Well, I trust he will. The future is not quite clear in that respect.

7220. Do you not think he ought to be?—I certainly think so.

7221. Assuming he is a whole-time man, and assuming merely for the sake of our illustration that the revised list of transferred subjects is the one finally adopted which includes all education and University development, as well as agriculture and local government, and a large number of other subjects, do you really suggest that two Ministers could deal with that properly?—I am afraid I was thinking of two Ministers in reference to the list after the elimination of the two very important subjects we wish to remove from it. If education, as a whole is transferred, they will require a Minister exclusively for that Department, and if industries are transferred, I should think that the balance of the subjects would require probably two other Ministers, that is, three in all

7222. Now, passing to the other side of the Government, the Governor in Council, with his Executive Councillors, I understand your plea to be exactly a similar one, that he and they should be left as free as possible from control in dealing with the reserved subjects, except the control of Parliament, exercised through the Secretary of State?—Yes.

7223. And, similarly, you protest that the kind of incursion into their sphere contemplated by Mr. Sastri, in his evidence, would, in fact, result in the perpetual jogging of their elbows in their sphere of responsibility by the Ministers and the Legislative Council?—Precisely.

7224. Do you also fear that the opportunity for the exercise, and the exercise of what you consider undue interference with the reserved subjects, would have the effect of deflecting certain Indian politicians from the

Chairman—continued.

concentration of their efforts in developing the administration of the transferred subjects to what you would consider the illegitimate meddling with the reserved subjects?—I think it must inevitably lead to that diffusion of energy.

7225. And that, therefore, if that was the effect it would, to that extent, be marring the experiment in respect of the transferred subjects?—Yes.

7226. You noticed, perhaps, or heard, what Mr. Patel said in his evidence?—I read his evidence; I was not here.

7227. I understood him to say that there would be no cessation of agitation for the acquisition of more power?—Yes.

7228. That is exactly the kind of way in which you expect that agitation to work, is it not—interference in reserved subjects; or am I wrong in supposing that is so?—If the power of legislation and the power of the purse, as we fear, do to a very large extent remain in the hands of Ministers, we certainly apprehend that they would be subject to agitation to exercise their control in a more effective measure than they might otherwise do.

7229. May I summarise your plea thus, that only by a very definite separation of responsibilities can we avoid the blurring of the issue; and only so can the action of both sides be fairly judged by public opinion, both in India and in this country?—That is precisely my suggestion.

7230. Assuming that view of the relations of the two sides of the Government, does that conception at all conflict with the idea that Ministers and Executive Councils, with the Governor, should most freely consult each other in respect of all the sphere of Government?—Not in the slightest; I trust there will be the fullest consultation, mutual help, and advice.

7231. You look forward to the Executive Councils consulting the Ministers in respect of the reserved subjects, and the Ministers consulting the Executive Councils in respect of the transferred subjects?—I certainly do; not only in the formal manner which is suggested by the regular meetings of what has been called the Provincial Cabinet, but by that even more valuable informal agency of a number of men carrying out the common work of administration, and constantly in touch with each other.

7232. As regards Cabinet capacity, the two sides should act as if they were one government, but having so consulted, that they should then come to their decisions separately, so that there should be no doubt in anybody's mind as to where the responsibility lies?—Quite so.

7233. That is a true picture of your idea?—Yes, and if I may say so, that is what I have endeavoured to bring out in the narrative of procedure which I hope to place before you.

7234. Now, turning to other subjects, do you wish to say anything about the attitude of the Government of India towards Women's Suffrage?—Just one word, if I may. The Government of India would be most reluctant to appear to be hostile to the theory or principle, or, indeed, to have taken a partisan side in the theory or principle of the propriety of Women's Suffrage. What they feel about it is the grave difficulty of instituting an effective female electorate in parts of India. I do not speak for Bombay City or any area with which I am not familiar, but I do say that in parts of India, and more particularly the Northern parts, the exercise of the women's suffrage would be very unequal and a very puzzling problem; but in the second place the Government of India do feel that a matter of this sort which touches the root of so many social susceptibilities and national susceptibilities is essentially one of the questions that ought properly to be left to the will of the people themselves when that is manifested under the new constitution.

7235. You would leave that question of women's suffrage to be settled by the Legislative Council of each Province?—Yes.

7236. Or by the Legislative Assembly of India?—I think it ought to be Provincial, because conditions differ so much in the different parts of India.

Chairman—continued.

7237. Do you wish to say anything about the revision of the list of reserved and transferred subjects before the end of ten years?—I only wish to repeat the strong plea of the Government of India that no formal revision should take place until it follows the Report of the first Statutory Commission. They do not believe that it would be politic to hold out any hope of a modification other than by way of correcting, let us say, purely clerical errors and wrongly transferred subjects within five years. They believe that during the operation of the first two Councils there will be very difficult matters in store for everybody, both for the official Government and for the Ministers, and they think it would be a calamity of the worst type, and probably fatal to the whole success of the scheme, if immediately after the inauguration of the new constitution men's minds were to be disturbed by the prospect of being able to secure a further distribution of administrative functions in such a short period as five years.

7238. Do you wish to say anything about electorates?—There, again, I only wanted to emphasise the plea which was put in for a fair consideration of the Franchise proposals in Lord Southborough's Committee's Report, and I should like (I trust I am not trespassing on your patience) to submit a letter which I have just received, which was addressed by the Bengal Government to the Government of India on the 12th July last, in which they make certain very definite complaints against the Franchise proposals of Lord Southborough's Committee. I do this solely because I am anxious to make it clear that the Government of India had not been unnecessarily or fractiously finding fault with the Franchise proposals, as has been suggested. What we want to do is not to break up any agreement or to interfere with any settlement that has been arrived at. All we want to do is to get a reasonable consultation of the interests which are most directly affected by these proposals, and when it is suggested that the Local Governments were carried with the Franchise Committee throughout, we can only point to this perfectly spontaneous protest on the part of the Government of Bengal, in which they complain, without any invitation from the Government of India, that certain action taken, a certain recommendation made by the Franchise Committee, destroys the whole basis of the Local Government scheme in a particular respect. There are other passages in the same letter—I do not want to make too much of it, but I should like to put it in simply as an example of the state of mind which seems to us to call for a further examination, and an examination which I may say will in no way delay the introduction of the new constitution, of some of the detailed proposals with regard to electorates.

7239. Have you anything more you would like to add about the recommendations of Lord Crewe's Committee?—I think not. On the whole, I think I could not add with advantage to the telegrams which have come, and are now coming, from the Government of India to the Secretary of State on the subject of these recommendations.

7240. There is only one last question I want to ask you: Have there been statements of alleged fact made by any of the witnesses before this Committee that you think you ought to correct?—I have gone through all the evidence, but have not done so from the point of view of making difficulties. There are, however, two or three statements in the evidence of one of the witnesses which reflect very much upon the Government of India, and which, I think, in the interests of ordinary accuracy, it is desirable to comment upon. The particular statements I have in mind occur on pages 78 to 82, on the printed record of evidence, and particularly questions 1434 to 1436. The witness in this case, in the first instance, referred to the Land Tax, that is what we call the land revenue assessment, as being much higher than in the Moghul times, and the words are (question 1434) "much larger than then, because in many Provinces it goes to 50 per cent., whereas Akbar took one-fourth or one-sixth." Now, I do not suppose for a moment this is an intentional misrepresentation of very well known historical figures, and I should only like to explain that 50 per cent. is now practically the maximum share of the rent roll which the Government takes in what is known as Zemindari Provinces from the landlord. If this is read, as it might very well be read, as indicating 50 per cent. of the produce of the land, it would be very gravely misleading. I should like to go further and say that, as is clear to anyone who has read the elaborate examination of the subject which was published in Lord Curzon's Viceroyalty, it is not correct that we are taking an increasing share of the produce of the land, but a gradually and steadily diminishing share, which is infinitely less than 50 per cent. In the following question, 1435, the witness says that the Government of India pays crores to railways and starves irrigation. That is an entire mis-statement. Crores of rupees are raised for the extension of railways; large sums are also raised and found for the extension of irrigation, but I do not remember in all my experience of the Finance Department in India any irrigation project being finally approved of from the professional point of view and from the administrative point of view, for which we did not immediately endeavour to find the necessary capital. In the same answer there is a misstatement also with regard to the railways, where it says that the interest on the capital expended on railways goes normally to the companies every year. As is well known, a very large share of that interest accrues to Government, which is by far the largest shareholder in virtually all but one of the railway companies working in India. In Question 1436, the immediately following question, there is reference to the pitiful cases of starvation of widows and women, heads of families, and reading the question and the answer as a whole, an outsider would be inclined to regard this as the chief manifestation of distress due to famine in India. It is a sad enough feature, a pitifully sad feature, in such distress that many of the more respectable ladies in decayed families, in towns more particularly, are very averse to asking for outside assistance when distress comes. Many of them suffer very gravely, and many of them probably die, but, having relation to the vast volume of distress which the Government devotes itself to relieving, it is almost a negligible factor. The work of famine relief, which the witness urges we should transfer on the ground of the suffering of these few poor ladies, is directed to keeping alive and keeping in health hundreds of thousands and in some cases millions of the population, scattered over a vast area, and I should be sorry that answer 1436 should be taken as a description of the work which we try to do in relieving famine in India. I should like those points noted, my Lord.

(*The Witness is directed to withdraw.*)

DR. TEJ BAHADUR SAPRU, is called in; and Examined as follows:—

Chairman.

7241. Dr. Sapru, I think you are one of the leading advocates of Allahabad?—I have been there in practice for about twenty-four years.

7242. You were appointed as one of the Members of the Franchise Committee of the Southborough Committee?—I was.

7243. I think you have handed in a Statement (see Appendix W), and we shall be glad if you will make any statement to us you would like to put before us on the subject of the work of that Committee, and if you would particularly direct your attention to the reasons which induced that Committee to propose that the whole of the field of education should be a transferred subject?—When we started on our tour the first Province we visited was Behar. In Behar we examined a large number of Indian witnesses, and I may say that without a single exception, so far as I recollect, every Indian member supported the transfer of education. Then came the officials before us. Now Mr. Fawcus, the Director of Public Instruction there, was opposed to the transfer of higher and secondary education, but he favoured the transfer of primary education, and also added that, having regard to the peculiar position of Behar, he would not object to the transfer of middle vernacular education. Mr. Fawcus was

examined

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examined at great length on the question of the transfer of secondary and higher education, and his whole position seemed to be that he was afraid that there would be a lowering of the standard if education was transferred, and he further pointed out that Behar was a new Province, and that therefore it was not likely that it would be able, in the event of education being transferred, to find the necessary funds. That was the position Mr. Fawcus, the Director of Public Instruction, took. At the request of some Members of the Committee Mr. Jennings, the Official Vice-Chancellor of New Patna University, was called, and Mr. Jennings's opinion was that as a matter of fact he could not say that there was any definite desire to lower the standards, but that he was opposed, or rather his Government was opposed, to the transfer of education, because they had an ambitious scheme which would cost them nearly 92 lakhs of rupees. It was pointed out to Mr. Jennings that if the reform scheme came into effect the Government of India would not be in a position to give funds for the purpose of financing education, and that the Province would necessarily have to depend on its own resources, and that Behar could not possibly meet its ordinary expenditure, and it was put to him how did he expect the money to come forward? I may say, without meaning any disrespect to Mr. Jennings or the Government he represented, there was practically no answer to that question. I may say further that we attached most weight to Mr. Jennings's evidence, because Mr. Jennings had been Principal of the leading college in the United Provinces. It was from there that he went to Behar, and it was also brought out in the evidence of Mr. Jennings that he had been associated with the Allahabad University for about 15 years, and he was never able to see any desire on the part of the Indian Members to lower the standard.

From Behar we moved on to the United Provinces, and we examined a large number of witnesses in Lucknow. I may say that so far as the Indian Members were concerned, they were unanimous about the transfer of education. With regard to the official witnesses, the one important witness who spoke with regard to education was Mr. De La Fosse, Director of Public Instruction in the United Provinces; he was also connected with the Allahabad University in various capacities, and Mr. De La Fosse was distinctly of opinion that education should be transferred. He was cross-examined at great length with regard to the question of efficiency or inefficiency of the education, and with regard to the desire as to lowering the standard which was attributed to the Indian Members, but he was not able to demonstrate that. He agreed with the suggestion that the standard of the Indian Universities was already very low, and that the teaching was inefficient. It is only fair to Mr. De La Fosse to say that he was of opinion that, although education should be transferred, yet the subject of legislation with regard to education should be reserved. Then we examined two other European educationists, one being Professor Stanley Jevons. He was a Professor of Economics in the University of Allahabad, and he was strongly of opinion that primary education should be transferred. He also favoured the transfer of secondary education, but he was not in favour of the transfer of higher education. Upon his cross-examination it was brought out that what was really at the back of his mind was that he desired a Central Controlling Authority for higher education, and he pleaded for the appointment of a Director of Education for all India. Then there was lastly the Rev. Doctor Garfield Williams. His position was that he did not want any reforms such as had been outlined in the Montagu-Chelmsford Report, and he said that for the next 10 years or so the Government should send their men to foreign countries to be trained as teachers, and when these gentlemen returned and improved the educational position of the country, then would be the time for the Government to think of reforms. That is all I can say with regard to the United Provinces.

From the United Provinces we passed on to the Punjab. In the Punjab, I may say, we examined a large number of witnesses, and among them there were two Indian educationists of very good reputation. One of them was Mr. Sundar Das, who had been

Chairman—continued.

an Inspector of Schools connected with the Punjab University for nearly 20 years, and he was strongly of opinion that education should be transferred in all its branches. Then there was an Indian Professor, Rai Sahib Ruchi Ram Sahni, a very distinguished Professor, who has done some original work in chemistry, and he was also of opinion that education should be transferred. I am not speaking of non-expert Indians. Then we examined Mr. Richey, the Director of Public Instruction there, and he was strongly of opinion that education should be transferred. His position was also that legislation should be reserved to the Government of India. Then we examined the Registrar of the Punjab University, Dr. Woolner, and he was also in favour of transfer.

In the Central Provinces there was strong opposition to the transfer of education, except primary education. One was Mr. Mayhew, the Director of Public Instruction, who opposed it, and his Government was opposed to the transfer—in fact, the Central Provinces Government was not at all satisfied with or happy over this scheme.

From the Central Provinces we passed on to Calcutta, and in Calcutta I may say that the Indian witnesses, excepting two or three Mahommedans, were practically unanimous with regard to transfer. Among the European witnesses whom we examined was Mr. Wordsworth, the Director of Public Instruction, and he was in favour of transfer. It is only fair to Mr. Wordsworth to say that his opinion was based more on political grounds than on any other grounds. We examined another educationist of the name of Dr. Howells, a very prominent missionary there, who has been connected with the University of Calcutta, and he was very strongly of opinion that education should be transferred, and he illustrated his point with reference to Wales. He was strongly of that opinion. I was not present during the time the Assam Government gave their evidence, and I cannot speak from personal knowledge as to the Assam view.

We passed on to Madras, and, of course, in Madras the question of transfer was a forbidden one; they were opposed to all transfer; and the Director of Public Instruction, Mr. Duncan, told us that no official would think of the possibility of education being transferred under any circumstances.

Then we came to Bombay, and in Bombay we examined Mr. Covernton, the Director of Public Instruction, and he was strongly of opinion that education should be transferred. He did not think that there was any grave risk in transferring education, or that the standard would be lowered. In addition to Mr. Covernton, we examined Mr. Paranjpye, a very well-known Indian educationist, the Principal of the Fergusson College, Poona, who was educated at Cambridge, and he was strongly of opinion that education should be transferred.

From Bombay we passed on to Delhi, where we wrote our Report, and that practically sums up our evidence, which we recorded on our tour.

7244. The summary of that evidence is that, first of all, all the Indian evidence was in favour of a complete transfer?—I should think so, except, probably, one or two men.

7245. One or two Mahommedans?—Two Mahommedans.

7246. Was the majority of the European opinion in favour of transfer, or not?—I have not made the calculation, but I can tell you that there were only three men strongly opposed to it, Mr. Mayhew, Mr. Duncan and Mr. Fawais.

7247. You spoke of an allegation that the Indian members desired to lower the standard?—Yes.

7248. I do not think that allegation has ever been made here. The allegation is that the popular pressure on members and Ministers to increase the bulk of education at small expense would have that effect—that pressure for quantity rather than quality would be brought on the members and Ministers, not that they themselves would favour that choice?—I think that is a very favourite official theory in India; but if you come to examine it very closely there is no foundation for it. My experience, as a member of the University, has been that there is absolutely no such desire on the part of the Indian members; the general public do not want the standard to be lowered, but what they object to is the constant fluctuations in the

Chairman—continued.

the results of the examinations, which can be accounted for on the ground that sometimes you appoint experienced examiners and sometimes you appoint absolutely inexperienced examiners. Sometimes you have 40 per cent. of the students passing and at other times only 18 per cent. passing. It is those fluctuations which give rise to popular agitation, and the official mind is led to the position that our demand is to increase the quantity at the expense of the quality.

7249. You know those fluctuations took place without any change in the standard of examination?—It is quite possible, but, as a matter of fact, the system of examination in India, if I may be permitted to say so, is extremely unsatisfactory. I have myself been an examiner for many years in one of the Universities, and I have myself had to undergo those examinations, and I can tell you the Indian educationists have turned examinations into a fetish. They blame Indians for encouraging cramming, but I do maintain that they are no greater sinners in that respect than the European professors themselves, and I am prepared to substantiate that.

7250. Is there any other point you would like to bring before the Committee?—What I wish to bring out with regard to education is this. In my opinion the system of education that has obtained in India is not so efficient as it is claimed to be by the officials. I say it is inefficient and has been inefficient, but has given you very good public servants, very good clerks, but it has practically killed originality among us, and it has not met the wants of the country in economic matters, nor has it led really to any development of culture. I strongly maintain that the average graduate of an Indian University is very far removed from being a cultured gentleman; he is a very good man for a clerical post, or for a deputy-collectorship, but there is nothing of culture there. The reason is this, that so far as the European professor is concerned, he exercises practically no influence over his pupils; he goes into the class-room and simply delivers a lecture, and he will probably not be able to recognise many of his students if he meets them outside in the college field. There is no contact between them, and no intellectual atmosphere about our colleges there. So far as European professors are concerned, I have to say, with great regret, that in the past men have been sent out from England who could never have had any career in any of the English Universities. I have known men being sent out from England to teach Indian history in the higher schools who started to read their Indian history when they came to India. I have known men sent out to India who were Wranglers, and who were sent out to teach mental and moral science. I think men like that have been failures. I do not wish to give the impression that there have not been very great European educationists there, I have known some of them, of good quality, certainly, and of the very first order. A European professor in India has got to live as a member of European society. There are certain conventions which he has got to observe, and the result is that there is always a great distance between him and his pupils. There is no intellectual atmosphere there. I also maintain that in India educational questions in the past have been decided, I should say, not on educational grounds alone, but on political grounds, and the educational expert has very little chance there against the secretariat. For instance, during the last few years it has been considered to be very objectionable to teach English history, and I have talked with some of the officials, who think that English history would be a very dangerous thing for Indian students to read. On the other hand, I maintain that it would be a very good corrective for many wrong notions. Similarly, there used to be certain authors prescribed, as they were considered to be very valuable reading for the younger generation; but nowadays nobody would think of prescribing any work of Mill or Burke, because it is considered to be very dangerous now. Those questions clearly resolve themselves into political considerations.

Again, you have got the question of the matriculation examination as against the school final examination. It is a long history, and I do not want to trouble the Committee, but while I myself am in favour of the school leaving examination, there is no reason why the matriculation examination should not at the same time be improved. All these questions resolve themselves into politics, whether they are official or non-official.

7251. Is there anything else you wish to add?—With regard to education there is just one more matter I should like to say, and that is to clear up a certain matter with regard to the Hindoo University. I am a member of the Hindoo University.

7252. At Benares?—At Benares. I have been connected myself with every branch of the Hindoo University. Unfortunately, there has been some trouble during the last few months, and I am prepared to confess that we were not quite happy in the selection of one or two men on the teaching staff. But two or three of them have gone, and shortly before I left India this month everything had been restored, or was being restored, to normal conditions. Of course, there was difference of opinion, but I have known greater differences of opinion in the Allahabad University. They do not come to the surface, because it is an old University and things adjust themselves there very easily. With regard to the Aligarh College, I am not connected with that College; but I know it, and I have many friends there. The whole trouble arose—I say it deliberately—because the Indian trustees wanted to assert themselves; the European members of the staff were not prepared to accept their views. I do not say that the European members were wholly to blame, nor do I say that the Indian members were wholly to blame; but, as a matter of fact, the situation there was that the European members were not accustomed to the new spirit which had sprung up there among the trustees. I am not talking of any political considerations. I am told now that new rules have been framed; they were framed by a representative of Patna, and they have been submitted to Sir Harcourt Butler, and I understand he has accepted them. I do not think there is much truth in all these exaggerated statements with regard to the Aligarh College.

There is only one more statement I would like to make with regard to primary education, and especially with regard to my own Province. The history of primary education may be summed up in two words, pious resolves and postponement. When Mr. Justice Piggott was appointed to preside over the Committee he made certain recommendations, but I am not aware that those recommendations have been given effect to in a liberal manner. No doubt something has been done, but they have not been given effect to on a liberal scale. Shortly before I left India I was told that some of the leading recommendations of Mr. Justice Piggott's Committee have been rejected by the present Government. One of the leading recommendations of Mr. Justice Piggott's Committee was that no new school should be opened unless it contained four classes, and that new schools should be maintained by Boards and not by private agencies. It is not with regard to the second that I wish to make any statement, but with regard to the first I was told that the present Government is not prepared to accept the recommendations; so the question is this: There is too much of research work in regard to primary education, and there is really very little result. That is all I wish to say with regard to it.

7253. Sir John Rees wants me to ask you a question on a very different subject. Before I put the question do you want to speak on any other subject?—It is only with regard to education that I was called upon to make any statement. With regard to the question of the divided purse I am strongly of opinion that there should be no divided purse, and I have set forth my reasons in the short statement I have submitted. I entirely endorse the remarks of Sir Sankaran Nair in his minute of dissent with regard to that matter. This question arose, I may say, also before our Committee, and it was pointed out that the Memorandum of the Government of India had been forwarded to our Committee almost at the last moment. It was dated the 3rd of January, and we came back to Delhi to write our Report towards the end of January, or the beginning of February. We had not taken any evidence with regard to that during our tour, and it was pointed out that it was not fair to the Committee that the Committee should have been invited

Chairman—continued.

vited to give any opinion with regard to that, although some of the members were strongly of opinion that the divided purse would not work. I may say that I was one of them.

7254. The question Sir John Rees wished me to ask you is in relation to the allegation which has been made by non-Brahmins in respect of Brahmins. I think the expression has been used—Sir John Rees puts it in inverted commas—" priestly tyranny," and he asks me to ask you what proportion of present-day Brahmins are priests?—I could not give the exact figure, but I should think it is not a very large proportion, because most of the Brahmins have taken to clerical work or they are agriculturists, but I would not be quite sure about my figures.

Chairman—continued.

7255. He asks me to point out to you that by the Census of 1911 the number of male Brahmins is given as something over 7½ millions, and the number of priests, ministers, etc., as something over half a million; but he says that the priests and ministers include priests and ministers of other denominations, and not only Brahmin priests and ministers?—Oh, yes, there are ministers and priests who are non-Brahmins.

7256. Therefore, he concludes, the number of Brahmin priests must be under 6½ per cent?—That may be so, but I am not prepared to make a statement with regard to the figures.

(*The Witness is directed to withdraw.*)

Die Lunae, 6° *Octobris* 1919.

MEMBERS PRESENT:

Earl of SELBORNE.
Lord BRODRICK (Viscount MIDLETON).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Sir J. D. REES.
Mr. SPOOR.

The RIGHT HON. THE EARL OF SELBORNE in the Chair.

The Committee sits in camera for some time.

SIR THOMAS HOLDERNESS, G.C.B., K.C.S.I, is called in; and Examined, as follows:—

Sir *T. Holderness.*

Prefatory.—I should like to say at the outset that I have no first-hand personal acquaintance with present conditions in India, having left that country as far back as 1901. As to the pressing necessity for constitutional advance such as proposed in the Joint Report and the Bill, the capacity of the mass of the people to respond intelligently to the demands which will be made upon them by an extended electoral system, the ability of the representatives whom that system will send to the Provincial Legislative Councils and to the Indian Legislature to exercise prudently and temperately in the public interest the powers and duties which the beginnings of responsible government will entrust to them—these are matters on which I can only attempt to judge from a distance, so to say, and on second-hand information such as flows from India to the India Office through various channels, or reaches me through private correspondence and conversations with persons, Europeans and Indians, fresh from the Indian scene. I have endeavoured to study, so far as time and my ordinary duties have permitted, the Joint Report, the Bill itself, and the mass of criticisms, suggestions, and representations that have followed its publication, and I have had the advantage of having been a member of the Special Committee in the India Office which, under the directions of the Secretary of State for India, prepared the Bill in the first instance to give effect to the scheme of the Joint Report. But I am acutely conscious that all these sources of information do not make up for my personal ignorance of the India of to-day or the political condition of its people.

Speaking subject to this limitation, I am of the clear opinion that the time has come for associating the people in a much greater degree than at present with the Government, and that this can best be

Sir *T. Holderness*—continued.

attained by starting from the representative institutions which are found at present in the Provincial Legislative Councils, enlarging their representative character, giving the reconstituted legislatures a measure of control over the Executive Government, and thereby placing upon them direct responsibility within a definite sphere for political acts and decisions and the consequences thereof. As the situation presents itself to me I see since my day a very noticeable increase of political activity among the educated classes, a strong disposition to question the policy and contest the decisions of the Government, an impatience at exclusion from the Governmental machine, a rapidly-growing power of combination for political ends, and of concerted movement through the Press and the platform on any occasion on which they wish to appeal to and influence the general community or particular sections of it. I see that the population at large, though still uneducated and inexperienced in politics, is no longer indifferent to world events, is awakening to a sense of national consciousness, is no longer content to render a passive and unquestioning obedience to its rulers, and readily comes under the influence of the active politician. The confidence that formerly subsisted between the autocratic Government and the people seems to be disappearing. The Government finds itself confronted in the Legislative Councils and in the Press with a permanent opposition of growing strength and expertness, and is conscious that its powers for good are being undermined and its activities frustrated. A position has been reached which to my mind makes it imperative to enlist new forces on the side of the executive and to place a share of the latter's responsibilities upon its critics.

That is broadly how I see the situation. I think that a large and generous measure of reform is called for

Sir *T. Holderness*—continued.

for, and without ignoring the difficulties and possible risks attending a great experiment, I am generally in favour of the policy embodied in the Bill.

My answer to the questions are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? And, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I accept, as I am bound to do, the policy announced in Parliament of gradually developing self-governing institutions in India with a view to the progressive realisation of responsible government in that country, and understanding that the proposition in the question is a shorter re-statement of the declaration of 20th August, 1918, I accept it. I make this distinction because, to my mind, the scheme proposed in the Bill for local government in the Provinces, while it may prove the first step towards responsible government in India, is in itself not responsible government—not even, I would almost say, in a rudimentary form. I understand the expression "responsible government" to be used in the ordinary constitutional sense as implying the amenability of the executive government to a legislature elected on a popular franchise. I agree that responsible government, as thus understood, is the ultimate goal of British policy, the British Government and the Government of India being the judges of the time and measure of each advance. I accept the proposition contained in the Preamble to the Bill that the first step in advance is to develop self-governing institutions in the Provinces, and concurrently to give the Provinces in provincial matters the largest measure of independence of the central Government which is compatible with the discharge by the latter of its own responsibilities.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantially elected majority (Clause 6)?—Yes. I think this to be necessarily the first step in the direction of responsible government.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—I think that the Provincial Legislatures should, as a necessary step in the direction of responsible government, be given a certain degree of control over the actions and policy of the Executive. At present they have a certain negative power of control over the legislative projects of the Provincial Executive. They can refuse to pass Government Bills. Their influence, as distinguished from control, both in matters of legislation and of administration, is very considerable.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Yes. I do not think that the Provinces are ripe for the introduction of responsible government in the accepted meaning of the term, and it would come to that if the provincial executives were not to remain responsible to the Secretary of State and Parliament. Nor could responsible government be established in the Provinces without a fundamental change in the structure and functions of the central government of India and in the military and political conditions by which the external defence of India is secured.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of Government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I have seen no other scheme which better satisfies the four conditions named in the preceding questions (1) to make a beginning in establishing the responsibility of Ministers to the legislature; (2) to place the elected members in the majority in the provincial legislatures; (3) to give the legislatures a

Sir *T. Holderness*—continued.

measure of control over the executive governments; (4) to restrict the matters within which this control may operate. The dual form of Government embodied in the Bill by dividing the executive into two halves—an official Government and a popular Government amenable within limits to the legislature, and by similarly dividing into two halves the subject matter of the administration, does make ministers and the legislature from whom they are selected responsible within limits for a definite part of the administration. That would not be the case under the scheme proposed by the Lieutenant-Governors. I need not elaborate this point. It is established by the Viceroy in his Minute of 5th March. I think that the scheme of the Lieutenant-Governors might be a workable scheme under other conditions than exist at present. But one essential condition is that it should satisfy the present hopes and aspirations of the active political classes, and that they would readily co-operate to make the scheme a success. I feel that as compared with the scheme embodied in the Bill those classes would regard it as retrograde and inadequate, and as failing to give the new electorates and the new legislatures a secure and definite measure of advance in the direction of responsible Government. If I am right in that, it is impossible to believe that reform on the lines of the Lieutenant-Governors' scheme would at this late stage of the controversy have a chance of success.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible 'government,'" and, if it does, in what way? (Clause 2, 3, etc.), and (ii) does it afford means of judgment, (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the legislature and those who represent it in the executive?—As I have no other method to suggest, I have nothing to say on this head.

7. If you consider a dual form of government, acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—As far as concerns the Bill I have no modifications affecting its essential structure or its more important details to suggest. There are a number of minor amendments which the India Office Committee have recommended, but they have not yet been considered by the Secretary of State and I need not go into them. Many of them are drafting amendments, and to the best of my recollection they are relatively unimportant. The Bill, of course, is a skeleton, and its practical effect will greatly depend on the rules framed under it. I have seen the specimen rules made under Parts I. and II. of the Bill. They are incomplete, and they do not cover all the matters regarding which it will be necessary to make rules. But as far as they go, they are in my opinion a suitable basis upon which final rules may be built by the Government of India in communication with the Secretary of State. There are matters of some importance arising out of the Franchise and Functions Report, which will form the subject of rules, on which there is a difference of opinion between the Government of India and the Southborough Committees. As regards the Functions Committee, I generally accept the lists giving the division of subjects between (1) All India and provincial subjects; (2) transferred and reserved subjects, which have been laid before the Committee. My only hesitation is whether in all the Provinces it will at present be possible to find a Minister capable of administering the whole subject of Education, and whether, if this is doubtful, it might not be wise in the case of such provinces to transfer primary education only for the first five years.

8. In particular, do you think (i) that Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their department by the Governor, or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii). That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due

discharge

Sir T. *Holderness*—continued.

discharge of his responsibilities (Clause 3 (3))? (iii) that the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—(i), (ii), and (iv). Yes. As to (iii) I am of opinion that ordinarily one official European and one non-official Indian should suffice, and I am in favour of so constituting the Executive in every Province at the outset. But I would retain the present provision of the Act which empowers the Secretary of State to appoint such number of members not exceeding four as the Secretary of State in Council directs. Circumstances may arise in a Province that might make a Council of two insufficient, and as the power will rest with the Secretary of State, the normal number of two is not likely to be exceeded without good cause.

9. Referring back to questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I consider them generally suitable.

10. In particular, (i) do you think that the Legislature should have power, with whatever limitations, to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i) Yes, and I approve the limitations expressed in provisos (a), (b), (c), (d) of sub-clause (2) of clause 9. (ii) Yes, I think the plan of Grand Committees preferable to giving power to the Executive Government to legislate by permanent ordinances. The composition of the Grand Committees is an important point, and this the Bill leaves to Rules. It is agreed that the function of the Grand Committee is to give the Governor in Council power to carry essential legislation. The Government of India argue that if the strength of the Grand Committee is fixed at 40 per cent. of the aggregate strength of the Provincial Legislature, and the Government is limited to a bare majority and one-third of that majority must be non-officials, they cannot be certain of securing essential legislation. In my mind this is so. But I think they should be content if the minimum strength were fixed as low as 33 per cent. I would give the Governor in Council power to exceed this strength at his discretion in any particular case, if he felt he could safely do so. The alternative scheme for fixing the strength of the Grand Committee in the several provinces which the Government of India propose, seems to me to rest on too arbitrary a basis.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over provincial governments?—I do. I think that the Government of India for the present must remain a unitary Government, and that the dualism which is proposed to be established in the provinces of an Executive Council responsible to Parliament and Ministers responsible to the Legislature can find no place in the Central Government. That being so, I see no particular advantage and several disadvantages in dividing the All-India subjects into "reserved" and "transferred" subjects, and giving to the Legislative Assembly in respect of the latter a similar measure of control as is given to Local Governments. The control would be mainly, if not solely, financial and of a negative character. A law passed by the Legislative Assembly on a transferred subject to which the Government objected would be thrown out by the Council of State. To require the Government of India to obtain supplies for the transferred subjects by resolutions carried in the Legislative Assembly would be a solitary exception from what I understand to be the accepted principle that resolutions of the Assembly shall have no binding force. The position of the Council of State, if such a power were given to the Legislative Assembly, would have to be considered. The framing of the list of transferred subjects would be very difficult, as there is no obvious principle on which to proceed. Sir James Brunyate's list would not subserve the purpose, for it has been framed not with a view of giving control to the Legislative Assembly but of enlarging the financial powers of the Government of India vis-a-vis the Secretary of State when they have the concurrence of the Legislative Council.

12. Do you agree that it is advisable, none the less, to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes.

13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—I am unable to suggest a more satisfactory scheme. I hope it may eventually be possible to have the elected members returned by a direct method of election.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature? (Clause 20 (3) and (4). Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I accept the provisions.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—Yes.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—I think that the necessary modification is made by the words proposed to be inserted in Sections 33 and 45 of the principal Act.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examinations?—I think that periodical examination is desirable. The provisions of the clause have been criticised as possibly excluding from examination the question whether the principle of responsible government should not be introduced into the central Government. It should be made clear that this is not excluded from examination.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I have no suggestions to make on this head.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—With regard to the Reports of the Southborough Committees, I think the Committees have discharged their most difficult task in a manner exceeding expectations. They have proposed a workable scheme for the formation of electoral constituencies and for the division of subjects; and although there are some points on which their recommendations may be open to modifications, they have in their reports provided the materials necessary for the discussion and ultimate decision of such doubtful questions. On the difficult subject of the joint or separate purse, I am in favour of starting with the joint purse, and giving power to the Governor in Council to apply to the Government of India for a Commission to apportion the revenue if he finds that the joint purse is unworkable. The joint purse is said to be open to the objection that by means of it the popular party will strive to obtain, and may obtain, control over the finance of reserved subjects. This claim, it is argued, is unfair and wrong, and opposed to the conception of diarchy, since the essence of diarchy is that the popular party should

Sir *T. Holderness*—continued.

should control transferred subjects and the finance appertaining to them, and that the rest of the field should remain with the Governor in Council, as at present. I am not clear that the aim of the advocates of the joint purse is to get control of the finance of reserved subjects, though they may wish to influence it. But, even if this is their aim, the provisions of the Bill are opposed to its attainment. The Budget will be prepared by the dual Government, and will, it may be hoped, represent a reasonable settlement of the demands of the two halves of the Government. The powers of the Legislature in dealing with the expenditure estimates for reserved subjects are limited. I think that the success of dualism will greatly depend on the two halves working together in a spirit of give and take, having the general interest of the province at heart, and this not only in finance, but in the whole sphere of administration. The joint purse, if it can be worked, will tend to draw the two halves together. The separate purse will sunder them from the very start. As regards the Report of the Committee on the Home Administration of Indian Affairs, I do not wish to add in this statement to the evidence I gave before that body; but I am ready to answer to the best of my ability any questions that may be put.

Chairman.

7257. Sir Thomas, you were a member of the Indian Civil Service up to the year 1901?—Yes, my Lord.

7258. How many years' service did you put in in India?—Twenty-nine.

7259. What was the last post you held in India?—I was Secretary to the Government of India in the Revenue and Agricultural Department.

7260. And then you became?—Revenue Secretary in the India Office.

7261. When did you become Permanent Under-Secretary in the India Office?—In 1912.

7262. We have had your memorandum in answer to our questions. Do you wish to supplement that in any way?—I should like to say that I think dualism is a workable system if it is worked on both sides with good faith, and with an intention to make the best of it and if the Indian members of the Legislative Councils will resist the temptation of striving to overthrow it and making it out to be an impossible half-way house, because there is considerable opportunity in this scheme for doing that. Deadlocks could be brought about, and they could only be resolved by the exercise by the Governor of his exceptional powers in the matter of securing supplies against the will of the Council and in passing Bills which they refuse to pass, or stopping Bills which he does not like. I do not anticipate that this will happen, because I hope that when the reform scheme is passed people in India will endeavour to make the best of it and make it a workable thing. Still, one has to face the facts, and it seems to me that a series of deadlocks is a possibility. Subject to that I think that diarchy is an extremely clever device for giving the enlarged Legislative Councils a distinct measure of control over a certain area of subjects. I am not certain that it has all the superiority that the Government of India think over the Lieutenant-Governors' scheme. On the other hand, I feel quite certain that to introduce the Lieutenant-Governors' scheme as a substitute for this diarchy at the present time would give rise to a great amount of suspicion, and would fail to secure anything like contentment in India. I also think that if the Lieutenant-Governors' scheme were thought to be possible at this stage it would have to be modified in two directions, and I doubt whether the authors of the scheme would like the amendments which, to my mind, would be inevitable. The one would be that there would be a division of subjects as there is in diarchy, so as to give the elected members of the Legislative Council a special measure of control over certain subjects, and the other is that the decision as to the representatives of the Legislative Council in the Governor's Executive Council would have to be reconsidered. The scheme says that the official members and the popular members of the Executive Council should be on an identical footing as regards status, position, and security of tenure. Well, the representative members would have to be more or less

Chairman—continued.

representative of the general sentiment of the Legislative Council—they could not be wholly opposed to it—and if they did not get on with the Legislative Council, or if they did not satisfy the Governor and worked with their own colleagues, they must be liable to be dismissed from office. That at once differentiates the ordinary official member of the Council from the representative, and if they are to be on the same plane the result would be that you would have to get rid of the Royal Warrant altogether and let both the official members and the popular representatives in the Council be appointed by the Governor and hold during his pleasure. That, of course, makes a very serious change in the composition of the Executive Council, and I do not think the Lieutenant-Governors would like that. At the same time, it logically follows from their scheme. I have said this about the Lieutenant-Governors' scheme not to advocate it but to say that I think it has certain merits, or a certain merit, which the Government of India's conception of diarchy has not. The Government of India accentuate the necessity for keeping the Ministers apart from the Executive Council on the ground that they must have a definite responsibility towards the Legislative Council, and in that spirit they wish to keep them apart as far as possible; but it seems to me that the bringing of the two elements together is a strong point in the Lieutenant-Governors' scheme, because all our experience of representative government everywhere is that the stronger and more united a Government is the greater efficiency and the greater force it has. The Government of India, again, say that the Lieutenant-Governors' scheme has a sort of veiled duality. There must be a difference between the two parts, and it is useless to conceal that. But I would submit that in almost any Cabinet anywhere there is that duality existing. Every Minister does not think alike, and does not represent the same shade of opinion, especially in countries where the group system prevails. Therefore, as it is you have duality in the Governments of other countries. My idea of the diarchy system is that the Governor should encourage joint responsibility as far as he can between the two halves of his Ministry, and, although they would not vote together, they ought to consult constantly together, and the Minister ought not to bring in a Bill or a big measure without at any rate having it discussed in what you might call a Cabinet. If that view is right, then it largely influences me in my wish to see a joint purse, and also in my willingness to see the whole of the subject of education made over to a Minister. If a Minister is to run education, secondary and university education as well as primary education, I do not think at present you have got men fitted for that task in India; but if he can rely on his official colleagues in the Executive Council I think it is possible that he might manage it. The same as regards the development of industries. Many people have a great fear that if you transfer industries to Ministers the transfer will not succeed, and the Minister will be found unequal to the work. But if he worked with his colleagues and all important measures he proposes to bring about in the development of industries are discussed in the United Council, then, I think, there is a fair chance of the transfer not ending in disaster. I think that is really all I have to say.

7263. That is all you want to say in supplement?—Yes.

Lord *Sydenham.*

7264. I am afraid I have not had a moment to read your paper yet, Sir Thomas, but I understand you say that the question as to whether industries should be handed over rests entirely upon the kind of consultation which takes place between the different members of the Cabinet?—I would not say entirely, but I think it would very materially.

7265. That is, of course, the kind of thing which cannot be laid down in any way; it must depend on the individuality of the people?—On the individuality of the people, and I think the spirit in which the head of the Government works the new scheme.

7266. Do you really think, as a general question, that dual government is a workable arrangement?—I think that, given good faith and good will on both sides, it might be a workable arrangement.

7267. That is to say, it would depend on the chance of

Lord *Sydenham*—continued.

of personalities being exactly what they ought to be in order to work a system which has never been tried before in the world?—Yes, there is the risk of failure, of course, in it; but you have to make an advance, and I have not convinced myself that there is any other way of doing it.

7268. You look upon it as inevitable because of the introduction of the word "gradual" in the announcement?—Quite apart from that, I think India had come to a point where a liberal measure of political advance was absolutely necessary.

7269. You know that the progress throughout the Dominions has been to gradually build up representative institutions with a view to the introduction of responsible government, responsible government being given wholly after the representative institutions had been built up. Do you not think that we have to do a good deal of building up of representative institutions before India is fit for any form of what is called responsible government?—I think you come to a stage in a nation's history when they are not satisfied with gas and water, and so on; it leaves them quite cold, and you must give them something more; and I think you have reached that point in India.

7270. Must not the whole basis of it be a considerable electorate, so that the members of the Legislative Council may really be representative of the people? Do you think that we have got anywhere near that in India yet?—You have not got to the yoint you have in this country, or possibly in some European countries. On the other hand, there are countries, perhaps not in Europe, but, at any rate, in the world, where you have representative institutions with an electorate certainly not superior to what you get in India.

7271. With an electorate in which something like 80 per cent. of the rural population is illiterate?—I believe in Athens very few of the people could read, but they worked their constitution very well.

7272. Their constitution was not exactly a democratic one, although it worked very well for the oligarchical Government. You really think responsible government could be made a reality through this dual system?—I should not like to say that what is proposed is responsible government. I have said in my Memorandum that I do not think it is, in the constitutional sense in which we use the words "responsible government" but what it does do is to give an assembly, in which there is an elected majority, a special measure of control, within limits, in respect of a certain area of subjects. I do not think that is responsible government in the sense in which we use it with regard to the self-governing Dominions.

7273. If you abandon the idea of really responsible government, can you not adhere, at all events for some years, to the unitary government?—The only unitary government which is proposed is that of the Lieutenant-Governors' scheme, and I have suggested that I think you could not propose that to the Indian people without extensive changes in it.

7274. You mean that the Indian politicians would not accept it in any form?—I do not think they would accept it in its present form; they would think it a retrograde step; they would say: "We have been encouraged to come over to this country and to represent our views and to press them very earnestly, and here we are presented with something which is less than the Bill."

7275. I am sure you will agree that the Morley-Minto Councils have the effect of giving considerable weight to Indian opinion?—Yes, I agree.

7276. It is my opinion, and it was also elicited from Lord Carmichael here, that the Councils do not yet realise the very considerable power that they did obtain?—They have failed to realise it, or at any rate they represent that it is less than it really is. It is influence, not control.

7277. That is perfectly true. But you do not think preserving a unitary government which gets over an enormous lot of difficulties would in effect go so far as we ought to go at the present time with safety?—Not the undiluted Lieutenant-Governors' scheme. I do not think it goes far enough.

7278. Are you satisfied with the electorates as proposed?—I have not examined them very closely. I should say there are some outstanding questions which have still to be settled. The electorates are left to rules which have not yet been settled; but,

Lord *Sydenham*—continued.

form of rules, which have not yet been settled; but, generally speaking, I think the Franchise Committee have made a workable scheme. It is founded mainly on the recommendations of the various local bodies, and those bodies consider they can work it.

7279. I am sure you will admit it is of the very essence, whether you call it responsible government or control, that the Legislative Council should represent equally and fairly all classes in India?—Yes; that is desirable, certainly.

7280. And you know, of course, that we have had an enormous number of representations from the lower castes generally, who say their interest will not be sufficiently represented according to the proposals of the Franchise Committee?—I was not aware that was so all over India. I know it has assumed great prominence in Madras, but I did not know it had been represented forcibly as regards other provinces.

7281. From many other places representations have come showing that there is a great fear as to what the preponderant element in the new Council may do. You follow that is an important point, and that in making these Councils we have to be most careful that the less vocal people, the people who do all the work of India, have an adequate representation?—Yes; that is desirable, certainly.

7282. It may be difficult to obtain, but you think that we ought to put that in the forefront of any great advance in India?—As regards Madras. I have looked at the representations which had been made, and I should not be prepared to go so far as the recommendations of some of the non-Brahmin representatives. I understand the Government of India are prepared to have double constituencies and to reserve a certain portion of the seats for non-Brahmins, and that is as far as I should be disposed to go. I think it would be giving undue weight to those feelings to carve out Madras into communal electorates.

7283. Do you think that there are possible evils, and some evils that we do not know, which may arise under this dual system, and that if they could be avoided in any way it would be desirable?—I suppose there are defects in any system, and I quite agree that in devising any system the great thing is to remove any anticipated defects.

7284. Are we not really in this dual for Government taking a step absolutely in the dark for which no precedent can be found in any part of the world?—I think all parties agree it is a big step.

7285. Is it not a step in the dark, as I say?—I think all constitutional advances of a considerable size are steps in the dark; we have been constantly told that in our history.

Sir *J. D. Rees.*

7286. Sir Thomas, am I right in thinking that your long and distinguished service has been more particularly connected with the Revenue branch of the Administration, and incidentally with those who paid the Revenue?—Yes.

7287. And then you have an extensive knowledge of the ordinary Indian ryot?—I do not know that I have an extensive knowledge; I have some knowledge.

7288. Does the word "illiterate" as applied to him bear the same sort of significance as it would if applied to anyone in this country? Is he in point of fact a stupid person or one unaware of his own interest and wishes?—No; he is not by any means a stupid person. He knows his own interests in his own sphere, but, of course, it is quite small and narrow.

7289. Is he rather a shrewd person and capable of judging, if there were two candidates, for instance, which would be most likely to suit his book?—I think he is a shrewd person; whether he could always judge which of the two candidates was the right one, I do not know.

7290. That could hardly be said of any of us, but do you think he is on the whole capable of casting a considered or reasoned vote?—A good many of them are.

7291. That arises out of what Lord Sydenham asked you. Further, arising out of what he asked, do you believe that there is any necessary antagonism between the interests of the upper and lower castes in India, that their interests are necessarily diverse?—I think each class thinks of its own caste specially, and puts that in the foreground. I do not know that their interests are very greatly diverse or more diverse than

Sir *J. D. Rees*—continued.

you would find in any country where you have a variety of classes, if not of castes.

7292. You do not believe that there is a corporate antagonism between castes which may be collectively styled higher castes and those which may be collectively called lower castes?—Not in the part of India I know; it may be otherwise in Madras.

7293. Something was said to-day about the probable effect of this Bill, if it passes, in impairing the District Magistrate's powers to keep order in his district and preventing people from looking up to him and going to him as heretofore. I should like to ask you if you see anything anywhere in any clause in the Bill which would affect the District Magistrate's power to keep the peace or alter his position in that respect?—Not expressly in the Bill.

7294. I should also like to ask you this question: You served for a considerable period in Calcutta, and are well acquainted with the large European community there and their interests. In the scheme of reforms and the Bill giving effect to them as far as it does, and the contemplated rules under the Bill, what is your idea as to the position of foreign capital invested, including in the word "foreign" our capital invested in India? Do you think its position endangered, or greatly altered, or affected?—I cannot really say, but if I look at the present state of affairs in India, in a big place like Calcutta or Madras, I do not see any signs of capital being scared by impending reforms. I do not see any drop in the value of shares—in fact, everything has gone up, and there is no apprehension, as far as I can see, expressed in terms of money.

7295. Would you say that there has been during the latter half of your long service any appreciable falling-off in the class, from the intellectual or other point of view, of men who have entered the Indian Civil Service?—No, I do not think so; I think the average is maintained.

7296. You can remember, no doubt, or at any rate if not the time of the change the time immediately following the change from Haileybury to competition?—That was before my time.

7297. It is not long, at all events; it is near enough for you to remember the apprehensions which were then expressed that the new men would be vastly inferior?—I do not remember that.

7298. Would you say that these reforms, so far as you can forecast them are likely to very prejudicially affect recruitment?—It is very difficult to say. I have heard both views expressed by people who ought to know, Oxford professors and dons. Some say it will affect recruitment and others say it will not, and I take it that a great deal depends on the openings in this country in the professions.

7299. Have you formed an opinion on the whole yourself as to which of those two views is correct?—I do not think myself if I were a young man I should be deterred from going to India by the change.

7300. Is a high exchange, speaking generally, favourable to an English public servant in India?—On the whole it is, certainly.

7301. Do you believe that these changes, if the Bill passes, will result in wholesale applications for proportionate pensions?—I do not think so.

Sir *Henry Craik.*

7302. You think, Sir Thomas, that the principles of this Bill should not be applied to the Government of India?—Yes, that is my view.

7303. And that the dual system in the Provinces would not be possible?—I did not say it would not be possible, but during this season of probation and trial it is better not to weaken the Central Government.

7304. And you think that any extension of the Bill in that direction so as to affect the Central Government would be a rash thing?—I would prefer not to see it.

7305. With regard to the dual government, you think it essential for the working of this dual government that there should be some sort of practical unity in the Government, that it should come together by some means?—I wish them to be in consultation together as much as possible.

7306. Do you trust to that consultation being always followed by agreement?—No, I do not.

7307. You compared the case of certain differences of

Sir *Henry Craik*—continued.

opinion in the English Cabinet with the possible position in India, but surely those differences are on minor points which are for the time being subordinated to one great principle which holds together all the members of the Cabinet?—That is so.

7308. But is it not almost certain that in the composition of the Dual Provincial Governments there will be fundamental differences of opinion, which will only by discussion become more marked?—No, I cannot see it in that way. I do not see why there should be. A great deal can be done by talk, discussion, and persuasion.

7309. Surely, if they start by looking at things from a different point of view, discussion will not bring them nearer, and there must come a point where they must agree to differ, and then, if they are to go on together, it must be on two distinct channels?—I can understand that there will be points on which they fail to agree after discussion and so on, and then, of course, there must be, as regards that particular measure, separation between the two points of view. The Minister will pursue his Bill, and it will rest with the official Government, whether it is to actively back that Minister up or to leave him to his supporters and himself.

7310. You know, in the Cabinet here, however much there may be differences of opinion between different members of the Council, when it comes to a matter of voting for a particular measure they must all vote one way, or else part?—Yes, the analogy breaks down.

7311. That would not be the case in India?—I do not think it would be the case.

7312. So you do not wish to press that analogy between here and there?—No; I only want the members of the Government to approximate as far as possible in their practical working.

7313. There is only one other subject I want to ask about, because I do not quite understand your position. You said—and one admits for very grave reasons—you do not think there ought to be any division with regard to education, and that the whole of education should go together?—I feel that it is an extremely difficult question to decide. I have read the evidence of Sir Michael Sadler, and I have seen what Sir James Meston said, and what the Government of India have said, and there are difficulties in either direction. What, on the whole, really moves me most is Sir Michael Sadler's view, that the education of India, to be successful, requires a greater impetus than the official Government can give, and that there is a chance of that if you make the whole of education over to a Minister.

7314. But you see great difficulty in dividing education?—I do.

7315. I think you added immediately that you cannot at present find a man in India who would be fit to take over the whole?—I think in some Provinces there would be a difficulty. In Bengal there are men, I expect, who could do it, and in Madras, and probably in Bombay; but when you come to Upper India, the United Provinces or the Pubjab, I think it would be difficult to find anybody, especially in the Legislature, who is capable or who has the knowledge and experience to run the whole thing.

7316. To act as Minister?—As Minister.

7317. If it were dealt with as a transferred subject?—Yes. On the other hand, a Minister would take over a running Department, with the staff, and if he is a sensible man he will be guided a great deal by his professional advisers and his secretaries.

7318. You do not think the transferred subjects might differ in different Provinces, and where you did not find a man fit to do it you might keep it as a reserved subject?—I do not see why that differentiation should not be made.

7319. You think it possible?—Well, it is quite possible, it seems to me.

7320. You see no great objection, or no insuperable objection?—I do not.

Lord *Brodrick* (Viscount *Midleton*).

7321. As Under-Secretary of State, you have been familiar with the whole working of the India Office as regards the intervention by the India Office in the affairs of India?—Yes.

7322. Have you considered carefully Clause 23 of the Bill and the provision made under it, "Notwithstanding

Lord *Brodrick* (Viscount *Midleton*)—continued.

standing anything in the Principal Act, the Secretary of State may by rule regulate and restrict the exercise of the powers of superintendence, direction and control vested in the Secretary of State, the Secretary of State in Council, and the Governor-General in Council by the principal Act." That is a very wide power, is it not?—A very wide power.

7323. Has it ever come to your knowledge in the course of your period as Under-Secretary that anything has occurred which has made it necessary to extend the Secretary of State's powers in that way?—I think it arises out of the new idea of government in India, embodied in the Bill. A certain portion of the Government in the provinces is to be freed from Parliamentary control and left to the Provincial Ministry and to the Legislature, and this clause, as I understand it, is put in to enable the Secretary of State to give effect to that.

7324. Have not the Acts under which the Secretary of State performs his duties been a sort of schedule by which the whole of the India Office and the whole of the Government of India have been bound in the past?—In the past they have been bound.

7325. Is it not desirable that everybody should be aware of exactly what the powers are of the Secretary of State and that those are not binding on one Secretary of State only, but that they should be continuous and binding equally on all Secretaries of State?—If rules were made under Clause 23 and they were laid before both Houses of Parliament and no objection against them was presented, they would be binding upon every Secretary of State until he chose to make a new set of rules.

7326. Surely a newly-established Secretary of State might, with his Council, make a number of rules which a Secretary of State of longer experience would have hesitated to make, and which could be made without any reference to Parliament whatever?—I agree there is a great deal of responsibility attaching to the use of this clause, but I gather that a clause of this sort is essential if the Secretary of State is to be relieved, or to relieve himself, of responsibility for certain acts and measures of the Provincial Governments in the sphere of action which is allotted to the Legislature.

7327. Do you think it would be possible to work this new Act without this provision?—Yes; I suppose it would be. The Secretary of State in certain cases would voluntarily abstain from using his powers, and if he were challenged in Parliament as to why he did not exercise them in respect of a certain measure he would say, "It is part and parcel of the system of progressive realisation of responsible government which Parliament has approved."

7328. The Bill before us provides for a reconsideration of this measure after a certain period of years; do you not think that the effect of putting in Clause 23 will be for those who are dissatisfied to continually agitate for changes to be made by rule, which could not be made without an Act of Parliament under present conditions?—If there is agitation in India over the Bill and its restrictions I do not think the agitation will fix on this clause particularly.

7329. In your note you say: "One essential condition is that it" (that is the Bill) "would satisfy the present hopes and aspirations of the active political classes, and they would readily co-operate to make the scheme a success." Have you been able to read the evidence which has been given us up to this moment?—I have read a good deal of it.

7330. Did you notice the pronouncements of, I think, nearly all the leaders of parties in connection with Indian Reform who have come before us, that nothing short of their full demands would cause the cessation of agitation?—People do not always act up to their statements, and I hope for better things when they settle down to work.

7331. Is it not rather a sanguine view to take, as you did in your note, that if in any way the Bill is altered in the direction either of the suggestion of the Lieutenant-Governors, or I rather understand it in other directions, there will not be that co-operation, while there will be that co-operation if the Bill passes in its present form?—The more you cut down the Bill the more you will increase this discontented force. I quite agree this force will exist in India, and there will be possible agitation, but I hope it will be confined within narrow limits.

Lord *Brodrick* (Viscount *Midleton*)—continued.

7332. Having regard to the pronouncement which we have listened to from leading Indians, do you think it would be wise in any way to decrease the power of the Secretary of State, the Governor-General, or the Governors for final action on any matters which are essential?—I do not know that the Bill does decrease the power of either the Governors or of the Governor-General, and as for the Secretary of State, he may or he may not take advantage of this clause, supposing it stands in the Bill.

7333. You agree that in the last resort we must keep these powers intact?—With the Government of India and with the Governors in supreme cases.

7334. With regard to the Secretary of State and his Council, were you a member, or in any way concerned with Lord Crewe's Committee?—I gave evidence before it.

7335. Would you mind telling the Committee what your view is as to the past action of the Council? You attend the Council every week, have you found it a valuable adjunct to the Secretary of State, especially with regard to the changes which so often take place with regard to the heads of offices?—I gave evidence before the Committee, and I did express the opinion that the Council was extremely useful, and I also expressed the view that it would be difficult for the Secretary of State to carry on the business without a Council in some form or another—not necessarily the present form—or without even an advisory committee. But I was in favour of keeping the Council more or less as it is at present, with one exception, namely, that the powers of the Council as to sanctioning expenditure of Indian revenues, and certain other powers which the Secretary of State cannot exercise except with the majority of the Council, might conveniently be dispensed with. Otherwise I considered that the Council was a very valuable adjunct to the Secretary of State. It supplied information in an authoritative way which you could not otherwise get.

7336. You would agree, would you not—take any question, such as Foreign Policy—that it is essential for the Secretary of State to have men of trained Indian experience at his elbow to consult, and in fact his policy should be to a large extent assisted by such people?—Yes. Of course he can get it, and he does get it to some extent, from the office as distinct from the Council.

7337. Take another case. I am not suggesting but what very likely you will change the composition of the Council somewhat, but take a case such as you and I are familiar with as having come up to the office, the partition of Bengal. Do you think it conceivable that the Secretary of State, without a Council, could really be seized with the whole of these questions by reading despatches?—If he had not a Council I suppose there would be advisers of some sort or another with recent Indian experience. He might have an advisory committee such as Lord Crewe's Committee suggest, or if he had not that he would consult people who had recently come from India and who were conversant with the subject; but it would be a fluctuating body.

7338. You think men who are merely advisory have not really the same sense of responsibility as men who are themselves acting?—I think that the Council, even if it were retained in an advisory capacity only, would still have the same sense of responsibility, because it very often happens that the cases in which the Council advises most strongly, and which are most debated, are cases in which the Secretary of State under the Act could over-rule the Council, and the Council is acting in a purely advisory capacity. Yet the Council's influence and the Council's sense of responsibility in those cases is just as great as in the limited number of cases where power to sanction rests with it.

7339. Surely, if you have purely an advisory Council you are running the risk that the eminent man who is called in to advise and asked to sit on the Council, but has no statutory position, may, if his advice is disregarded once or twice, simply resign and go away?—I am assuming that he has a settled tenure, as in the present Council. What I am urging is that, with the exception of the limited cases in which the Council has the power to sanction or withhold sanction, the Council in all other respects is at present advisory, and in its advisory capacity it seems to me to exercise just as much responsibility and to have

Lord *Brodrick* (Viscount *Midleton*)—continued.

have just as much consideration as where it has power of sanction.

7340. You have had experience both in India and the India Office. Would you favour the suggestion that there should be considerable interchange between the Indian Civil Service and the staff of the India Office for mutual information?—I was examined at considerable length on that point by the Crewe Committee, and my view was that it is desirable to bring from time to time members of the Indian Civil Service into the office, and that there is not very great difficulty in arranging that, but that there is a difficulty in arranging the counter-transfer to India, because you send a man from the India Office to India who knows nothing about the languages or the law, and who would have to spend a very considerable time in being trained there before being of any use.

7341. I would just like to get it on record—I daresay all the members of the Committee are not familiar with it—but there is, is there not, not diarchy but a dual method in the India Office of the presentation of matters to the Secretary of State? A Council of the office makes their presentment of the case, and the Member of Council charged with the particular business makes his presentment on different lines, but both come to the Secretary of State. Do you think those two courses are both necessary or do you think it would be possible to unite them; that is to say, do away with the heads of the different departments and make those who are now Members of Council act as heads of departments so as not to duplicate the business?—Yes, it would be possible; but I would like to describe exactly the procedure that takes place in our office. The office submits the case, say a despatch from the Government of India, with its recommendations, and the case then goes, if it is an important matter, to the Secretary of State, who may or may not remark upon it. He then passes it on, not to a single member of the Council, but to a Committee of the Council, and valuable work is then done by that Committee. You may have four or five members of the Committee on this case. The drudgery has already been done in the office, and suggestions have been put forward, but members of the Committee are in a position of authority which the office does not possess to settle the case or at any rate to make recommendations. Then it goes to the Council. I do not think the dual procedure is procedure which really overlaps.

7342. At the same time you think the India Office work is capable of some simplification?—Yes. Of course the suggestion your Lordship made is a possible expedient, but it has these defects: You would take away from the office all the headships of departments; that is to say, there would be no scope for an ambitious man to rise, because all these appointments would be filled from India. You would have to take from India not a man of mature experience, who has been a Lieutenant-Governor or a Member of Council, but one of the younger generation and less experience, and his influence would not have the same weight as an adviser to the Secretary of State, as a man who had passed through a whole series of high offices in India.

7343. One more question; assuming that Indian affairs were to form much more the concern of Parliament and popular assemblies in India, do you think it would be an advantage to have the Parliamentary Committee which is suggested, which would have the power of examining into these questions and enabling the India Office to make their case round the table?—Yes; I am in favour of it. I think that it has certain advantages.

Mr. *Montagu*

7344. Would you give us your experience as to whether the Council or the Councillors were of more use to the Secretary of State? Do you attach importance to the Council in its collective capacity or in its individual capacity?—I attach importance to both.

7345. You gave some answers to Lord Midleton just now about the often-discussed scheme of the portfolio system and you said that its chief disadvantage in your mind was that it would deprive members of the India Office of a chance of becoming heads of departments. They are not now heads of departments in the same sense as you have heads of departments in other Government offices, because they have a Committee of the Council between them and the head of the office?—Yes; that is true.

Mr. *Montagu*—continued.

7346. Supposing you adopted the portfolio system, and had a second man in each department, or a Member of Council, in charge of a department, one or the other always a member of the Indian Civil Service, but not both—from India I should have said?—Does that mean the abolition of the Council or the substitution of the heads of departments, as it were, for the Council?

7347. Yes?—I have one great objection to it; that it would really prevent the representation in the office of Indians because I do not know any Indian who would be capable of running a department as head. At present the Council is an opening for Indians.

7348. Would you favour the scheme of direct correspondence between members of Council in the India Office and their opposite members in India?—No. I do not see the necessity for it as a recognised system. There is correspondence, of course, but it is private.

7349. Do you ever feel that there is too much centralisation in the India Office in the hands of the Under-Secretary and Secretary of State?—That is a very difficult question to answer. I have done a good deal in the way of delegation since I have been in the office.

7350. Is not delegation hampered by statute, or do you not find it so?—It is in some respects, but there is a great deal of delegation.

7351. I come back for a moment to Clause 23. Supposing that clause was struck out of the Bill, it would be impossible, would it not, for a Secretary of State in Council to delegate any of his functions either to a Provincial Government or to the Government of India except by what I may call a non-binding decision of his own?—I think, as regards financial responsibility, the Secretary of State can already make rules, or allow the Government of India to make rules, which do delegate very considerable powers to them. There is a very large scope there, but it is in administrative matters that the Secretary of State is at present responsible to Parliament. Take the particular case of Excise. Excise is to be a transferred subject in connection with which the Secretary of State would wish to leave the whole responsibility to the Provincial Governments. Yet it is quite possible that something might be done in the matter of Excise by one of the Governments which will attract attention in Parliament, and the Secretary of State would, if he has not made any rules under Section 23, be held to be responsible. I think that is a case in which, if a rule were made under Section 23, he would be protected; at any rate it should protect him, and in particular relieve him in a statutory way of the responsibility he has at present.

7352. Just one other subject. You put before the Committee a scheme for a unified Provincial Government as a modification of the Lieutenant-Governors' scheme, and one of the features of it was that, notwithstanding the fact that you had united government, there were to be transferred and reserved subjects?—Yes.

7353. In the transferred subjects, I take it, the official members of your united Government would defer to the opinions of the non-official members?—I think so.

7354. As long as it was a transferred subject?—Yes.

7355. But they would continue, because it was a united Government, to take full responsibility and equal responsibility among all the members of the Government for all the subjects?—Yes; but that is always subject to the Governor agreeing with the member.

7356. Therefore, in your form of unified government the official members responsible, equally with the non-official members, would be compelled to adopt and carry out a policy with which they had not agreed?—They need not vote for it or speak in support of it then.

7357. The fact that they are united would make it a collective responsibility, would it not?—Yes, with a primary responsibility on the member.

7358. Now, another feature of your scheme would be that you could only have collective voting?—In the Council?

7359. In the Executive Council?—Well, you might. I do not know why you should not.

7360. Would you be prepared to see an Executive Council under your scheme in which there was a majority

Mr. *Montagu*—continued.

majority of Indians?—No; I was thinking of half and half.

7361. Therefore, you would be restricted to two Indians, however great a list of transferred subjects there was?—Yes, that would be the case, unless you had three Europeans as well.

7362. Apart from that suggestion, your evidence amounts to this—that you would want the Government to be as united as possible and to deliberate together as often as possible?—The Government constituted under the Bill—yes.

7363. One last question. You told Lord Midleton you had read most of the evidence given before this Committee, and you said also that you would not like to see any duality in the Government of India?—Yes.

7364. Is there anything short of duality in the Government of India; is there anything you would be prepared to recommend, which is not in the Bill, to meet the evidence which you have read?—No, I do not see my way to it.

Lord *Sinha.*

7365. Sir Thomas, as I understand it—I may be wrong, but this is my understanding of the evidence of the Indian members of the deputations who have appeared before this Committee—with regard to this claim of the Bill for the Provinces, that there should be a division of subjects, but that there should be joint deliberation between the two divisions or sections of the Government in all matters, and if it came to voting it should be voted on in the section concerned; secondly, that the purse should be joint; and, thirdly, that with regard to both the sections the Governor should have the same right to veto the decision of the Councillors or Ministers, as the case may be, on grounds now existing in the Act. Would you agree?—May I ask if you are referring to the Bill and the Government set up under this Bill?

7366. Under this Bill; they all want these three things to be made clear?—And the first is?

7367. The first is joint deliberation, although there may be separate voting, if voting became necessary?—Joint deliberation certainly.

7368. If it came to voting—of course, it might not come to voting at all—they might all agree, which I hope would generally be the case, but what would happen if it came to voting, that is, if there was a difference of opinion in regard to reserved subjects amongst the Executive Councillors, and in regard to transferred subjects amongst Ministers?—I imagine under the scheme of the Bill their views would never be put formally to the vote. The Governor would allow the discussion and take the sense of both his Ministers and Executive Councillors. I believe in the old days—I do not know what it is now—there was no voting in a Cabinet.

7369. But it is informal voting. So far as I know the Executive Council, each one is asked his opinion, and the Governor either agrees, when there is a difference of opinion, or overrules?—Yes, under the Executive Council, as established at present, when voting is prescribed, and the Governor has a power of setting aside the majority in certain cases; but under the scheme of the Bill, as I understand it, when there is consultation between the two halves of the Government, there would not be formal voting.

7370. Voting is what is asked for by the Indian members, as I understand it, in the same way as in the Executive Council?—No; I do not think that would be feasible.

7371. Then they further ask that there should be a joint purse?—Yes.

7372. They say the scheme will be unworkable, and not really worth looking at unless there is a joint purse?—Yes.

7373. Thirdly, they say that the Governor should have the same right to overrule his Ministers as he has to overrule his Executive Council?—As regards the joint purse, I agree. At any rate, I would give it a trial. If it does not succeed then the Governor must apply to the Government of India for a Commission or Committee to divide. What was the third point?

7374. That the power to overrule should be the same with regard to both sections?—No. I do not agree there. The Governor would continue to have his statutory power over his Council, and the Council have a power of dissent and of recording it by minute; but that is not the case, as I understand, as regards the Ministers.

Lord *Sinha*—continued.

7375. He would have, under the instructions, the right to overrule?—Certainly; he would have a right to overrule.

7376. Therefore, the right is practically the same, is it not? Is there any difficulty in making it appear the same in the Bill itself?—In that case you give the Minister a power of recording his dissent and the Governor has formally to overrule him.

7377. Would there be any harm in that?—It is not contemplated in the Bill.

7378. No; but would there be any harm in it? Do you think there will be anything inconsistent in the scheme?—I do not think I should prescribe it at present. May I just say this in addition? The Governor's position as regards his Executive Council is rather different from what it is as regards his Minister. The Executive Council holds office for a certain term. The Governor can dismiss his Minister at any time. There is a distinction, and that has, I think, something to do with the mode of overruling.

7379. Quite so. That, of course, would remain as long as the tenure is different. Am I right in understanding your criticism of the Lieutenant-Governor's scheme to be that it would not satisfy public opinion in India unless it was modified in two respects; firstly, that there should be a division of subjects—one over which the Legislative Council would have control, and another over which there should not be such control?—I think those two alterations would certainly be necessary.

7380. The second modification is that all the members of the Council—because it will be only a Council then—which are four, two officials and two non-officials, should hold office during the pleasure of the Governor, as Ministers should under the scheme?—Yes, I think that is the logical result of the scheme.

7381. Without those two alterations the scheme would not be workable or acceptable?—No, and even with those alterations I do not know that it would be acceptable.

7382. Even with those alterations you prefer the scheme of the Bill?—Yes, it has been elaborated and been in the field for a long time, and I would not change now.

7383. In your opinion would there be any danger in agreeing to embody in the Bill a provision that there should be three Indian members of the Executive Council of the Viceroy instead of two as contemplated?—There is no racial distinction at present in the Bill, and I am not in favour of any racial distinction.

Chairman.

7384. Did not you say there was no racial distinction altogether apart from the Bill?—No, I am speaking of the Executive Council.

Lord *Sinha.*

7385. Yes, of the Governor-General. I was suggesting to you whether a modification which would enable half the members of that Council to be Indians would not be a step which would satisfy Indian public opinion. It is contemplated to give two Indian members to that Council?—But there is nothing said about it in the Bill.

7386. No?—All the Bill does is to prescribe ten years' service under Government in respect of two members, and both those might be Indians.

7387. I quite agree they might be Indians, but the Report itself contemplates that there should be two and no more than two. I am asking you whether, if there is any further change in the Executive Government, a change in the direction which I suggest—namely, an addition to the number of Indian members from two to three, would be such a step as might be contemplated without any misgivings?—I am not in favour of expressing it in the Bill. As regards what should be done in practice, I think it would partly depend on the number of members of the Executive Council. The Bill proposes to leave the numbers indefinite, and, with a Council in excess of the present number of six, you might easily have three Indians.

7388. And you would not have any misgivings with regard to that?—All I feel about the Council is that it should

Lord *Sinha*—continued.

should be efficient. There is heavy work for every member, and every man should be an efficient man.

7389. You do not think it would be impossible to get three in India?—It depends on the number of members of the Council, and the allotment of portfolios.

7390. It is a scheme which is under consideration now?—Yes.

Lord *Islington.*

7391. One more word as regards this question of the dual and unified Government. I understand you are very anxious to see unity of discussion in all matters, and to make that compatible with duality of decision?—Yes. Assuming that there is to be diarchy, as in the Bill, I am in favour of the utmost consultation and deliberation.

7392. Would you favour a clause definitely laying down that all matters which are to be subjects of collective discussion and decision as apart from purely departmental questions, whether they be reserved or transferred subjects, should first undergo discussion by both branches of the Government sitting and de-deliberating as one Government?—I do not think I would put it in the Bill. That seems to me to be going too far into detail. It is a matter which ought to be left to the Governor's discretion, subject to his instructions. You can put something like that into the instructions. Even as it is, all matters are not deliberated by the Governor in Council. The Members of Council work separately a great deal.

7393. Exactly. I was saying, apart from departmental questions, only those subjects of discussion which come up for collective decision?—In that case it is for the Governor to decide. He settles the practice in each Government as to how far there should be joint consultation, and I would leave him to do that with his Ministers.

7394. You think it would meet the case if the instrument of instruction to each Governor laid that down rather than make it a clause in the Bill?—Yes, in general terms.

7395. Then I would like your opinion on this: You say, on the whole, you favour the proposal that all branches of education should be transferred; but I think you said, in answer to one question put to you, that you lay stress on the importance, if that be so, of the full united discussion and assistance of all members of the Government?—In all the larger questions of education.

7396. Have you ever thought whether it would be advisable—it is a proposal, of course, which you may say will add to the complications, but this is necessarily a complicated scheme—to put certain subjects under a united government in the Provinces—such subjects, I would suggest, as education and industries—and make the whole policy attaching to those subjects one to be decided upon by the united government, the Executive Council, and Ministers sitting together as a Cabinet, and deciding as such with the Governor?—Then you would have a triarchy, a third division of subjects, would you not?

7397. Yes, it would be a third division?—I think the scheme is complicated enough, if I may venture to say so.

7398. I anticipated that would be the answer you would give. On the other hand, would you say those two subjects, education and industries, possibly above all others, are subjects that should have for their consideration and assistance the whole of the Government?—Yes, I think so; and I expect a Governor himself would see to that without being told.

7399. However, you would not care to branch off into that third category?—No, I think not; we have two.

7400. Questions have been put to you as regards Clause 23 of the Bill. Clause 23 is not really any extension; it does not suggest any extension of the power which the Secretary of State already possesses, does it?—No.

7401. He has got all the powers embodied in that clause, which are to be submitted to rules, already in the existing Act?—To a great extent; but this, of course, if acted upon, would divest him formally of responsibility to Parliament with regard to certain subjects embodied in the rules.

7402. Rather it would be giving him the power to divest himself by his own discretion of whatever responsibilities he may desire to devolve on another authority?—That is the case as regards the Secretary of State and the Secretary of State in Council, but this clause also gives him power to divest the Governor-General in Council of responsibility, and that, I understand, the Government of India do not like.

Lord *Islington*—continued.

7403. No; but I suppose, if you are to get rule of thumb in the Provinces it is necessary that there should be some provision of this character inserted in the Bill?—I do not think it is absolutely necessary. I think the Secretary of State could do it without a rule, and could justify his action in Parliament if challenged. His action would never be challenged unless it was a case in which Parliament took a great interest in a decision of a local government and considered that decision a wrong one.

7404. There has been a good deal of evidence from all the witnesses that I have read, and I think it is in the Reports—in Lord Crewe's Report, in the main Report to a certain extent, and more precisely in subsequent reports by Sir James Brunyate and Professor Keith—laying down that in future the Government of India should not have disallowing powers, but that their powers should be confined to allowing powers, and, where it came to disallowance, reference should be made to the Secretary of State. Do you generally agree to that proposal?—I think it requires to be further thought out. I understand it is limited to financial matters, as far as I remember.

7405. No; I think not. It embraces both Legislative and administrative matters. I think I am right in saying that, as I have read it quite recently?—That is to say, if a Bill on a reserved subject, where the special sanction of the Government of India is required, comes to the Government of India, and they agree, the Bill need not be referred home; but, if they disagree, it would have to be referred home.

7406. That is it?—I think there is a good deal in that, but we have not yet had the views of the Government of India on the Crewe Report in any detail, and I would like to see what they say about it.

7407. If that were carried, that would be to a certain extent, I suppose, a reimposition of responsibility on the shoulders of the Secretary of State—divesting the responsibility of the Government of India and placing it back on the shoulders of the Secretary of State?—Well, it would be a limitation of the responsibility of the Secretary of State because the Government of India in that case would allow the local Government to act without the Secretary of State's knowledge.

7408. It would to that extent. On the other hand it would not have any power to disallow?—No.

7409. You said just now that you would leave anything in the nature of responsible powers for the Central Government alone for the present?—Yes, that is my view.

7410. Of course, you know the detail of the proposal of Sir James Brunyate?—Yes.

7411. It is a tentative effort to give a certain amount of responsible government to the General Assembly?—I do not read Sir James Brunyate's proposals in that light. I think, if you will look at the proposals, you will see he says: "My proposals are made in order to give the official Government of India larger powers in certain cases when it has the support of the Legislative Assembly than it otherwise would have"; but he goes on expressly to say: "I am not proposing to give any greater power to the Legislative Assembly vis-a-vis the Government of India." So he does not really delegate any enlarged powers of control to the Legislature.

7412. But would not it in practice give more power than at present exists?—It would give more power to the Government of India when they have the Legislative Assembly in agreement with them, and one can see that under certain circumstances if Sir J. Brunyate's proposals were accepted the Secretary of State might be obliged to give way to the Government of India because they had the Legislative Council with them, when he otherwise would not do so, and when he might be firmly convinced that the two together were wrong. A somewhat unscrupulous Government of India might arrange with the Legislative Assembly that a certain thing which they knew the Secretary of State would not agree to if they put it forward themselves should be put forward by them and the Legislative Assembly combined.

7413 By

Lord *Islington*—continued.

7413. By common agreement?—Yes.

7414. That is taking rather an extreme view of the future morality of the Government of India, is it not? However, you would admit, would you not, that it would give a certain amount of power other than that which at present exists to this new General Assembly with this large elective element in it?—Not a control over the Government of India. I do not see that it gives any control over the Government.

7415. Would not you anticipate that there might be a good deal of trouble in the years to come if you leave the General Assembly of India with this large elective element without any responsible power?—In years to come I think the Assembly will have to be given responsible power, but the immediately coming years are what I am thinking of.

7416. You anticipate in a very few years something would have to be done?—Yes—ten years, perhaps.

7417. With regard to the Council of India, you suggest you would like to see the financial powers that at present exist in the hands of the India Council removed?—I am not very strong about it, but in my evidence I said it seemed to me that in all big and really important questions of finance when the Secretary of State is determined to have his way he gets it. This power of sanction is exercised in small matters; but it is really a power which can be forced at any time.

7418. Therefore your inclination towards its removal would be because it is rather futile in its operations?—It is rather futile in its operations, and looks larger than it really is.

7419. Now, assuming that the India Council was made more representative of Indian opinion, would you be prepared to give effective financial power to it over the Secretary of State?—I have never seen any proposal for making the Indian element so large as really to overbalance the other, and I do not think the modified, slightly enlarged Indian element will make a difference; but I am not very strong about taking away the financial powers of the Council. There are good arguments on the other side.

7420. For taging away the existing powers?—Against taking away. It is a very evenly balanced question it seems to me.

7421. As to the numbers of the Council, have you any views? Would you reduce the numbers?—I think the present maximum number, fourteen, which is never worked up to, is too large. I think twelve is about right. The Crewe Committee recommend a minimum of six and a maximum of twelve. Probably six is too small. I think it should be between nine and twelve.

7422. Do not you think that generally nine would do?—I think nine will give the Secretary of State all the assistance that he requires.

Lord *Islington*—continued.

7423. Assuming it was composed of nine members, would you agree to three of those being Indians?—Yes.

Mr. *Acland.*

7424. I understand your difficulty, which I share, about being clear as to transferring the whole of education. Could you go any further than you have gone, and tell us which way you would decide it, if you had to decide it, or is it such a puzzling matter that you cannot come to any clear view?—I think you can do it in two ways. First, you can say that primary education only will be transferred for the first five years, and that there should be power to transfer the whole of education, either to all the Governments or to selected Governments, at the end of five years. The other way is, from the outset, to say that certain Governments should have the whole of education and other Governments primary education only as a transferred subject.

7425. You think one of those two is the best way out?—I think, myself, one of those two. Even Sir Michael Sadler qualified his proposal with certain conditions.

7426. That was so. That is all I have to ask you myself, but my colleague, Mr. Bennett, has asked me to put this question for him: You spoke of difficulty in establishing equality between Ministers and Members of Council. Would it not be an advantage to establish this equality wherever possible? For example, in regard to salaries, would not lower pay to Ministers, involving inferiority of status, be resented for that reason by Indian opinion?—Under the Bill? No doubt, if it is left to the Governor, he will be very strongly pressed to give equal salaries to Ministers, and I expect he will do so. My only fear is that this new system of government is going to be terribly expensive. You have at present several Provinces where the Government consists of a Lieutenant-Governor only. You will have in each province a Governor, and probably two Members of Council and two Indian Ministers, and you may have a Governor in many cases from home. Now, we know that in India a Governor's Government is always more expensive than a Lieutenant-Governor's. He has a larger salary, larger allowances, and bigger state. If you add all those things together we shall have a very large bill to pay.

7427. That is your chief feeling?—That is my feeling.

7428. You are in favour of the principle, perhaps?—I think perhaps the principle will have to be conceded, otherwise there will be a perpetual sore established.

Chairman.] We are very much obliged to you for your evidence.

(*The Witness is directed to withdraw.*)

Die Martis, 7° Octobris 1919.

MEMBERS PRESENT:

Earl of SELBORNE.	Mr F. D. ACLAND.
Lord BRODRICK (Viscount Midleton).	Mr. BENNETT.
Lord ISLINGTON.	Sir HENRY CRAIK.
Lord SYDENHAM.	Mr MONTAGU.
Lord SINHA.	Sir J. D. REES.

The RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

SIR M. F. O'DWYER, G.C.I.E., K.C.S.I., is called in; and Examined, as follows:—

Chairman.

7429. You were Lieutenant-Governor of the Punjab?—Yes.

7430. Up till when?—Till the end of May this year.

7431. And that was the end of how many years' service in India?—About thirty-three.

7432. You have been good enough to send in a Memorandum, in answer to the questions we sent you, and that is before all the members of the Committee?—Yes.

Chairman—continued.

The questions and answers were as follows:—

Note.—I have already offered my opinion on the general question of Indian Reforms in the Provincial Government Letter of 5th November, 1918, and the Memorandum of 10th January, 1918, which are printed as enclosures to the Governor of India Despatch of 5th March, 1919, and would refer to those papers as explaining more fully the replies below.

Chairman—continued.

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? And, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I accept, with the qualifications stated later, the proposition that it is desirable to bring about the progressive realisation of "responsible government" in India, taking those words to mean the responsibility of Government to a Legislature fully representative of a wide and competent electorate adequately voicing the views of all classes and interests. But the realisation of responsible government must obviously await the creation of such an electorate, and the process is likely to be long and difficult for the reasons stated in the Joint Report. I will quote only two, the justice of which will appeal to everyone with a knowledge of India:—"India is still a country (one might say a congeries of countries) marching in uneven stages through the centuries from the fifth to the twentieth." "The rural classes (226 out of 244 millions) have the greatest stake in the country, because they contribute most to its revenues (one might add, 'and, apart from the British Army, supply almost exclusively the man-power for its defence'); but they are poorly equipped for politics, and do not at present wish to take part in them." Their horizon is limited to their fields and their villages; their life is "a long-drawn question between a crop and a crop"; they are concerned with the caste and family matters described so accurately in Paragraph 133 of the Joint Report, rather than with outside politics; and in the Punjab at least they display the greatest apathy even in matters of local self-government, not more than one in eight of the vacancies in the District Councils being contested, though these Councils regulate many important local matters, schools, roads, fairs, dispensaries, etc. In the Punjab, even including the towns, only one person in twenty-eight was literate at the Census of 1911, and one in sixteen among the male population, while only one in 270 had any knowledge of English. Education is now spreading rapidly, as a Compulsory Primary Education Act was introduced by Government and passed last year. But it will take generations to create a sane and intelligent political instinct among the masses. Meantime their ideal is not "responsible government"—the meaning of which not one in a thousand understands, and for which there is no equivalent in the Indian vernacular—but "good government," which to them means security and protection, light taxation, honest officials, a reasonable rural representation in official circles, which are now in most Provinces monopolised by the educated urban classes, a minimum of interference from outside, a speedy, impartial and reasonably efficient administration of the law, better facilities for education, medical relief, and communications, and timely aid from Government in seasons of scarcity and distress. All of these are objects which are being steadily pursued under the existing form of Government, and with increasing success. They are not, however, ambitious enough to appeal much to the advanced politician, who as a rule takes little interest in any of them, except education, in which all classes are interested; but while the rural classes want more money spent on primary schools at their doors, the political classes desire more high schools and colleges in the towns. This "good government" was solemnly promised to all Indians in Queen Victoria's Proclamation of 1858, when her Majesty undertook "to administer the Government (of India) for the benefit of all our subjects resident therein." In framing any scheme of responsible government to meet the national claims of the politically-minded classes—still a very small minority—we must do nothing that would endanger (a) the fulfilment of the above pledge to all our Indian fellow-subjects, whose interests we hold in trust till they come to the age of political discretion, or (b) the maintenance of India as an integral part of the British Empire as postulated in the announcement of 30th August, 1917, for the former is dependent on the latter. Responsible

Chairman—continued.

government is, after all, not so much an end in itself as a means to an end, viz., good government; and I therefore suggest that the present Bill would more clearly express our policy and our obligations if the title or preamble were to show that it is a measure for the "good government" or "better government" of India. I also observe that the Preamble contains no reference to one important feature of the announcement of August, 1917, viz., "the increasing association of Indians in every branch of the administration," and as such association is clearly one of the ways to the end in view, and the one which appeals most directly to Indian sentiment, it should, I think, find a place in the Preamble.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—I agree that an elected majority in the Provincial Legislatures, subject to the necessary safeguards against hasty or factious action, is a practical step towards responsible government, and will have a useful educative value as well as a beneficial influence on the administration. The strength of the majority should depend on the electoral conditions and stage of political advancement of each Province and the facilities given for communal representation. Where there are classes and interests which cannot at present be adequately provided for by communal representation, Government should have a wide discretion to nominate representatives for them. Hence in a Province politically backward, such as the Punjab, I personally would prefer to allow one-third of the members to be nominated, till such time as a more effective system of representation is established.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—At present non-official members of the Provincial Legislatures, in theory at least, have not power to control the actions and policy of the Executive, nor is it, for the reasons given in answer to Q. 1, desirable that they should have such control till they are in a position to show that they represent and hold a mandate from an electorate wide, competent, and adequate to voice the opinions of the masses. How far these conditions are from being realised in the Punjab will appear from the reply to Question 4. The Government cannot absolve itself of its responsibility (through Parliament) to those masses until they are in a position to speak for themselves through their representatives—and the basis of such representation has yet to be laid—for, in the words of the announcement, the British Government and the Government of India, on whom rests the responsibility for the welfare and advancement of the Indian people, must be the judges of the time and measure of each advance towards such control. The fact that this part of the announcement has been challenged by advanced Indian politicians who claim, but without justification, to represent the masses, is all the more reason for insisting on it. But even now in practice the non-official members, when it is fairly clear that they have a great mass of opinion behind them, have very wide influence over the Executive. To take a single instance. Two years ago the Punjab Government introduced a Bill empowering District Boards to levy a special cess on land for the extension of light railways. The measure was opposed unanimously by the rural members as imposing on land an extra burden from which the urban classes would mainly benefit, and though Government was not convinced of the soundness of this view, and could have passed the measure with the support of some of the urban members, it recognised that the opposition represented the general rural feeling, and dropped the measure. In the same way the Punjab Government has generally endeavoured to give effect to resolutions carried by the non-official vote, when these do not conflict with established principles of policy.

4. Do you think that there are certain matters or functions of government in the Provinces in which

at

Chairman—continued.

at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Please see answers to (1) and (3). The Provincial Executive, while deferring more and more to the popular view, as this finds increasing expression through the wider electorates, and the larger bodies of representatives now to be established, should, in view of the narrowness and ignorance of the electorates, the inexperience of the representatives, and the absence at present of the broad foundations of responsible government, retain its power to enforce in the last resort its wishes and policy in all matters concerning the peace, tranquillity, and good government of the area it administers. This is essential for the discharge of its responsibility not only to Parliament, but also to the people of India. We have within the last ten years made a substantial advance along the road of political reform, and the pace in future must depend on the political leaders working in association with the Government, and giving proof on the one hand of loyal co-operation and a sense of responsibility, and on the other that they are the genuine representatives of the popular will. If we attempt to proceed faster than this we shall endanger the ordered progress—in the widest sense of the word—of the community as a whole, run the risk of transferring power prematurely to an inexperienced Intelligentsia with little moral, material or physical force at its back, and of creating a new sense of injustice among the masses, who at present do not desire any violent changes, and will resent being made the subject of a hasty political experiment. In the Punjab it is proposed to give the political franchise to only one in 84 of the total, and to one in 110 of the rural population—nine-tenths of the whole—and even under this limited franchise at least 80 per cent. of the rural electorate will be illiterate. Moreover, for many years to come the electorates will doubtless be communal, and those they elect will primarily represent sectarian interests—Hindu, Mahommadan, and Sikh—or, if those divisions are temporarily eliminated, the line of cleavage between rural and urban interests will take its place. In such circumstances the Executive Government, as the only impartial authority capable of holding the balance evenly between conflicting interests—"where all are for a party and none is for the State"—must clearly remain in a position to enforce its wishes in the interests of the community in all matters of moment.

5. If you accept the propositions stated under questions 1 to 4 do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I do not consider that the dual form of government is the best means of working up to responsible government. That is also the conclusion arrived at independently by nearly all local Governments, widely as they differ in constitution and local conditions; and the practical unanimity of the opinion among those who have working experience of Provincial administrations is a very strong argument against the proposal. My own views are set forth in Paragraph 9 and Paragraphs 20-23 of the Provincial Government Letter of 5th November, 1918. Briefly my objections to the dual system are:—An Indian Province needs a united Government; and this gives it a divided Government. An Indian Province needs a strong Government; and this gives it a weak one. An Indian Province needs a Government capable of prompt action; and this leads to delay and friction. An Indian Province needs a simple system of Government; and this involves extreme complexity. An Indian Province needs a cheap system of Government; and this involves a very costly one, with elaborate methods of taxation and finance which will certainly not make for economy. An Indian Province needs a Government which commands the confidence and ready support of the services; and this tends to divide and disintegrate the services by making them serve two masters. An Indian Province needs a Government which secures good administration to all; and this gives power to a

Chairman—continued.

small section and endangers the interests of the masses. The dual system proposed is not essential to the fulfilment of the announcement of 20th August, 1917. Its inclusion in the Reform Scheme appears to me to be the main cause of the many grave difficulties in relation to (a) the superior Executive, (b) the Legislative machinery, (c) finance, (d) the public services. Those difficulties necessitate the many special safeguards and provisoes put forward by the Government of India, which now make the Reform Scheme so hard to comprehend and so complicated to work. If it is embodied in the Statute the time of Government and its officers, from the highest to the lowest, will be taken up, not so much with work for the good of the people, as with endeavouring to puzzle out the correct procedure to be followed. In other words, the material will be sacrificed to the machinery. "The hungry sheep look up and are not fed." The Scheme expects too much at the start from (a) the Governor (see the remarks of the Bombay, Madras, and Bengal Governors and the terms of the draft Instrument of Instructions), (b) the Executive Council and Ministers, (c) the Legislative Council, (d) the electorate, and even its eminent authors contemplate a period of serious friction at the outset. As the dual system is expanded by increasing transfer of subjects to popular control, it may well lead to increasing administrative disorder, for the tendency of Ministers will be to play more and more to what they regard as the popular gallery, to pose as the champions of the popular cause in resisting or attacking a hostile bureaucracy, to strengthen their own position by forming party cliques, and establishing separate services who will serve their party. Meantime the existing services, under two masters, will become disorganised or endeavour to safeguard themselves by entering the political arena, and the masses, for whose benefit all these changes are intended, will become perplexed and confused by the difficulty of finding the responsible authority to which they have hitherto looked and the disappearance of the old landmarks in the turmoil of politics based on personal and sectarian rather than on public interests. At the same time the position of the local Government will be steadily weakened by the recurring attacks on the Minister for the time being and his policy by his rivals, for the Minister is a part of the Government, and recent experience has shown only too clearly the danger of allowing government in India to be vilified and misrepresented under the guise of constitutional agitation or electioneering tactics. All these dangers and difficulties in the Scheme appear to spring from the excessive emphasis laid on responsibility, and particularly on the Ministers' responsibility—a constitutional theory which at present is absolutely foreign to Indian ideas, but which is being pressed in the Scheme even beyond British constitutional practice. Why lay so much stress on Ministerial responsibility at the top, when you have still to search for and even establish the very foundations of responsibility in the electorate, when, as between Provinces, it is not yet possible (Paragraph 61 of Government of India Despatch) to insist on the elementary principle of responsibility, viz., that each shall pay its own way and make an equitable contribution to the Central Government? In other words, why seek to put on the roof before you have laid the foundations? Our anxiety to give India up-to-date British institutions must not make us overlook the fact that the masses are still lagging centuries behind. The remarks of Mr. Hyndman on Russia at the National Socialist Conference on 17th August are applicable to India. He said: "More than 80 per cent. could neither read nor write, and they were in a state comparable to that of the European peoples in the 17th century. It was impossible to turn the 17th century into the 20th by fiats from Moscow or elsewhere." Experience may show—I trust it will not—that your millions of future electors will take as little interest in the political franchise as they now do in the Municipal and District Board franchise, except where sectional feeling or personal rivalry supplies a stimulus. If so the very foundation of responsibility will be as lacking as it now is, and is it wise at this stage to sacrifice so much to a theory—a shadow? What Indians with political aspirations

Chairman—continued.

really desire is a share—a practical share—in the Government—the whole Government—not the separation of Government into two, and a theoretical or rather illusory control over the transferred portion. I say illusory because, in spite of the emphasis laid in the Scheme on Ministerial responsibility in the abstract, it has in practice been found necessary to provide checks and safeguards (see the Government Despatch of March 5th and the Bill), which in practice will obscure the Ministers' responsibility quite as much as the alternative system proposed in the Majority Scheme. I would refer to Paragraphs 72-76, 101-105 of the Governor of India Despatch; also to the terms of the draft Instrument of Instructions, and to clauses 3 (3) and (4), 9 (1), 9 (b) of the Draft Bill. The latter gives the Governor power (very rightly) to override his Minister even in the administration of transferred subjects, and the Legislative Council in regard to the financial provision for those subjects. These necessary provisions go far to nullify Ministerial responsibility; and to retain the shadow, when the substance is gone, will only lead to disappointment and charges of broken faith. Moreover, the communal electorates and communal representation will play a great part—probably the dominant part—in the constitution of the new Council and the selection of Ministers, thus creating a new line of cleavage which cuts right across the theory accepted in the Joint Report of the Ministers' responsibility to the Council as a whole. As pointed out by the Bombay Government (Paragraph 13 of their letter of 11th November, 1918), it will be impossible for the Council or the electorate in a given case to ascertain whether he has acted on his own responsibility or in concert with another Minister, or as one of the entire Government, or against his will under the control of the Governor. In the dual Government and the responsible Minister administering the transferred subjects, the Scheme appears to me to aim at a system that is unattainable in practical politics and would be undesirable if it were attainable; a system that is novel and untried, that is particularly unsuited to India, the last place to be chosen for political experiments; for India more than any other part of the world has always regarded Government as one and indivisible, and has no ideas of constitutional or democratic government beyond those she has borrowed from the West. The typical Indian form of government is to be found to-day in the Native State with its personal and autocratic rule, and the few progressive States which have adopted constitutional forms only reproduce faint copies of British-Indian institutions, but they have nowhere evolved anything approaching dualism. For the above reasons the dual Government appears to me unsound in principle, unworkable in practice. It sacrifices the simplicity, efficiency, and unity of the administration, the integrity of the services, sound principles of finance, and all the practical advantages that are already being, and under the Majority Scheme will be increasingly derived from the association and co-operation of officials and non-officials, to a constitutional theory. However popular it may now be in certain political circles, who are influenced by the authority of its authors, and perhaps regard it as an integral part of the Reforms, which might be wrecked by its elimination, it will, when brought into practice, either create serious disappointment—owing to the necessary safeguards—or lead to premature transfer of other branches of the administration to inexperienced hands in order to allay discontent. Its complete realisation on the lines foreshadowed in Paragraph 260 of the Joint Report—involving the disappearance of the Grand Committee and the elimination of the official element from the Superior Executive—appears to be inconsistent with the two fundamental principles referred to in Answer (1), viz., the maintenance of India as an integral part of the British Empire and the administration of the Government for the benefit of all our fellow-subjects in India. It was in view of those objections that certain heads of Local Government in January last rather hastily drew up and put forward what is known as the "Majority Report." Up to then they had only been asked for opinions on the Joint Report, but some of us had already ventured

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on constructive proposals on those lines, and when asked for an alternative to the dualism we endeavoured to frame a scheme which, while giving effect to the announcement of 20th August, 1917, would be free from the evils and complications of dualism, in conformity with Indian traditions, and a liberal expansion of the present system. For, to use the words of the Secretary of State on the second reading of the Bill, "we are not writing on a clean slate; we are writing in continuation of chapters written before; we are building on existing foundations." Those words, I think, describe the scheme of the "Majority Report." I adhere to the main features of that report. It accepts all the main features of the Joint Report except the dual executive and the arrangements subsidiary to it. But in view of the events of the present year in the Imperial Council, and the disturbances in certain Provinces. I would now suggest that half of the members of the Executive Council or Cabinet should be officials and half non-officials, or at the most that if the Cabinet is to be composed of three members (besides the Governor) one should be an official, one an elected Member of the Legislative Council, and one an Indian non-official, who might in time, if the system works smoothly, be also selected from the elected members. The Governor would, of course, have a vote as a member, and also a casting vote. The Governor in Council would exercise ultimate control; there would be no Ministers and no transferred subjects, but there would be a strong Indian element in the whole Government, which would receive continuous training in the entire work of administration and be in a position to impress the Indian view on the official element. This association would thus be to the advantage of all parties, and would be readily understood and appreciated by a great mass of Indian opinion. Indeed there is reason to believe that if these proposals had been first in the field they would have found favour even with advanced Indian politicians.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilities the "progressive realisation of responsible government," and, if it does, in what way (Clauses 2, 3, etc.)? and (ii) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—The Majority Scheme as above summarised provides possibilities of advance by stages, at least till the appointment of the first Statutory Commission. Both the electors and the Statutory Commission will be able to judge of the actions of the Legislature, which will be as fully and clearly evident from the proceedings in Council as under the dual Scheme. The actions and policy of the Indian members of the Executive will also be apparent not only from their declarations and votes in the Legislature and the proceedings of the Executive Council; they will be judged rather on their general record than on particular measures (in regard to which, as shown in Answer 5, it would often be impossible to fix their responsibility under the dual Scheme) and will thus, while learning the practical work of administration, be saved from one of the most serious temptations of immature democracy. In practice, therefore, there will be little difference between the two Schemes as regards the fixation of responsibility, and such difference will be justified by the considerations above stated.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—As (for the reasons given in Answer 5) I consider the dual form of government unsuitable, it is, perhaps, unnecessary to criticise the details.

8. In particular, do you think (i) that Ministers should hold office "during pleasure"?—*i.e.*, should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii) that the Governor should

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should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) that the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—For the Minister holding office during pleasure, the Majority Report suggests an Indian Member of Council appointed by, and holding office during the pleasure of, the Crown. It would be for the Governor to decide whether he should be removed by the Crown if he fails to retain the confidence of the Governor, or (in case of selection from the elected Members) of the Legislative Council. I notice that even the dual Scheme, as amplified in the Government of India Despatch (Paras. 103-107), gives the Governor power to compel the resignation of a Minister if he fails to retain his confidence or that of the Legislature, but leaves the Governor discretion to retain a Minister against whom a vote of "no confidence" has been carried for action which the Governor has approved. Thus as regards responsibility to the Council the difference between the position of a Minister under the dual Scheme and of an Indian Member of Council selected from the elected Members is not in practice very great. For the reasons given in Answers 1, 4 and 5, the Governor should have power to disregard the opinion of his Ministers in the circumstances stated. This is a further argument against the application of Ministerial responsibility and in favour of the alternative proposal in the Majority Report. Please see Answers 5 and 6. The Governor should have power to dissolve his Legislative Council.

9. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and Legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I agree that the Legislatures should be given greater powers of control and influence over Executive matters, legislation and finance, as they become more fully and truly representative of the masses than they are at present. This point has been dwelt on in the foregoing replies. Meantime, I think the limitations proposed in Clause 9 of the Bill are generally suitable, but in Sub-clauses (2), (b), and (2), (d) I would give the powers proposed to the Governor in Council rather than to the Governor in person, thus securing that the voice of the Indian element in the Council shall have a hearing. In practice, and until the sense of responsibility develops, these powers may have to be frequently exercised, and they should not be regarded as arbitrary or exceptional. Hence, it seems advisable to save the Governor as much as possible from individual action, and throw the responsibility on the Executive Government as a whole. I may explain that in the Punjab the rural classes contribute at least 90 per cent. of the revenue, and have, therefore, the main interest in the expenditure. But they are not at present in a position to control it, and often complain, sometimes with reason, that their interests are sacrificed to those of the urban classes, who control the Press and the platform, *e.g.*, in matters of education, medical relief, sanitary and other public works. They, therefore, must for a long time to come look to Government to protect their interests in these as in other matters.

10. In particular (i) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object

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in view?—(i) Subject to the free revising power of the Governor in Council (see answer 9), I would allow the Legislature to vote supplies, but would point out that the exercise of the revisionary power is less likely to cause friction and agitation under a unitary than under a dual Government. (ii) I accept the plan of the Grand Committee for securing essential legislation by constitutional forms. But in view of recent experience in the Imperial Council, showing how difficult it is for even nominated non-officials to withstand the pressure of unscrupulous agitation, I consider the margin of safety in the Grand Committee should be larger than that proposed in the Joint Report, and be something on the lines suggested in para. 80 of the Government India Despatch of March 5th. I would also not limit the Governor's selections to the nominated Members, as that might exclude some of the elected Members best capable of supporting the Government's view.

11. Do you accept the position adopted in the Bill (Part II) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Yes.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes. But for the reasons outlined in answer 10 I would provide for a larger margin of safety in the Council of State

13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—Yes. But I have not been able to give the matter much consideration.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and 4))? Or do you read them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—Yes, as in No. 13. Perhaps the ordinary course of business in the two Chambers and the procedure in case of differences of opinion between them might be more fully indicated. The "popular will" as understood in Western countries will not be in a position to make itself felt in the Indian Legislatures for many years to come.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I would prefer, if that is feasible, to see the maximum number fixed by Statute as in the present Act, and as is the case of the Provincial Councils. As the number is not likely to fall short of the present number, I would retain "three, at least," Members qualified by service under the Crown, one qualified barrister or advocate, and provide for "two" Indians. There may be theoretical objections to this proposal, but a matter of such importance might well be dealt with in the Statute, and the statutory grant of two seats to Indians is likely to have a good effect.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of sections 2, 33 and 45 of the Government of India Act (Clause 23)?—I agree that as Provincial autonomy develops, and progress towards self-government in the Provinces extends, the control, direction and superintendence of the Secretary of State and of the Governor-General in Council should be lessened. Even in existing conditions the superior control is often excessive, and seriously delays or hampers local governments in their schemes for the benefit of their Provinces. Provided that the relaxation of control is carried out as proposed in Clause 23 by the Secretary of State in Council (the Council being a statutory one with a body of expert Indian opinion, as at present) there need be no fear that the action will be too sweeping or precipitate. It is most important that in the transition stage, i.e., till representative institutions

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tutions have been established on a broad and sure foundation, the responsibility of the British Crown and Parliament should be maintained and enforced. As has been aptly said, "Past neglect of their responsibilities (for the good government of India) by the British elector and British Parliament cannot be remedied by a sudden zeal to abdicate them." The average Indian has unshaken faith in the British Crown and Parliament, and a well-grounded confidence in the honesty and impartiality of their agents in India, and however the new and imported plant of self-government may thrive in an Indian atmosphere, he will, for many years to come, continue to look to one and the other as the authorities responsible for his security, welfare and advancement. He is concerned rather with the results of the administration than with its constitution forms, and is slow to accept new ideas.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I do not think that the gradual realisation of responsible government necessarily involves periodical examination by an outside and independent authority. But in view of the ultimate responsibility of Parliament and of the publicity given to the proposal in Clause 28 of the Bill, I think the procedure suitable. Perhaps the injunction that the examination should be made "at the expiration of ten years" is too definite and restrictive. Parliament might not be in session then, or might be pre-occupied with even graver matters, or conditions in India (war or famine) might be unfavourable. The Commission should have power to report not only whether "it is desirable to extend or modify the degree of responsible government" in any Province, but also whether it is desirable to "restrict" it, where there has been serious maladministration. This seems to follow from Paragraph 261 of the Joint Report, and also from the general responsibility of Parliament.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—The following matters appear more suitable for provision in the Statute than by Rules:—(a) Cl. 3 (4)—The temporary administration of transferred subjects in cases of emergency. Obviously when the Government acting with a Minister ceases to act, the only other form of "Local Government" is "the Governor in Council" (S. 134 (4) of the principal Act), and it is this authority and not the Governor alone that should administer in such cases. (b) Cl. 5 (2) seems to give undue powers to the Governor and the rules and orders in question might be made by the Governor in Council, with the approval of the Government of India. That would be safeguard against hasty action or unnecessary local variations between Provinces. (c) Cl. 6 (3) (a)—The ordinary term of office of Governors' Legislative Councils might be fixed by Statute, as in the case of the Indian Legislature (Ch. 17). (d) Cl. 9 (3)—The Governor's power of nomination to the Grand Committee should not be limited to nominated Members of the Council. (e) Cl. 21—The maximum number of Members of the Governor-General's Executive Council might be fixed by Statute. (f) Cl. 23-26—The wide rule-making power to be given to the Secretary of State in Council will meet with opposition unless exercised in consultation with a Statutory Council representative of Indian opinion, official and non-official.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—The only remarks I have to make on the Franchise Report are that I would retain the University seats, would grant the franchise to the military classes as proposed, and would not give the women a vote, because, omitting other reasons, the proportion of literacy among women is only one-tenth of that among males. Also, judging by the enormous difficulties attending the polling of large

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bodies of electors in the Punjab, it seems prima facie impossible to provide a reliable and efficient machinery for polling the millions of votes in certain Provinces, if any large proportion of the voters came to the poll. In the cities of Lahore and Amritsar, with some 12,000 to 20,000 municipal voters, the whole machinery of the district administration has to be turned on to the polling booths for a whole week, to the neglect of all other work. Even so, the results are not very satisfactory, and, though the polling officers are all of gazetted rank, there is usually a big aftermath of petitions alleging bribery, coercion, intimidation, personation, etc., etc., the decision of which is a heavy tax on the officers of the Government, the only reliable agency available. With ignorant rural electors, who will have to come in to the district or taksil headquarters if they wish to vote, the practical difficulties will be enormously increased, and the facilities for fraud, bribery, personation, etc., will be immense. That was my main reason for proposing a fairly high franchise in the Punjab, and even then I estimate that 80 per cent. of the rural voters will be illiterate, and if they come to the poll at all in large numbers (the experience of existing elections to local bodies indicates that they will not) they will be at the mercy of the tout, the electioneering agent, or the registering officer, and, as in the present municipal elections where bribery is often rampant, will be swayed by private and personal rather than by public motives. To repeat the words of Mill, "Representative institutions are of little value, and may be a mere instrument of tyranny or intrigue, when the generality of voters are not sufficiently interested in their own government to give their vote; or, if they vote at all, do not bestow their suffrage on public grounds, but sell them for money, or vote at the beck of someone who has control over them, or whom for private reasons they desire to propitiate. Popular election thus practised, instead of a security against mis-government, is but an additional wheel in its machinery." While the Indian electorates are mainly made up of men poor, illiterate and ignorant and uninterested in public affairs, they will probably vote, if they vote at all, under the influence of one or other of the above considerations, and that is why I have urged with such insistence that the foundations of responsible government have yet to be laid, and that elaborate work on the superstructure may be labour lost. Education, in the broad sense of the word, is, of course, the remedy, and for some years there has been a burst of educational enthusiasm, but the results of this will not appear for another generation. Meantime it would be unwise to expect too much from the new electorates, or to legislate too far in advance of their ideas. In regard to the Subjects Report, all I wish to say here is that if the dual system is accepted I agree with the Governor of India's view that secondary and higher education and industries should not be among the transferred subjects at the start. The Subjects Report reveals the enormous difficulties of working the dual Government, and I would be prepared to dwell more fully on those when I appear before the Committee. I have no detailed remarks to make on the Report of the Committee on the Home Administration of Indian Affairs, as I have seen only a newspaper summary. I think, however, it will be in conformity with the general principles of the Reform Scheme to maintain the statutory powers of the India Council, and at the same time widen its constitution.

7433. Is there anything you would like to say in supplement to that Memorandum?—Yes. In the Memorandum I reply to the questions in rather a scrappy way, and I would like to explain, on behalf of myself and the other heads of local governments who signed what is known as the majority report, our general position: That is that we accept all the main features of the Montagu-Chelmsford Report and of the Bill to give effect to it, except the one feature of dualism. At the end of my Memorandum I said I would be prepared to explain to the Committee in some detail some of our objections to that feature of the Bill. If your Lordship will allow me, I would like to do that by means of a practical illustration.

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7434. If you please?—The illustration which has occurred to me is this. The field of administration in India might be compared to a great arid plain which for its full agricultural development requires a constant and secure supply of irrigation. At present it is irrigated, but only partially by two streams, and those two streams are combined into a common channel. One of those streams has an Eastern source. At first it was the sole source of irrigation, but in the course of centuries, owing to constant struggles for its possession, this channel became obstructed, its volume diminished, and its supply for irrigation purposes became fitful and inadequate. At this stage the second stream came into operation. That stream comes from a Western source. It has a strong and constant channel, and it has already achieved great results, both in extending the area of irrigation and also in increasing the yield from that area. Indeed, were it not for the action of this Western stream, the whole area would by this time have relapsed into barren waste. Another point; with the aid of power generated from the Western stream, the Eastern channel is being steadily freed from the obstruction which impeded its working and is now in a position to supply a larger and more constant supply of water for irrigation. Each stream separately, I may say, is inadequate for the efficient irrigation of the whole tract, but each stream, owing to its separate source and separate course, has certain fertilising qualities which the other lacks, so that the best results, both as regards the area to be irrigated and the yield from that area, are obtained by combining the waters of both streams into a common channel. Now given these two sources of irrigation, what course should a wise chief engineer adopt? Will he follow past practice and work both as a common channel, as a joint channel with a single agency, thereby securing unity, economy and efficiency of working; thereby securing also a greater area of irrigation (for every hydraulic engineer will tell you that losses from absorption and evaporation in a single channel are much less than the losses in two channels; thereby securing also a greater yield from the total area irrigated (because, as already explained, the combined waters of the two streams are much more fertilising than either separately); thereby also securing prompt and timely action in seasons of emergency, in times of drought and low supply (when it is most important not only that the distribution between the many claimants should be economical, but should also be so impartial as to command the confidence of all); thereby, in fact, meeting the wishes of the vast majority of the irrigators who desire to retain the greater security of the joint system, the absence of friction and delay, and the other advantages that arise from joint management? Is your chief engineer to work on those lines, or is he, for the sake of an experiment, in order to see what results the Eastern stream if worked as a separate canal by a separate agency will produce, to set himself to work to convert both streams into separate canals, with a separate staff, separate areas, arbitrarily delimited, and separate rates and finance; thereby restricting the total area irrigated, reducing the yield from that area, and at the same time increasing the working expenses? Thereby also causing delay, uncertainty, and confusion among the irrigators, for the areas on the two streams will often overlap, and arousing discontent among them as they find their areas reduced and their yield diminished, while they are being saddled with increasing working expenses; thereby also incurring serious risk of friction and collision between the two separate and possibly rival agencies, and depriving himself of the power of prompt and unified action in a time of crisis? Thereby, in fact, sacrificing all the interests, or at least imperilling all the interests which it is his duty to protect and promote, and all this for the sake of an experiment, the results of which can be foreseen or can be arrived at in other ways.

I hope I have made my meaning clear. The chief engineer is the British Parliament, acting at present through this Committee, and responsible for the welfare and advancement of the whole tract. The Eastern and Western streams are the Indian and the British influences and elements in the administration; the joint canal is the unitary government into which

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these two streams of influence have hitherto been combined, and must in our opinion remain combined if the Western stream is to function as an integral part of the system. The two separate canals are the two sections of the dual government, with their reserved and transferred subjects, their separate policies, separate rates and finance, separate establishments, and the other possible sources of rivalry, friction and expense. And now I come to the irrigators. The irrigators are the great masses of the people of India, who admittedly know little, and care little, about political schemes, which are not easy for them to understand in their present state of political development, but who are entitled to receive, and expect to receive the essentials of good government, and, being naturally conservative, would prefer to receive those essentials of good government by the development of the system to which they have been hitherto accustomed. That system, in our opinion, with the extension of Indian ideas and influence in the whole administration which is now being effected and working in close association with British capacity and British experience over the whole field of government while maintaining the security of the irrigators, that is of the masses, will give them the benefits of a progressive Government, and also give them the opportunity of ultimately realising responsible self-government within the Empire, if they prove their capacity to do so.

And, lastly, I come to the separate agency on the Eastern canal. That separate agency represents those political classes who desire to bring the whole administration under their sole and separate control, at first partly perhaps, but eventually in its entirety. In so far as their object is to prove their own capacity and to obtain wider scope for Indian ideas and Indian personnel, that object is quite legitimate, and even laudable. But that object we hold can be adequately secured by giving them, as proposed in the majority scheme, a larger share in the working of the joint British Indian administration as a whole, a share which will be increased as promised in the announcement of the 20th August, 1917, in proportion as they give proof of capacity, experience, and a sense of responsibility. Our view is that, working in association, as laid down in that announcement, those classes will have much to learn and also a good deal to teach. But in so far their object is to exclude British experience and capacity from the administration which those qualities have built up, that object appears to us inconsistent with the welfare of the community, and the British Government, which is admittedly responsible for the general welfare, should not allow the general interest to be subordinated to that of any one class or any one interest, whether Eastern or Western.

If I may, I will add a few more words as to how we think the two systems, the unitary government and the dual government, would work in practice. The business of government, according to the Government of India, in Paragraph 105 of their Review of the Franchise Report, must be inspired by a common purpose. That common purpose cannot, in our opinion, be obtained under a dual form of government. No doubt the elements of dualism, the Western and the Eastern streams, are latent, and must remain latent in every system of Indian administration. But it should be our aim, like that of the wise chief engineer, to harmonise and unite those two elements by close association for a common purpose, and not to emphasise them, as we think the dual system does, by an artificial and ever-increasing separation. The best way to secure this unity is to recognise that the British and Indian elements are working for a common object; that they have, in fact, a common mandate and a common responsibility, the good government of India as a whole, and we think that the association and partnership of British and Indians for this common object will, in the vast majority of cases, secure unity of views and unity of effort. That is at least the mature conclusion of seven out of the nine local Governments who were concerned, and it is based, not on any abstract reasoning, but on long and practical experience of working in association with Indians in the Legislative Council and elsewhere.

7435. Will you remind the Committee which those seven Governments were?—All the Governments except Bengal and Bihar and Orissa. The authors of the Montagu-Chelmsford Report say that they rely on experience

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experience and good feeling in overcoming the difficulties of the dualism in their scheme, and we, I think, are entitled to rely with equal, if not greater confidence, on those same qualities in overcoming the lesser difficulties of our scheme. The difficulties in their scheme are, I believe, infinitely greater than those in ours. The Government of India, in endeavouring to forecast the working of the dual system, in paragraph 107 of their Despatch used these words, "There must be established a convention by which each half of the Government refrains from opposition to the other half," and they add, "But more than that it seems to us quite impossible to expect; neither half can be required to give active support to a policy which it has not endorsed." The result of that appears to us is that you set up in each Province two Governments. Their attitude to one another may be either that of benevolent neutrality, correct neutrality, or armed neutrality. We think the risk of the last is one that should not be taken. We consider that if you cannot at this stage offer to India something better than that form of government it would be a confession of the bankruptcy of our statesmanship. We think that we can offer something more than that, something which, while retaining the main features of the Montagu-Chelmsford scheme, that is to say the wide electorates, the electorate majority, the control of legislation, the control of finance, subject to certain revising powers and certain checks—while retaining all these features our scheme modifies it in one important respect only by eliminating the dangers of dualism and giving at the top of the edifice a joint executive, half British and half Indian, to start with.

7436. You mean two British and two Indians?—Yes, two British and two Indians to start with.

7437. And a Governor?—Yes, we think that that scheme will meet the terms of the announcement of the 20th August, 1917, even more fully than the Bill which fails to give effect to the first principle of the announcement, viz., the increasing association of Indians in every branch of the Administration; and it will be readily understood and appreciated by the great masses of the people in India, all those at least who are capable of forming an intelligent opinion on the subject. It may be objected that our scheme will excite the disapproval and disappointment of the admittedly small but very vocal section of advanced politicians. But many of those advanced politicians have already expressed their strong dissatisfaction with the scheme embodied in the Bill, and I think it is obvious that no scheme will satisfy men whose claims are often conflicting, often unreasonable, and in some cases inconsistent with the maintenance of India as an integral part of the Empire. In fact our view is that the basis of our policy should be to secure, in the words of the announcement, the welfare and the advancement not of any one class, however influential or however vocal, but of the Indian peoples as a whole. That is the responsibility which was undertaken by the Crown when it took over the Government of India in 1858, and that responsibility has been solemnly re-affirmed in the announcement of the 20th August, 1917. Our contention is—I speak for other signatories of the majority report as well as for myself—our contention is that that responsibility can best be discharged by the form of unitary government which we have proposed in modification of dualism in the scheme. That is all I have to say, and I hope I have not trespassed on the indulgence of the Committee too long.

7438. Not at all. There are two points of your scheme that I want you to make clear. How are the two Indian members of the Executive Council to be selected? Are they or are they not to be selected, because they are supposed to enjoy the confidence of a majority of the Legislative Council?—Our view was that you should as far as possible select your two members, in some Provinces both the Indian members, and in others perhaps one, from the Legislative Council, and they should be men representing a large and influential body of opinion in that Council. As the Councils will be constituted it will be very difficult to say that you have a majority of any one view on the Council, because the Councils are based on communal representation and on lines of cleavage other than purely political. But the idea is that the Legislative Council, through the members selected from it, should

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be in a position to influence the decisions of the Executive Government.

7439. Was the idea to give those Indian members of the Executive Council charge of certain departments of Government?—Yes. The idea was that the Governor should distribute the portfolios, not in reserved and transferred subjects, but, subject to the joint responsibility of the whole Government, should distribute the portfolios among all the members of his Government. There would be no objection, for instance, to the Indian member being put in charge of Law and Justice, or Land Revenue, or even the Police, the object being to enable them by association to gain experience of the actual system of working the Government. Let them range over the whole field of Government. Admittedly at present, however capable they are, they must be lacking in administrative experience, and it is hoped that by distributing the portfolios among all the members they will be able to get greater experience of the actual working.

7440. The Governor on each occasion would simply, according to his own judgment, distribute the portfolios among the four gentlemen who form his Council?—Yes.

Mr. *Bennett.*

7441. I have read your memorandum, and I notice that you refer to the necessity for the creation of a sane and intelligent electorate, largely to be arrived at by education, and I think you point to a growth in the public interest in education in the Punjab?—Yes.

7442. I think a recent director of Public Instruction rather emphasised that—it has been rather remarkable?—Yes.

7443. The increased interest?—Yes; in all classes.

7444. That is one of the hopeful signs which helps us to anticipate the creation of that electorate?—Yes. It will take a generation for the results to appear.

7445. Is it not difficult to measure the pace of political changes?—Yes, it is.

7446. Would you not hope, within a reasonable time, to find an electorate in India not less competent to bear the responsibilities of their vote than the agricultural labourer in England was before 1884, having regard to the proposed dimensions of the electorate?—I look at it in this way at present: Taking the males over twenty in the Punjab, one in ten is literate. "Literate" means being just able to write his name. One in 100 is literate in English. I do not think in a generation you will arrive at a position in which you will be able to say that more than one, perhaps in six, is literate, and perhaps more than one in sixty literate in English, considering the enormous field to be covered.

7447. That is your estimate?—Yes.

7448. You speak of the complicated procedure which will exist under the changes proposed. Take the complicated procedure in our Courts, for instance. Indian law makers are not responsible for that, are they?—I do not see to what passage you refer.

7449. I am referring to the bottom of the first page?—The efficient administration of the law.

7450. Yes. "People are looking for an impartial and reasonably efficient administration of the law." You refer to the complicated procedure there, do you not? That has not arisen from the Indian law-makers, has it, the complicated procedure in the Indian Courts?—I think our local procedure in India is very complicated and very elaborate, from this fact that we started with rather inefficient tribunals, and it was necessary to have a very elaborate system to check them with. That check is accomplished by very elaborate procedure, much more elaborate than you require in England, where you have strong public opinion to keep your Courts and Magistracy in order.

7451. You refer to Ministers. You say that administrative disorder follows the establishment of diarchy. Would not that be a reason for refusing to increase the transfer to popular control? For instance, we place three Departments under Ministers, and assuming that those are not properly administered, will not that be a reason, when the time of revision comes, for refusing to increase the number?—Yes, I think that is understood.

7452. Does not your reference ignore that safeguard, the safeguard of revision ten years hence, or whatever the period may be? Do not you disregard that safeguard?—No, but I am laying stress on the natural tendency and the hopes held out that more and more subjects

Mr. *Bennett*—continued.

subjects will be transferred. It will be very difficult to resist the claim that progress is to be achieved by the successive stages allowed in the announcement.

7453. But is it not held out conditionally?—Yes, but there is always a tendency to overlook the conditions.

7454. We have to deal with that when the time comes. Then you say if the dual system is expanded by increasing the transfer of subjects to popular control, it may well lead to increasing administrative disorder. As I have pointed out, we have provided safeguards against that. "And the tendency of Ministers will be to play more and more to what they regard as the popular gallery." Now we have undertaken this great enterprise in the hope that it will succeed. The success of the enterprise is, as you will admit, dependent upon a reasonable amount of mutual confidence between the two parties to it. Do you think the atmosphere in which that confidence will grow is to be created by suggestions that Ministers, whom we wish to co-operate with us, will play to the gallery? Do you think that is a helpful suggestion?—I think it is admitted by the Government of India, and also by the representative who appeared before this Committee, that at least the period of the first two Councils will be one of very serious friction; and I think we have not seen so far such evidence of a desire to co-operate with the Government as would justify us in basing a strong hope on future co-operation. The atmosphere, I think, has to be created.

7455. And now is the time to begin to create that atmosphere?—Yes. My suggestion was that that atmosphere was more likely to be created under a system of association rather than under a system of division.

7456. But do we help in its creation by assuming that men whom we propose to ask to co-operate with us will be playing to the gallery? There are galleries and galleries, are there not?—Yes. I suppose it is not unknown in any country.

7457. Then you refer to attacking a hostile bureaucracy. Is any advantage gained by assuming hostility between the bureaucracy and the popular side of the Government?—Well, I think the very words you used, "the mere fact of dividing the Government into what you call an official Government and a popular Government, is, in itself, provocative of friction. You look on them as more or less opposing camps.

7458. Quite so, but not necessarily hostile?—No, possible hostility. The attitude of the two Governments might be one of benevolent neutrality, which we hope it might be in time, or of correct neutrality, or of armed neutrality. I think we have to consider the possibility of all these forms according to the circumstances of the different Governments and the different Provinces. We must look the facts in the face.

7459. But the Report, at all events, contemplates the retention of a considerable number of the British element in the Indian bureaucracy, and is it not well to avoid suggestions of hostility when that is the case?—I think nothing is to be gained by not looking facts in the face. I think hostility is quite possible under the form of Government proposed, and I thought, therefore, it was wise to contemplate the results.

7460. You refer to a point made by the Bombay Government, who say it will be impossible for the Council or the electorate in a given case to ascertain whther he has acted on his own responsibility or in concert with another Minister. Have you read the suggestion—I think you must have seen the suggestion—made by the Government of India that that confusion will be avoided if in an order issued by the Government it is stated in transferred matters by the Governors——?—After consultation with his Ministers.

7461. Do you not think that will get over that difficulty?—I doubt it, because the official orders will only issue when the matter is decided. They will throw no light on how the matter was decided—whether the Governor overruled his Minister or not.

7462. Generally, that will establish a distinction between orders arrived at in consultation with the Minister and those arrived at in consultation with the Executive Council?—Yes, it will do that.

Mr. *Bennett*—continued.

7463. Generally it will, but there are cases in which it will not?—Yes, but in the case of the Minister it will not say whether those orders are passed at the suggestion of the Minister, or are orders which the Governor, in the discharge of his responsibilities, insisted upon the Minister passing. So, to that extent, it obscures the responsibility of the Minister.

7464. You say under the scheme of the five Governments advances could be made by stages?—Yes.

7465. Would it be by imposing additional duties and responsibilities on particular members as the advance was made—would that be the form?—That would be one form—placing more Departments in charge of your Indian members or Ministers.

7466. I am thinking, of course, of the majority scheme. Supposing that increased duties and responsibilities were placed upon particular members, would not you, in that way, be laying the foundation of a diarchy—you would be accepting the fundamental principle of a diarchy? You would have a number of Ministers with one grade of responsibility and others with a higher grade. There you get at once the beginnings, at all events, of the principle of the diarchy?—No, because once they are members of a collective Government they will be all jointly responsible; each Minister or each member will, as I believe is the case in the British Cabinet, be responsible for his own Department, subject to the collective responsibility of the Government as a whole. If he is dissatisfied with the general policy of the Government in his own Department or in any other Department he can resign. Such resignation takes place even at present. One has recently occurred in the Council of the Viceroy.

7467. You suggest the removal by the Governor of Indian members of the Council who fail to retain the confidence of the Legislative Council. Do you not there establish a fundamental difference between one set of the Governor's advisers and the other? The members of the Executive Council are irremovable—the official members are irremovable?—Constitutionally, I think not. Under the Government of India Bill they are appointed by the Crown and removable by the Crown. Any member of the Executive Council who did not see eye to eye with the Governor, and would not carry out the policy of the joint Government, would be removed, at the instance of the Governor, by the Crown.

7468. But in any case, the status of the two under your scheme is fundamentally different?—Yes, to some extent I admit that. It is because you have to bring two elements into your Government. That is the result of the Western and Eastern elements. The member selected from the Council is expected to work with the Council as far as possible.

7469. So that under this presumably unified Government there are distinctions?—Yes, but both will have a common responsibility—the good government of the people as a whole.

7470. There are fundamental distinctions?—Yes.

7471. Now, towards the end you quote Mill, I think. You quote a passage from Mill to this effect, "representative institutions are of little value, and may be a mere instrument of tyranny or intrigue, when the generality of voters are not sufficiently interested in their own Government to give their vote," and other dangers of democratic government are pointed out. I need not read the whole?—Yes.

7472. That quotation, I take it, you use as an argument against the extension of democratic institutions in India?—No, I only point out the difficulties which lie in the way of establishing representative institutions in India. No one would be more pleased than I if you had the machinery for democratic government, but we have to face the practical difficulties pointed out by the Secretary of State and Lord Chelmsford, and also by the Government of India, in the way of establishing democratic institutions.

7473. Those difficulties apply to political problems in England, or in Europe, at least as much as they do in India. They have no special application to India?—I think they have, because Indian conditions are totally different. Perhaps I may be allowed to quote a few passages. In the Montagu-Chelmsford Report, in Paragraph 228, speaking of responsible government, it says: "We find it in its earliest beginnings resting on an effective sense of the common interests, a bond compounded of community of race, religion, and language."

Mr. *Bennett*—continued.

language." We have that community in England; we have it in our self-governing colonies, but we have not that sense of common interest in India, because we have not the community of race, religion and language. We have not community in any of those respects. Another quotation in continuation of the above is this: "The history of self-government among the nations who developed it, and spread it through the world, is decisively against the admission by the State of any divided allegiance; against the State's arranging its members in any way which encourages them to think of themselves primarily as citizens of any smaller unit than itself." And, further on, they say, "Any general extension of the communal system, however, would only encourage still further demands, and would, in our deliberate opinion, be fatal to that development of representation upon a national basis, in which alone a system of responsible government can possibly be rooted." It is owing to the existence of these conditions that I point out the difficulties which lie in the way of establishing a democratic system of representative government in India. After considering this very question of communal representation, the Government of India, in expressing their views on the Franchise Report, admit that India is not prepared to take the first step forward to responsible government on any other road than that of communal responsibility, having already pointed out that communal responsibility is incompatible with representative government. They go on to say: "The road does not lead directly to the goal, and we can only echo the hope of the Franchise Committee that it will be possible, at no very distant date, to unite all communities in one general electorate." That is the position. In many cases we have had communal elections in our local Boards and Municipalities for many years, but we see no signs of a disposition to discard it, and, therefore, I am afraid that the hope of the Committee that it will be possible to discard it as regards the political franchise is a very faint one.

7474. We may take it, then, that the quotation from Mill was meant to apply to conditions in Europe, and Europe has faced the risks?—In Europe you had the conditions on which you can build representative government, because though the electorate may have been very ignorant and limited, you have community of race, religion and language, you have a common bond, and that is why you had the conditions on which you could establish responsible government.

Mr. *Acland.*

7475. I think I gathered rightly that under your scheme you depend to a considerable extent on the Governor as to what extent Indian members of the Legislative Council were given real power of administration?—No. I contemplated that each member of his Government would be responsible for his Department, subject to the collective responsibility of the whole Government, in the same way whether he was a European or an Indian, or an official or a non-official, Because a non-official member would require more training he would have to go slower at the start.

7476. But it would be argued with regard to your scheme rather more strongly than with regard to the scheme we are primarily considering, that if there were any failure in administration in the Departments of the Government allotted to the Indian members of the Executive Council, it was the fault of the other members rather than the Indian members concerned. There would not be quite as definite clear-cut full responsibility on the Indian members of the Executive Council under your scheme as there is under the Ministers in the scheme of the Bill. Is not that so?—Yes, I admit that; but I also say the present conditions are incompatible with full responsibility. There is no source, no basis, on which you can found full responsibility.

7477. Do you not think it is a very great point if it can be obtained, particularly when you are regarding your scheme as leading up to further advances, that you should be able to say, without any question at all, that success or failure has been due to the good or the bad administration of particular Indian Ministers and administrators in order to be able to found an opinion as to whether further reform is justifiable? Would it not always under your scheme

Mr. *Acland*—continued.

be alleged that the relative non-success of any particular Department was really due to the interference of official members with the discretion of the Indian member of the Executive Council?—Assuming that, I think the same thing would be alleged in the case of failure under the dual system. If a Minister's conduct of the administration of his sphere is not successful he will always be able to hide himself behind the fact that he was over-ruled by the Governor or that his financial proposals were not accepted.

7478. But the over-ruling by the Governor is a perfectly definite thing. The effect of a sort of joint responsibility of the different members of the Executive Council is a much more indefinite thing?—Yes, but the proceedings of the Executive Council are always put on record. Each member, if he finds his views are not accepted, can have his protest recorded. Those protests are on record, and by access to those you will be in a position to see whether failure was due (it may require a little more careful investigation) to him personally or to his being over-ruled by the collective Government.

7479. I cannot get you to go further than you have already said that you do agree with me that if you can get it, it is a good thing to be able, in reviewing the matter ten years hence, to say such and such persons under our system were given perfectly direct responsibility and they have carried out that responsibility in a certain manner, which allows us to judge?—Yes, if you could get it, it would.

7480. Your suggestion is that you cannot?—Yes. Under either system it can only be obtained by investigation. That is what the Statutory Commission is for.

Lord *Islington.*

7481. You say, on the first page of your note, that one in eight of the vacancies in District Councils only is contested?—Yes.

7482. Would you say from your experience in India that, in spite of that, the uncontested seats have produced competent men to discharge the work of those District Councils?—Yes, in many cases. The absence of contest is due to the electors being either apathetic, or being fairly well satisfied with the sitting member.

7483. But the personnel of the Council, although it has been furnished by means other than contested elections, has been, on the whole, satisfactory?—Yes, not unsatisfactory.

7484. From what class would you say those men have been drawn. Would you say that a considerable element has been drawn directly from the agricultural interest?—Yes, in the case of the Rural Councils almost exclusively from the agricultural interest, the head men and zaildars, the leading men of the tribe.

7485. Would those come under the head of literates, all those elected to those districts?—A considerable portion.

7486. Or would a proportion be illiterate?—A proportion would be illiterate—perhaps one-third.

Chairman.

7487. In this connection, may I ask you how are the Chairmen of Local Boards in the Punjab appointed? Are they elected or official?—They are elected in nearly all cases, but, as a rule, an official President is elected. We have tried very hard to make local bodies select non-official Chairmen, both Municipalities and District Boards, and, in some cases, we have succeeded, but in the majority of cases we have failed. Take the instance of our two biggest Municipalities, Lahore and Amritsar, each with a population of about 200,000. Within the last two years the Government has been striving to get those two leading Municipalities to select their own non-official Chairman. We said to them it was most desirable that they should. They agreed. These two Municipalities have the communal system. The Hindoos were most anxious to have a Hindoo; the Mohammedans were most anxious to have a Mohammedan. Neither party could agree as to any particular individual, and, in the end, in Lahore almost universally, and in Amritsar, by a majority, they decided to appoint the Deputy Commissioner as President, and asked Government to allow them to retain an official President, because it was impossible for them, the two most advanced Municipalities in the Province, to agree on a non-official.

7488. You

Lord *Islington.*

7488. You lay stress on the amount of illiteracy, and you lay stress on it in connection with the inadequacy of an electorate for a responsible Government. Would you say that it necessarily follows because a man is illiterate that he is also incapable of giving an intelligent vote?—No, that does not follow, but I think if a man is literate, he is more likely to be capable of giving an intelligent vote. He is more likely to be able to read the papers, and form some opinion on current political topics.

7489. We have had a good deal of evidence on this from witnesses who have been here, and I would like to get your view with your long experience of India. We have a good deal of evidence here in this Committee to the effect that both the ryot and the industrial mechanic, both of whom are probably illiterate, have a very fair idea of what they want and what their interests are, and would probably give very definite effect to it if they were given a chance in the polling booth?—Yes, in matters directly and closely affecting them. We had a notable instance of that last year in connection with the compulsory primary Education Bill introduced in the Punjab. The Bill was introduced by the Government, and there was a great deal of educational enthusiasm. In the Bill, as drafted, largely under the influence of the non-official members, provision was made for the compulsory education of girls on the same lines as of boys and also for the age of compulsion five years. When this Bill was circulated for opinion it was found that there was a great mass of rural opinion and of the working classes distinctly opposed to giving up their children to be educated for as long as five years, and there was a very general feeling among the Mohammedans, both the higher classes and the peasantry, and among the higher classes of Hindoos, against the compulsory education of girls; and in deference to that feeling, which, as you point out, sprang from the more or less illiterate classes, those two provisions were modified. The compulsory education of girls was left to stand over for a period, when public opinion might be advanced enough to justify it, and the age of compulsion—the limits of age were reduced so as to meet the views of the great masses of the population, who make use of their children on their land and in their labour. That was a matter intimately affecting the people, and I think they were quite capable of giving an intelligent opinion with reference to it, but it was the Government rather than the Legislative Council that ascertained and represented their views, which otherwise would have remained unheeded.

7490. That is rather a good illustration, really, in India of the assimilation to the kind of rough-and-ready decisions we have come to in countries governed under the responsible system?—Yes. At the same time, I may point out that the Government had the greatest difficulty in overcoming the objections of the educational enthusiasts in the matter. They wanted to press for the compulsory education of girls and also for a longer period of compulsion for boys, and it was only when pointed out to them in the Legislative Council and elsewhere that those measures, however desirable, if put forward at this stage, would wreck or endanger the success of the whole Bill, that they gave way, very unwillingly.

7491. Their rather precipitate zeal in other ways was restrained by the people?—Yes, and by the Government as interpreting the views of the people. If it had been left to a pure vote in the Legislative Council, those two provisions, which would have endangered the Bill, would have been carried.

7492. If you had the Legislative Council elected by those people, it would have a corresponding effect upon the minds of the legislators, would it not?—Yes, I agree, assuming that their representatives voice their views.

7493. They would to that extent be controlled and influenced in whatever decision they came to?—Yes.

7494. I listened, as I am sure all the Committee did, to the very illuminating and picturesque illustration you gave showing the underlying demerits, as you saw them, of a dual system, and the strong advantages, as you realised them, of a unified system. I think all of us have the deepest sympathy with you and your colleagues, and every Government desires to get as near as possible to the unified system, but the difficulty which faces us, which we want to get cleared up if we can, is to combine a unified system with the amount of real responsibility which it is

Lord *Islington*—continued.

desired to start this reform scheme in India on. Now I think in your answers to Mr. Acland already you have admitted that your scheme would not give that real responsibility in any particular subject?—I do not think I said that. I said, subject to the collective decision of the Government, each member of the Council, whether British or Indian, would direct the affairs of the Department for which he was responsible, but as the Indian member at this stage would not have had any official training, it would probably happen that he would be more interfered with at the start than a member with a long administrative training.

7495. But, of course, the final decision on any important point in regard to legislation or administration would be the combined decision of a unified Cabinet?—Yes.

7496. With regard to the mode of election of that Cabinet, you said the two Indians should be appointed by the Governor from the Legislative Council?—In some Provinces, but not in all, it would depend on the conditions of the Province. In the Punjab I contemplated one member would be taken from the Legislative Council and the other need not necessarily be, because there are large interests which at first would not be adequately represented in the Council among the elected members, and which it might be very desirable to have represented in the Government. Take the interests of the depressed classes, of the inferior classes of the peasantry, the interests of factory labourers and people of that kind, and the interests of the military classes.

7497. If a franchise could be adopted which would give representation to those classes which you have mentioned, then would you suggest that the member should be appointed from the elected?—Yes, when you get a franchise in which all classes of the electorates are capable of being adequately represented, then I think the necessity for nomination would disappear, and that would be possible. That is one of the steps to which we look forward. In some Provinces it may be possible to do it at once. I am only speaking with reference to my own particular Province. Most heads of Governments agree to two members from the Legislative Council even at the start.

7498. How would you propose the other two members should be appointed, the official members?—They would be appointed by the Crown in the same way as the non-official members—nominated by the Governor and appointed by the Crown.

7499. Both officials?—Yes.

7500. Would you give the same tenure to all?—Subject to "during pleasure."

7501. To the pleasure of the Governor?—I think the Executive Councils are appointed by the Crown, and they would be only removable by the Crown. I think it is very desirable that as far as possible all should have the same status.

7502. Now I diverge for a moment. I think you say in your note that you think it most desirable that the military element in India should be included in the electorate?—Yes; I suggested giving them the franchise—having a military franchise.

7503. You would have a military constituency, as it were?—No; I did not propose a separate military constituency; I only proposed that they should be enfranchised in the constituencies in which they reside. I have not proposed a separate military constituency.

7504. You would enfranchise all those who have served with the colours?—Yes. That was the proposal, I think, of the Legislative Council, and I think we roughly accepted it. I think perhaps we limited it to Indian officers and non-commissioned officers.

7505. As regards the mechanics in the towns occupied in industry, can you suggest to us any way by which they could be directly represented in the Legislative Councils?—I can only speak in reference to the Punjab, and there industry is at present imperfectly developed. I think our total factory operatives in the Punjab number only 30,000, and they are so scattered in various small establishments that it would be almost impossible to form them into a separate electorate; nor does their number in the Punjab justify their being formed into a separate electorate.

7506. Speaking from your own local experience of the Punjab, it does not bulk so large as a problem as it would in Bombay, Bengal, Calcutta and other

Lord *Islington*—continued.

Provinces?—No.

7507. Would you say you would regard it as important that that class should have direct representation in the Councils?—I think it is very desirable, because the conditions of factory labour at present in India require very careful revision, and in matters of that kind I think the Government has hitherto been the principal agency in protecting the interests of the workers. It is very desirable that they should have some nominated member at present representing them.

7508. I take it you would agree that the reason for the proposal of a dual system is on two grounds really. The first ground is as near as possible direct representation. Responsibility should be given in certain subjects, whilst other subjects which it is not considered desirable at the present juncture to place on a responsible system should still be retained under an autocratic system?—Yes.

7509. Your proposal for unified government would have the effect of diminishing the responsible aspect of the transferred subject, and it would also have to a certain extent the effect of diminishing the autocratic aspect of the reserved subject?—Yes, it would secure a greater unity of system in the administration.

7510. It would secure a greater elasticity for the reserved subject?—Yes.

7511. It would come more directly under the control of the Legislative Council?—Yes; that is very desirable. As long as you have two separate fields, I think you would have the Ministers in charge of transferred subjects very jealous of the reserved sphere, and resenting the fact that they were kept out of the most important fields of administration, and that can be overcome by allowing them to range over the whole sphere of administration. We need their assistance and advice in the reserved sphere just as much as in the transferred sphere. The spheres are arbitrarily delimited and very often overlap, and that is one of the strongest arguments against the division.

7512. Do I understand also that you would propose that all these subjects should be open to either race?—Yes, I am quite prepared for that.

7513. From the start?—Yes, except matters connected, say, with native States and foreign relations. Of course, the latter do not arise in Provincial Governments.

7514. Let us assume for a moment that the transferred and reserved subjects obtain, can you conceive a means by which that could be carried out in a less separate fashion than that which you indicate it will be? I rather gather from your remarks that you visualise this scheme with two perfectly separate Governments working in complete water-tight compartments, Ministers on one side and the Executive Council on the other, and the Governor for both, but quite separate and water-tight compartments. Would you say that it might diminish the difficulties that would arise from that system if it were laid down quite clearly that all matters that are of that importance which should come up for deliberation, other than those which are purely departmental, should come up for discussion in the whole Government sitting together and deliberating as a single Government, members of the Executive Council and Ministers, and that it should be laid down either in the Act or by an instrument of instruction that the Governor must first of all place that before the combined cabinet for full discussion, whether it be a reserved subject or whether it be a transferred subject?—I think that would conduce to much better administration and avoid many serious blunders which the inexperience of Ministers might lead them into, but at the same time the objection to it from the point of view of the scheme arises: Are not you obscuring responsibility again?

7515. After full discussion has taken place, and possibly and probably modifications and compromises have been come to on important aspects on the question under discussion, at the end of all that there might be a division of opinion: Can you conceive it workable that in the last resort that that difference of opinion should be decided upon in the case of a transferred subject by the Governor and his Ministers, and in the case of a reserved subject by the Governor and his

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Executive Council? Could not that take place without any really undue friction?—But you almost come back to the position from which you started. You have the Governor with his Ministers, and the Governor with the Council. You have transferred and reserved subjects. A case arises which involves both perhaps. That is brought before the joint Government. After discussion the ultimate decision rests with the Governor and his Ministers, or the Governor and his Council. Is that what you mean?

7516. No. Of course in any case where it is clear that a subject overlaps, a transferred subject definitely overlaps and conflicts with a reserved subject, I think I am right in saying there is a provision in the Bill that the Governor has full authority in the matter?—Yes.

7517. I am not asking from that point of view; I am asking from the point of view of a purely reserved subject—a police subject. That would come under the full discussion of the combined sides of the Government?—Yes, I think everything is to be gained by that.

7518. And they thrash it out. At the end there might be a point which the Governor and his Executive Council might consider is absolutely essential for good government, and he exercises his authority then at the end?—Yes.

7519. As a reserved subject?—Yes.

7520. And he would outvote the combined Government in consequence?—Yes.

7521. And the same would happen in a transferred subject, if it were an agricultural subject. If the Minister held out at the end for a particular point, that point would obtain, because it was a transferred subject, after full discussion?—Yes, subject to the Governor.

7522. I am trying to put it very roughly, but I hope you see my line of thought, and I wanted to ask you whether you cannot conceive a scheme of that character working out fairly well without undue friction?—I think it is very preferable to the present scheme which, as expounded by the Government of India, does tend to set up a Chinese wall between the two halves of the Government.

7523. You say as expounded by the Government of India: It has been interpreted in that sense?—Yes.

7524. I do not know whether that is the view of the Government of India or not. It seems to me to have been interpreted in a much more separated sense than it need be, and I am trying to bring it more together. If it could be brought together on those lines do you think that some of the vital objections that you have put to us to that extent would be modified?—Yes. I think in so far as you gain increased association you obviate the danger of rash decisions.

7525. By this scheme would you not gain increased association whilst at the same time you would retain that amount of responsibility which is desired, and which has been asked for from so many sections, within a limited area?—Yes, *prima facie* it seems a decided improvement on the proposals hitherto put forward, but, of course, it would all depend on the manner in which it was worked.

7526. Your scheme would too, would it not?—Our scheme provides for constant association, and we are going on long experience as to how that reconciles conflicting views.

7527. On page 10 you indicate to us that local Governments have been hampered in the past by superior control, and you think this control should be relaxed to some extent?—Yes.

7528. Assuming for the moment that the scheme goes through somewhat on the present lines, this control would have greater reference to the so-called reserved subjects?—Yes.

7529. Could you indicate to the Committee some of the matters which might undergo relaxation to the advantage of administration in a Province?—I could illustrate cases in which our hands have been tied in the past by the system. In the Punjab a few years ago we started a scheme for the reform of the criminal tribes by registering them, by establishing settlements for them, reformatory settlements, industrial settlements, and eventually, as their reformation proceeded, agricultural settlements. We worked up that scheme. We had the

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the land and the money at our disposal. We sent it up to the Government of India; it was referred to the Secretary of State; it was a very pressing problem, but it took us about three years to get that scheme through; whereas, if we were masters in our own houses in purely internal matters of this kind, we should have been able to push the thing through in perhaps three months. Similarly questions of reorganisation in the Services, they are held up. For instance, we are trying to reorganise the subordinate educational service in the Punjab. That hinges on the reorganisation of the provincial educational services. That is a matter which is before the Government of India. The Government of India has taken a very long time over that, and meantime all our scheme for reorganisation in subordinate services is held up. In ordinary everyday administration you find yourself continually held up by the necessity of reference to the Government of India, or for the financial sanction of the Secretary of State. The result is very often that local governments are slow to initiate schemes which they know will take a long time to obtain sanction for, and also a long time to put through. Any relaxation of that superior control which would give financial and administrative devolution to local governments would, I am sure, enormously improve the administration.

7530. You say in your note, you would like to see the discretion for this relaxation exercised by the Secretary of State in Council?—Yes.

7531. By that, am I to understand that in any recasting of the system, you would desire to see it recast by the Secretary of State in Council?—Yes.

7532. Rather than by rules made by the Government of India?—I have an open mind on that point. I was not able to go into the proposals with regard to the reorganisation of the Secretary of State's Council. I never saw them officially, I only saw a summary of them. Whether it is done by the Government of India or the Secretary of State in Council, as long as the end is attained, I do not think it matters very much from the point of view of provincial administration.

7533. All you want is, you want it hastened up a bit?—Yes.

7534. You have not read Lord Crewe's Report?—No.

7535. And you have not seen Sir James Brunyate's Note in that Report?—No.

7536. So that it is no use asking questions on that?—No.

7537. You say you would like to see the statutory powers of the India Council retained, and at the same time you would like to see its constitution widened?—Yes.

7538. Could you tell us what you mean by that last paragraph, the widening of its constitution? How would you like to see it composed?—So as to give the Indian element adequate representation in it—the official element and the non-official element.

7539. Would you increase the Indian element in it from what it is now?—The present figures are three out of twelve, I think. I do not see why it should not be three or four out of twelve.

7540. You say you would like to see in the preamble something to suggest the increased association of Indians in every branch of the administration?—Yes. That is the first principle laid down in the announcement of 20th August, 1917, and the Bill does not give effect to it.

7541. Would you like to see some statutory proposals introduced into the Bill to that effect—embodied in clauses of the Bill?—I have not considered that in detail, but I think it essential.

7542. I have no doubt you have read the Report of the Public Services Commission?—Yes.

7543. Do you agree with the proposal in that Report that the so-called technical services in India should become, as soon as possible, as soon as men are found available in India, services recruited by Indians?—I did not quite gather your question.

7544. There is a proposal in that Report that the technical services—and they come under a considerable list—you know the services I mean?—Yes—veterinary, agriculture, and so on.

7545. Yes; that as men are found available in India for those services, trained for them, the process should continue as fast as possible for those services to become entirely Indian. That is the proposal of our Report?—My view would be the general view, that you require both the Western and the Eastern streams of influence even in your technical services, and I would not exclude either.

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7546. You would not be prepared to see anything on those lines included in the Bill?—Increasing the strength of the Indian element certainly, but not excluding the British.

7547. Do you think, from your experience of India, that the delay of the increase of recruitment of Indians to the various services in India has contributed towards the general feeling of discontent and agitation in India?—I think so. I think the delay in giving effect to the proposals of the Public Services Commission has had something to say to it among the educated classes. I do not think it has affected the great mass of people in any way.

Lord *Sinha*.

7548. First of all, with regard to all schemes which have been put forward, including your own, it will be necessary for English officials both of higher and lower grades to act under the control of Indian superior officers, members or Ministers, or whatever we may call them?—Yes.

7549. Under any scheme that we may have under contemplation?—Yes; it happens at the present day.

7550. Do you apprehend that there will be any difficulty with regard to such subordinates, English officials, whether belonging to the Indian Civil Service or any other service, objecting to serving under Indian Ministers or members of the Council?—I do not think there would be any objection to serving under Indian members of the Council, because they serve under them at present in every province where there are Indian members of Council; but I think there would be considerable anxiety as to their position under Ministers.

7551. Take the first: Indian members of the Executive Council. Of course you have no Executive Council in your own Province?—No.

7552. Have you ever heard that in regard to other Provinces where there are Executive Councils and Indian members of the Executive Councils there has been any unwillingness or objection on the part of English officials to serve under the control of those Indian members of Council?—No, I have never heard of such a thing.

7553. And you do not believe there would be any such objection with regard to members of Council *qua* Indians?—No.

7554. I take it that even with regard to Ministers in the technical sense in which it was used in the Bill there would be no objection to serve under them, *qua* Indians?—The objection would arise in this way, that they are men selected from the Legislature and who have not at present had sufficient administrative training and experience as to command the confidence of the services which would be entrusted to them. That would be the feeling.

7555. I quite follow that. I understand that from your previous answer, but my point is that the objection to serve under them would not be because they are Indians, but because they have not sufficient experience and capacity and so on, and were under the control of a Legislature which also had not sufficient capacity?—Yes.

7556. The objection would not be, therefore, to serve under them because they are Indians?—No, not a racial objection.

7557. You do not anticipate there will be any racial objection?—No, not as far as my experience goes.

7558. Nor do you believe there will be?—No.

7559. You really object to any immediate transfer of real power to popular representatives?—No. We go further than the Government of India in proposing that the Budget should be voted by the Legislature.

7560. Now you are talking of your scheme—the Lieutenant-Governor's scheme?—Yes, that includes that point.

7561. I am going back to a little earlier stage, the Memorandum which you refer to in your answer, the Memorandum of the 10th January, 1918?—That was written before the Reforms Report was framed. In a subsequent letter letter of 5th November, 1918, which contains my considered opinion on that Report, I said that I had given way as regards my objections to the transfer of responsibility, owing to the fact that the scheme made provision for the Government being able to pass essential legislation and also to secure essential supplies.

7562. Therefore

Lord *Sinha*—continued.

7562. Therefore, I take it, that with those safeguards the power to pass essential legislation and to secure essential supplies, you do not object to an immediate transfer of real power to popular representatives?—No, assuming you can secure popular representatives.

7563. Do you believe that you can secure popular representatives at the present time?—Not in the wider sense of the word, because, as I have pointed out, the conditions of responsibility as generally accepted are non-existent. We hope to create them.

7564. Leaving aside perfection, which it not now attainable and perhaps never will be, do you consider that it is possible now to obtain real popular representatives to whom power might be transferred?—They will represent a section, various classes, but they will not represent any large proportion of those classes, and to the extent that they are lacking in their representative capacity I think their powers should be limited.

7565. Even though, as you point out from the Report itself, I think from one of Lord Morley's addresses, even though India may be representing centuries from the fifth to the twentieth, you would admit that representative institutions are not only possible and desirable, but absolutely inevitable and necessary, do you not?—They are practicable and desirable.

7566. And inevitable?—Yes; in view of the announcement.

7567. That being so, whatever imperfections there may be in the system of representation, would you allow a real transfer of power under present conditions to such representatives of the people as it is possible to secure under the present conditions?—Yes, subject to necessary safeguards, due to their inexperience and not being fully representative.

7568. I take it that in order to obtain representation in Legislative Councils you would necessarily have to have recourse mainly to what has been called the educated, and sometimes the political classes, would you not?—You would have to seek your representatives among those classes.

7569. It would be necessary mainly to rely upon the educated classes?—Yes; that I consider is the great drawback of the system, because the educated classes—or rather the political classes—we have to rely upon are so unrepresentative of the masses.

7570. But as it is you must rely upon them for whatever representative institutions you can set up—Not necessarily on them solely, but largely.

7571. I do not say solely?—You must rely largely on them.

7572. In fact, chiefly?—Yes.

7573. You said that they were not representative of the masses?—Yes.

7574. In what respect do you say that they are not representative of the masses?—The best thing is that the masses should speak for themselves, and I think they have often done so. I can quote cases from my own Province. The measure during my official career which was the most important in the Punjab was the Punjab Land Alienation Act, to secure the interests of the peasant proprietor of the Punjab. That measure was strongly resisted by all the representatives of the urban educated class, for two reasons: In the first place the educated classes are almost exclusively urban, and their interests in this matter were conflicting with those of the rural population. Their object was to obtain possession of the land, and the rural population desired to retain possession of their ancestral acres. The measure was resisted at all stages by the urban educated classes in the Punjab, and even after it was passed into law by Lord Curzon's Government, what you may call the educated classes have lost no opportunity of denouncing it and of trying to obtain its modification or its cancellation. That is one of the reasons which in the Punjab, apart from other Provinces, has given rise to the line of cleavage between the urban and the rural classes. That is one striking example.

7575. Is that Act working satisfactorily?—It is looked upon as the Magna Charta of the peasant proprietors in the Punjab, and they themselves in every representation they have put forward have admitted that it is.

7576. Take another instance, the Colonisation Bill. That was also largely resisted by the educated classes,

Lord *Sinha*—continued.

was it not?—Yes; it was resisted by the colonists primarily.

7577. And by the educated classes?—Yes.

7578. And the local Government passed it, and it was disallowed by the Supreme Government?—Yes.

7579. So that the educated classes are not always in the wrong, are they?—No; when their own interests are not conflicting with those of the rural classes their opinion is very often right. There are a great many matters in which they do conflict.

7580. There is another point. You say the educated classes belong mostly to the urban classes. Do they not come from the provinces just as much? I can only say that they do in Bengal and in Bombay, I am told. I do not know about the Punjab. You probably know better than I do. But I put it to you that the so-called educated classes come as much from the country as from the cities; in fact, more from the country than from the cities?—That is not the case where the "educated" classes are taken to be the "English educated." It is one of the complaints of the rural classes that nearly all the higher educational institutions are in the towns.

7581. The complaint is that they have to send their sons to those educational institutions?—The result is that those at whose doors these educational institutions are naturally preponderate.

7582. I suppose to some extent it must be so—that educational institutions being mostly in big cities, the people living in the cities derive the greatest advantage from those educational institutions?—Yes.

7583. There is nothing peculiar to India in that respect, is there?—No, but the fact is there is in the Punjab a very distinct line of cleavage between urban and rural sentiment in matters of administration. The rural population complain that the urban people, owing to their control of the Press and the platform, are in a stronger position to press their claims, and therefore their interests receive protection, while the rural interests are overlooked or disregarded. I think that is very strongly put in a copy of a memorandum I received the other day from one of the leaders of the rural interests. I think it was addressed to the Right Hon. the Secretary of State, but he sent me a copy of it in the hope that I would explain his point of view to the Committee if I had an opportunity. He is one of the most prominent members of the rural community in the Punjab and a member of the Punjab Legislative Council, and in this memorandum he dwells on the fact that the rural interests have hitherto been invariably overlooked, that the urban classes have obtained for themselves the control of the funds for education, for sanitation, and facilities for local self-government, and that their outlook as regards rural matters is a narrow and selfish one.

7584. Have you found yourself that the educated classes, assuming them to be chiefly urban, have opposed opportunities of sanitation, education, and so forth for the rural areas?—No, but when it comes to the practical working out of the schemes they secure most of the benefits of these measures for themselves. If you look at the expenditure on sanitation you will find that of the grants given for every one hundred rupees spent in an urban area there are only ten rupees spent in a rural area, though the rural areas contribute most of the funds.

7585. Do you apply that to the Legislature or to the District Boards?—To the Legislature and perhaps the District Boards.

7586. The District Boards deal only with rural areas?—Yes.

7587. So far as the municipalities are concerned, they would be entirely distinct?—Yes.

7588. The so-called urban areas?—Yes.

7589. The Legislature, up to now, have had no power to deal with grants for those purposes?—Grants are put at the disposal of a Sanitary Board, and are distributed by the Sanitary Board, and as the urban areas have most power to make their wants—their very legitimate wants—felt, they naturally obtain priority in the distribution of the funds.

7590. That is the Sanitary Board—the Sanitary Board created by the nomination of the Government?—Yes. Even there the urban classes, from their superior organisation and intelligence, secure undue advantage. That is the complaint made.

Lord *Sinha*—continued.

7591. Do you agree that the growing body of Western educated opinion is gradually creating a new atmosphere all over India?—I would not say all over India. It is certainly arousing hopes and aspirations among the educated classes.

7592. Do you agree with this: "Even those who most strongly deprecate some of its manifestations realise that it has contributed largely to the great social and religious movements which are aiming at giving a new direction to old beliefs, and of harmonising ancient doctrines with the teachings of science"?—Yes, I see no reason to dissent from that; but I might point out that its influence in that direction—that is, of religious and social innovation—is also causing considerable uneasiness among the masses of the people.

7593. Do you agree also with this: "It is reflected"—that is their influence—"in that new sense of unity which is displacing the idea of ordered separation hitherto prevalent in Indian society"?—I am afraid I have not seen as many signs as I should like to see of that new sense of unity.

7594. The passages I have quoted to you are from the Report of the Public Services Commission, over which Lord Islington presided. Would you in the main accept those statements which I put to you?—The sense of unity may appear to be growing steadily from year to year, and then some event happens, like the riots last year in Katarpur, which aroused the most violent religious sectarian animosity, and all the ground gained is apt to be lost for the time being.

7595. You do not ascribe riots of that description to the influence of the educated classes, do you?—No; I ascribe it to the sectarian feeling, which I suppose prevails among all classes of society. It is not absent in the educated classes.

7596. But so far as the educated classes are concerned, the tendency is to minimise the sectarian feelings leading to such riots, is it not?—I think in the case of the Katarpur riots, the judgment in which I recently read, it was shown that a considerable number of highly educated men were concerned in the disturbances and were convicted and punished for their share in them.

7597. I will not take an individual case, because probably I could quote other cases which might be different; I want your general opinion from your experience and knowledge of modern India as to whether the influence of the educated classes is not on the side of minimising sectarian feelings leading to riots and disturbances?—Very often it is, but, as I say, cases arise in which a strong religious sectarian feeling is aroused, and no class, Hindu or Mohammedan, can hold itself aloof from taking its part.

7598. I can realise that?—It is much the same as the sectarian feeling in the North of Ireland between Catholic and Protestant.

7599. There is one other statement of yours which, with great deference, I desire to controvert. I put this to you: You say that there has been so far no desire apparent to co-operate with the Government so far as the educated classes are concerned. Did I understand you wrongly, or is that what you said? That is what I understood you to say?—There is no strong desire as evidenced by any marked co-operation. I am speaking from my experience as an administrator—there is no very marked desire.

7600. May I trouble you to give two instances of that absence of desire to co-operate?—One instance of it arose during the war. I was in charge of the Punjab, which was expected to furnish the largest proportion of recruits to the Indian Army. In the course of four years we raised 350,000 combatant recruits—half the total number raised for India. That effort was achieved by the co-operation of practically all the rural classes by appeals to them from every side—appeals to their traditions, to their religion, to their patriotism, to their sense of honour, and to their martial instincts. That effort was almost exclusively confined to the rural population. We tried a similar campaign in the towns among the educated classes. I tried to raise a University double company. With the greatest difficulty I succeeded in obtaining from those who were undergraduates, and the class above the undergraduates, seventy men who were formed into a signalling section. We then tried to raise a defence force at the time when the situation was

Lord *Sinha*—continued.

very critical, and when His Majesty and the Premier appealed to India for renewed efforts. With the greatest difficulty from our two-million urban population we succeeeded in raising, I think, one double company. This was at the time when from our rural population we had raised 350,000 men during the four years of the war. That I consider is one instance of lack of co-operation at a period of great national emergency. Then you asked me to give a second instance. Last April we were meeting with a very disturbed situation in the Punjab, in which it was necessary to enlist on the side of law and order all supporters of the Government. I do not wish to go into that matter; it is a wide matter which is under inquiry, but I did not receive much assistance.

7601. Those are the two principal cases which you have thought of?—Yes. May I put it in this way, that the educated classes, indeed all classes, divide themselves into three—one which is hostile, one which is neutral or sitting on the fence, and one which is inclined actively to support the Government. You cannot make any one statement with reference to all three, but my experience was that of the educated classes the larger proportion was among the neutrals, those who are sitting on the fence.

7602. I do not desire to go into matters of Indian administration with regard to the Punjab or any other Province, but would you agree with me that both those instances which you have given are matters of controversy at the present moment in India?—I do not think there can be any controversy about the fact of the total number of recruits.

7603. Whether there ought to be, or ought not to be, controversy is not my point?—I say I do not think there is any controversy about the number of recruits we succeeded in raising from the urban population.

7604. Not as regards the number, but the methods—there is controversy as regards the methods of recruitment, is there not?—Perhaps in rural areas, but not in urban. I have never heard any suggestion as to the methods used in urban areas.

7605. And similarly there is a controversy with regard to the second instance which you gave. I am not going into the rights and wrongs of it, because it would be hardly proper either for you or me to do so on the present occasion.

Chairman:] We are not concerned with that.

Lord *Sinha*.

7606. But they are both matters of controversy?—Yes. I believe questions have been raised by people outside the Punjab.

7607. Now coming to your scheme, if I understand it rightly, you agree that it is disguised dualism?—Reconciled dualism, I would call it.

7608. In the long run, in the ultimate analysis, it comes to dualism, does it not?—No, I do not admit that. I say that our experience shows that those two dualistic forces working for a common object will be inspired by a common aim and purpose, and will work unitedly.

7609. Is there any reason why in the dual form the two sections should not do so?—There is the great reason that they will not be working in close association and with joint responsibility.

7610. Assure the association, as Lord Islington proposes it should be assured, will it not be the same?—No; it does not appear to me to be an organic association.

7611. Why not?—It is presided over by the same president, the Governor?—Ministers know that in the last resort the decision on certain subjects will rest with them. So do members of the Executive Council. They go into this joint meeting with the knowledge that in the last resort they can carry their point apart from the results of any discussion. If they meet round a table with the knowledge that they must agree, whether they are Ministers or members, on a common decision, then each will be prepared to give way somewhat and you will get a joint decision. But if each party comes in knowing that the discussion will not necessarily affect the final decision, then I think that is not an organic association.

7612. You might say that with regard to both sections, of course—both the members of Council and the Ministers?—Yes. I think it is very desirable that both should have the benefits of association.

Lord *Sinha*—continued.

7613. Is there any objection, so far as you see, to each section having the final say with regard to particular classes of subjects—for example, with regard to sanitation the Ministers, and with regard to law and justice the Councillors?—I think the division of subjects is inherently a bad principle of administration—that you ought to be able to concentrate on every branch of administration the joint experience of all your Government.

7614. But do you not secure that experience by the association?—I do not think the association, in the sense in which you are suggesting it, would be effective enough to secure it.

7615. Now, as regards tenure. Under your scheme in the provinces, where you take two of the members of the Executive Government from the elected members of the Legislative Council, they would necessarily cease to hold office when the Legislative Council is dissolved, and cease to be members thereof?—That is a matter of legal provision. I had not contemplated that. I understood they would be members of the Executive Council in charge of certain branches of the administration, and would hold office during the pleasure of the Crown.

7616. But they are chosen because they are members of the Legislative Council?—Yes.

7617. When the Legislative Council, of which they are members, ceases to exist, and a new Legislative Council comes into existence, they may not be members of that?—In that case they certainly would cease to be members.

7618. Therefore their tenure of office may come to an end when the Council of which they were elected members comes to an end?—It would be perhaps more correct to put it, when the new Council is elected.

7619. Yes. If they continued to be members of the Executive Council, but no longer members of the new Legislative Council, what would happen under your system?—The Governor, I presume, would have to nominate from the new Legislative Council members to take their place.

7620. Therefore the two who had lost their seats in the Council would have to go out?—Yes.

7621. But their colleagues, the official members of the Executive Government, would stay on?—Yes.

7622. Their status therefore would be totally different?—To that extent.:

7623. Therefore the point to which you attach great importance, that their position and salaries should be the same, could not be maintained?—But their status and salaries while they held office would be exactly the same.

7624. Assuming further that when they remain members of the Legislative Council they find that members of the Council do not support their policy, what will happen in that case to the Executive Councillors chosen from among the Legislative Council?—It would be for them to decide whether to resign or to tender their resignation to the Governor.

7625. Supposing they did not, what is the Governor to do? Keep them on? In the event of their sticking to office, notwithstanding that they have ceased to retain the confidence of the Legislative Council, what is the Governor to do?—That, I gather, is left under the scheme to the discretion of the Governor.

7626. I am now talking of your scheme?—Under our scheme we have retained the same thing; we leave it to the Governor to enforce their resignation if he considers it necessary.

7627. Therefore, in both those respects the position of the two non-official Executive Councillors chosen from the Legislature would be exactly the same as that of the Ministers under the scheme of the Bill?—Yes. That is one of the very points I tried to bring out in my Memorandum, that there is very little difference between the two in practice.

7628. That is my point, that there is so very little difference that there is no reason why you should quarrel with one which is generally accepted by Indian political opinion, and try to force down their throats one which is not accepted. In practice, may I put it to you that there is not any substantial difference, having regard to what I point out and what you say yourself, between the two?—There is this very substantial difference. In the case of the member of the Legislature who is appointed a member of the Executive Council, he is a member of the Government with joint responsibility—separate responsibility for his own Department, but subject to the joint responsibility of the Government as a whole. The separate Minister under the scheme of the Bill has exclusive separate responsibility carried to a pitch far beyond that which is allowed in the British Constitution. In the British Constitution the Minister is responsible for his Department, but he is subject to the collective responsibility of the Government as a whole. Here you have no control under the system of dualism over the Minister, and no joint responsibility with his fellow Ministers. He is solely responsible to the Governor.

Lord *Sinha*—continued.

7629. Given the association which is generally desired, would not the Legislative Council also hold that they are to some extent amenable to their control in the part they take with regard to reserved subjects?—That the Executive Councillor selected from the Legislature would be amenable?

7630. To my mind it is immaterial whether you call them Executive Councillors or Ministers. Even when the subjects are divided, the Legislative Council will have considerable influence over reserved subjects?—Yes, undoubtedly.

7631. And similarly that influence would be reflected by the two non-official Indian members of the Executive Government, whether you call them Ministers or Councillors?—Yes.

7632. To that extent, therefore, they will be responsible for the part that they take in connection with reserved subjects?—Yes, but the Government of India contemplate that position with considerable suspicion.

7633. I know the Government of India do, because the scheme of the Government of India, if I understand it rightly—Lord Islington perhaps understands it differently—involve greater separation than I desire myself, but, assuming there is not that separation and there is that close association which seems to be generally desired, here, at any rate, the position would be practically the same with regard to reserved subjects also?—Not practically the same. In the one case he could only have influence, in the other case he would have responsibility. Under the dual scheme a Minister would have only influence in reserved subjects; in the other case he would be responsible and a member of the Government.

7634. You gave two instances of local bodies not choosing non-official Presidents, notwithstanding the desire of the Government that they should do so, and Lahore was one of them?—Yes.

7635. In the case of Lahore was not originally a non-official President elected by both the Hindoo and Mahommedan members?—Yes, and the election was held to be irregular.

7636. By the Government?—By the legal advisers of the Government. The Government has to gazette the appointment, and before that the Government has to satisfy itself that the election is regular. In this case the election was irregular, and it was quashed, and they were called upon under the same conditions to make a new selection and similarly asked to select a non-official.

7637. I suppose it was urged that it was the Government's influence that was exerted to get rid of the non-official who was selected?—Misrepresentation of these matters no doubt does take place.

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7638. Your evidence really comes to this, that you are in agreement with the policy of the Bill?—Yes.

7639. But you have a very strong opinion in differing as regards its methods?—Yes.

3640. Why do you accept the pronouncement of the 20th August? Why is that pronouncement acceptable to you?—Well, I never considered that I had any voice in the matter. It is a pronouncement of the Government, and it is not for an officer of the Government to question it. But if I am asked my personal view, I say I heartily accept the pronouncement in so far as it is likely to ensure the objects which are stated in the pronouncement, which objects have my full sympathy.

7641. That is an important distinction. I mean it is quite possible to accept the pronouncement loyally as a pronouncement that you cannot get out of, because it is given to the world, and it is also possible to accept it because you believe in it?—Yes. I accept it for both reasons.

7642. You

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7642. You accept it for both reasons?—Yes.

7643. You want to see eventual responsible Government in India?—Yes.

7644. Could you tell us why?—I think, on the whole, if you can secure it, it produces better administrative results and is more popular with the people than any other form of Government.

7645. Are there not two theories on which you could build Government institutions, one of which regards the problem of Government as an engineering problem for the irrigation of a great estate, and the other regards it as largely a psychological problem, in which the institutions are to be tested by the degree of citizenship which they call forth from those who live under them? Are there not those two possible kinds of theory of government?—Yes, but I do not accept the theory, if you are alluding to the simile I put forward, that I contemplate working the irrigation system as a great estate of Government; I contemplate working it in the interests of the people living on that estate.

7646. Their material interests?—No, their general interests.

7647. On the hypothesis on which you drew, very skilfully, that picture, I think you said it was desirable that the Government should work with unity, with efficiency, with economy, and without rivalry, without friction and without antagonism?—And finally meeting the wishes of the irrigators—that was very important.

7648. From every point of view, if those are the tests, is it not much easier, is there not much less risk of friction, is it not much more economical, are not the chances of unison much greater if you have autocratic government in the hands of one man than if you have any responsible government at all?—That may be so, but you have to look forward to the time when your autocratic Government will not be meeting the wishes of the irrigators. That is a very decisive feature of the matter.

7649. And then you have to substitute for economy something which may be more expensive; you have to substitute for efficiency something which may be less efficient?—Yes. My point was, if you meet the wishes of the irrigators, and at the same time retain these very valuable qualities of unity, economy, efficiency, etc., so much the better.

7650. Then we come a step further. You want to meet the wishes of the irrigators, or in other words, the time has come to associate them with Government?—In so far as they are fit and show desire.

7651. In a subordinate capacity, or in a capacity of equality?—In the capacity of equality.

7652. That means that you have to share the burden with them?—Yes.

7653. You have to give them control of part of the Government?—I should give them partial control of the whole Government.

7654. That means that part of the control you give them is taken away from those who have got it now?—Yes, that may be admitted.

7655. That lessens efficiency, in your view?—To a very small extent under our scheme, because you have the collective Government—the Government working as a collective body.

7656. It lessens economy?—Yes, to some extent. That may be admitted.

7657. It brings in to share the burden of equality people "who will play more and more to what they regard as the popular gallery, who will pose as the champions of the popular cause in resisting or attacking a hostile bureaucracy, who will strengthen their own position by forming party cliques," and so on. It brings that undesirable element into the irrigating establishment?—To a very small extent if it is a joint system with association.

7658. You want to keep it as small as possible—as small as the wishes of the irrigators make it necessary?—Do you mean the transfer of authority?

7659. Yes?—No, I do not desire to limit it in that way.

7660. But the larger you make it the more you bring in these undesirable elements?—My suggestion was that under the scheme I contemplate these undesirable elements would not exist, or not exist to any appreciable degree—that the possibility of friction and danger and delay in times of emergency could be

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avoided under the system of joint Government which we propose.

7661. You have got in the Punjab what, from the administrative point of view and from the criteria which you have laid down, I should have thought, other things being equal, you consider is the best form of government, the Government of one man with no Executive Council at all; now you suggest bringing in the Executive Council, because, if I am not misstating what you said in answer to me, the wishes of the irrigators have got to be met?—That is one among other reasons, and a very large one.

7662. When you have an Executive Council you will have on it two Indians?—Yes.

7663. Those two Indians will presumably be, or in the modification of the scheme which you suggest one of them will probably be, one of these educated Indians?—Yes, but not necessarily of the urban class.

7664. One of these gentlemen who do not represent the masses, who have, according to the instances you have given, shown no desire to co-operate with the Government, who have acted in their own interests on such things as the Land Alienation Act and the Colonisation Act. In other words, you are bringing into the Government, under your own proposal, an element which you distrust, which you think the masses distrust, and which will make for inefficiency and greater expenditure and playing to the gallery in your administration. Why do you do that?—Because I hope that all those difficulties which you have pictured can be obviated by working in association.

7665. If I have mis-stated what you have said, correct me, because I want to understand your argument?—At the close of Lord Sinha's examination I divided the educated classes like others into three, a small section hostile to the Government, another section actively supporting the Government, and a very large section which was neutral or sitting on the fence. One hopes the Council would represent a very large proportion of those who are active supporters of Government, or at all events a very large proportion of those who are not opposed to Government.

7666. You would have to take a man largely representative of the majority?—Yes.

7667. Eventually, as this process went on, as the share of the educated Indian element in your Executive Council in all subjects increased, the time would come when we would get near the realisation of responsible Government mentioned in the pronouncement?—Yes.

7668. You say this involves the disappearance of the Grand Committee and the elimination of the official element from the superior Executive, and you say this is inconsistent with the two fundamental principles referred to in Answer 1, the maintenance of India as an integral part of the British Empire and the administration of the Government for the benefit of all our fellow-subjects in India. Can you have the realisation of responsible Government and keep the Grand Committee and the official element in the superior Executive?—I contemplate a responsible Government with those two provisos adequately safeguarded, that is to say the maintenance of India as an integral part of the British Empire and the administration of the Government of India for the benefit of all our fellow subjects in India. Those are fundamental principles which any system of responsible Government must provide for.

7669. I agree with you. We are completely at one on that matter. But can you have responsible Government if a Grand Committee device is necessary, with the weighting of the non-official element by the introduction of an official element so as to secure a decision favourable against the wishes of the Legislative Council? Is that consistent with the realisation of responsible Government?—No, I think not.

7670. Is it consistent with the realisation of responsible Government to have an official element in the supreme Government?—Yes, for this reason, that you will have many interests and influences in your Province which are incapable of being represented in the Council. You will have your depressed classes, military classes in some provinces, and large British interests, commercial interests which may not have representation at all or adequate representation in the Council, and the only way of securing that those

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interests shall make themselves heard, as well as the interests of the Public Services, which are a very important factor in the administration, is to retain an official member in your superior Executive. That is how it strikes me.

7671. Would your official element in the superior Executive then be in the Executive as officials, or as the representatives of certain classes who could get no other representative?—He would probably have so many interests to represent that he would represent them best as an official.

7672. So long as he represented them as an official you would not have responsible Government?—No, because at present I cannot visualise the time when the conditions in India will allow of full responsible Government.

7673. What you mean by supporting the pronouncement is that you will get as near to it as you can, but you do not think you will ever get to it?—I hope that we shall, if the conditions of the announcement can be created, but I do not think we can assume we will get to it within, say, this generation.

7674. Why do you despair of the educated classes ever becoming representative of the depressed classes?—Partly owing to historical reasons, to caste differences, and the whole caste organisation, which in India tends to make a man a very admirable and worthy member of his own particular caste, and makes him apt to disregard anything outside his caste.

7675. You yourself promoted the Compulsory Education Bill for the Punjab, did you not?—That was a Government measure.

7676. And one of the effects of that Bill will be in time to increase the educated classes in the Punjab?—Yes, as regards primary education only.

7677. And under its provisions some of the depressed classes will become educated, I presume?—Yes, if we can secure their admission to the public schools, which is a matter of great difficulty at present. Even among our lower castes the fact that you admit certain castes into their schools tends to empty those schools. That is so, even in the Punjab, in which caste is much less powerful than in other parts of India. However, the Government or local bodies will be able to provide separate schools.

7678. Eventually, as you extend the Franchise in the Punjab, the depressed classes will have votes?—Yes, some of them.

7679. And the educated man who is in the Punjab Legislative Council by reason of the franchise of his constituents will find it necessary to attend to their wants, or he would run the risk of getting turned out?—Yes, that is so in theory; but what we have seen in practice in municipal and other elections of the way in which votes are given and the considerations which influence the voter, does not give one any very strong hope that the votes will be given for public reasons.

7680. Then why do you want the realisation of responsible government? What is the use of it if votes are not going to be given for a real purpose?—Well, to use the words which you and Lord Chelmsford used in the Report, "because of the faith that is in us."

7681. But is the faith in you?—It is; but I do not shut my eyes to the facts.

7682. No; I quite agree. They are stated in the Report. I was only wondering why you found that it was impossible to look forward to a time when the depressed classes would be represented by others than officials in the superior Executive?—I think even for a generation when a member of the depressed classes comes into a polling booth in almost any part of India, the tendency will be to say "Oh, he is a Chuhra (scavenger); he has got no business here." It will be more or less the same position as the negros are in in some of the Southern American States.

7683. You said that one of the difficulties in establishing this form of government in India was that there was no community of race, religion, and language. You quoted that from the Montagu-Chelmsford Report. Would you challenge the statement that even though you cannot produce community of race, religion or of language, you can produce unity between races, religions and languages by setting them to do common work in the development of their country?—All recent experience shows that centrifugal tendencies are much stronger than the centripetal in those conditions—the Austro-Hungarian Empire, Turkish Empire and various political organisations of the sort.

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7684. There was no community of race, religion or language historically in Canada, was there?—No; but you had only two lines of cleavage, the French and the British.

7685. You had no community of race, religion and language in South Africa?—There, too, you had only two lines of cleavage, and you had a common civilisations—a common standard of civilisation and a fairly high standard of intelligence.

7686. But you did not delay responsible government until you could have unity of race, religion and language in those places?—No; but I suppose you get what is another condition laid down in the Montagu-Chelmsford Report, you get representation on a national basis, on which alone it said a system of responsible government can possibly be rooted.

7687. But the Bill we are now discussing is not complete responsible government, because it is admitted there is not that representation?—In those countries I do not suppose your hands are tied by communal representation, which is found indispensable in India.

7688. Quite true—there is no real analogy—but I wished to know how far you wish to drive your argument that a community of race, religion, and language was necessary for responsible government. Similarly you dwelt on the great difficulty, which is I think obvious, in getting adequate representation in the new Legislative Councils?—Yes.

7689. And it was with a view, which does not commend itself to you, to meet that that this expedient of reserved subjects, temporarily reserved subjects, was adopted. When this was discussed among your Governments I understand there were five heads of Governments present?—Seven last January; five who agreed to what is known as the Majority Report and two who did not agree.

7690. Now the Lieutenant-Governor of the United Provinces had a scheme of his own, or rather a scheme of a Committee of his own, which is published, which had transferred and reserved subjects?—I am not sure about its having transferred and reserved subjects. I cannot remember the scheme, but I understand it was very close to the scheme we put forward; in fact, the thing which astonished us when we came together was to find that, working separately, we had all attacked the dual scheme on the same grounds and arrived at almost the same conclusions.

7691. I presume you had reached more or less of a compromise?—We were astonished to find when we came together and compared the official replies we had given, in different Provinces and under different circumstances, that we had arrived at almost exactly the same conclusons.

7692. I do not say this with a view to controversy, because one has not any right to challenge a difference of view after consideration; but there was a time when most of you had accepted a form of duality far more marked than the one in the Bill?—I do not think I was ever a personally assenting party. I think there was a preliminary period provided for.

7693. Did not you assent to that thing which was agreed to in Delhi?—I made reservations with regard to the Punjab on the lines of this Memorandum of the 10th January, 1918, and said until assurances were given as regards essential legislation and essential finance I could not see my way to agree to an elective majority.

7694. I think that is right, but did not you at one time feel that duality was inevitable? Did you ever feel that duality was inevitable if you were to carry out the pronouncement?—I thought after the Montagu Chelmsford report appeared it was inevitable till I began to consider how it would work in practice, and I started last year to try and work it out in practice, and I found the difficulties were so enormous that I ventured to put forward in an official reply to the Punjab Government the alternative scheme, which is more or less on the lines of the Majority Report.

7695. Now I come to one or two questions about your own scheme. Let us assume that you have got your Executive. It consists of two officials, an Indian non-official from the Legislative Council and another Indian, not necessarily from the Legislative Council. That is four of them. As a matter of fact in the Punjab, if you were now Lieutenant-Governor, you would not give the portfolio of Law and Justice or the portfolio of Land Revenue immediately to the Indian gentlemen who came from the Legislative Council?

Mr. *Montagu*—continued.

Council?—Not perhaps Land Revenue. That is a very technical subject, but I do not see why the Lieutenant-Governor of the Punjab should not give the portfolio of Law and Justice to an Indian member. That is more or less a straightforward matter.

7696. You think you might in practice?—I think so.

7697. But you think you would not in the case of Land Revenue?—It depends on the man. It is a very technical subject, and has a very long history. It would be very difficult to find a man, a non-official, coming into the Council who would be acquainted with the history of the administration of land revenue in the Punjab.

7698. You have told us that in all probability the members of the Legislative Council would belong to the educated classes?—Yes.

7699. And you have told the Committee that at present the failure of the educated classes was to represent the agricultural interests of the country?—Yes.

7700. Land revenue is one of their most vital interests?—Yes.

7701. Therefore is not it likely that the portfolio would be given to him?—Yes, because he would require a much longer administrative training to be capable of dealing with it.

7702. Education you might give him?—Yes.

7703. And when you begin to discuss in your Executive Council various projects, you would do your best to agree with the wishes of the man who was in charge of a particular portfolio?—Yes.

7704. In other words, therefore, you would be likely to defer to the member who was in charge of land revenue or land revenue matters, and to your education member in education matters?—Yes.

7705. In other words, you would work it unconsciously and very much against your will (because I am sure you would not like to use such a horrible vocabulary), as if there were transferred and reserved subjects?—Yes, but you always have the saving grace of collective responsibility.

7706. I am coming to that. In practice there must be this present stage, something approximating to the treatment of subjects as though they were transferred or reserved. You now are anxious to preserve a collective responsibility. In answer to Lord Sinha you said, I think, that probably the member of your Executive Council who was chosen from the Legislative Council would resign if he were not in harmony in his decision with the Legislative Council?—The Governor, I said, should be in a position to enforce his resignation. The Government of India on that particular point says that the probability is that the Ministers will be rather inclined to defer too little to the views of the Legislative Council than too much, and therefore it is necessary that the Governor, if he thinks it necessary, when the Minister is not in accord with the majority in the Council, should be in a position to enforce his resignation, but the discretion is left with the Governor.

7707. I do not want to misunderstand you. I think it is true to say that you said that there would come occasions when the members of the Executive Council who were members of the Legislative Council would have to resign, but the official members would not?—Yes.

7708. Now they are all collectively responsible, because that is the thing to which you attach importance. Is it fair, when they all share the responsibility, that some of those who have the responsibility should go and the others should remain?—The man chosen from the Legislative Council has, in a way double responsibility. He is responsible to the Council as well as to the Government. That is one element of duality which you cannot avoid.

7709. There must be duality?—It is one of the elements of duality which you cannot avoid. We hope to reconcile them both in a common purpose.

7710. I have only one further question. You said one of the difficulties of this scheme, as re-stated by Lord Islington, was that in the last resort the Ministers would know that the decision rested with them, and therefore they would not be in such a compromising mood as they would be if there was collective responsibility. In the last resort the decision must rest with someone: whom would you suggest it should rest with?—According to the constitution of the Executive Council, it goes by the majority. The Governor has power in certain cases to over-ride his Council in cases of emergency. I should think that analogy might well be followed.

7711. Therefore you would have it in the last resort, that it would always rest with the Governor?—Yes, if he cared to exercise the power of over-riding his Council which the law gives him. But, failing that, it would rest with the majority of the Government.

7712. If it rests with the majority of the Government, must not you take steps always to see that non-officials and officials are equal in number?—Not necessarily. That is to say in a cabinet of three, which was one of the suggestions I put forward, you would have your Governor; he would have an official colleague and two non-official Ministers. That would be two and two, but the Governor, of course, would have the power of veto. He would have an extra vote as he has at present. The Governor at present has a vote as a member of the Council, and he has also a casting vote in case of an equality of votes.

7713. Therefore you must either do it through the Governor or by some alternative means, and you attach importance to equality between the two halves?—Yes. I hope it will be possible to dispense with it as matters develop.

7714. As matters develop, and as you increase the number of the non-official members, you give the decision in the last resort to the non-official members?—Yes, but that stage would only be reached in accordance with the words of the pronouncement of the British Government: "They have decided that substantial steps in this direction should be taken as soon as possible. Progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples must be judges of the time and measure of each advance." Therefore I say that an advance would not come till the British Government and the Government of India have satisfied themselves. When they have, then I think the change should come, but my point is the change would not come till the matter had been investigated and the British Government is satisfied that the conditions justify it.

7715. In order to get the co-operation of the educated classes with the Government, with one part of the Government, which, in your experience, has been lacking to the full in the past; in order to get an understanding between the educated classes and the voter in the rural districts, which in your experience you said has been lacking in the past; in order to get the voter to exercise his franchise, which in your experience of municipal authorities, you say has been lacking in the past, are you to wait till you believe all these will happen? Are you to test it by experience?—Test it by experience.

7716. Can you do that?—I think we are testing it by experience, by creating these wide electorates, by providing for the elective majority in every province, by giving that elective majority a dominant voice in legislation and in finance, subject to necessary safeguards, and by introducing an Indian element into the Government in every province. It must be remembered that at present the Indian element is non-existent in the actual Government in four out of eight provinces concerned. In the remaining four provinces it is only a very small element. Now it is proposed to establish an equal Indian element in all the eight provinces. I think those are all very substantial steps, which are a guarantee of our adherence to the line of policy which has been traced out in the announcement.

(After a short adjournment.)

Lord *Brodrick* (Viscount *Midleton*).

7717. Sir Michael, you are very anxious to avoid duality in the Government?—Yes.

7718. And you said you thought it was better to give the elective Legislative Council a partial control of the whole Government rather than the whole control of any part of the Government?—Yes.

7719. To what extent do you think that the exercise by the Governor of his power of overruling the elective Assembly would create friction?—I think that when it is recognised that that power is a necessary adjunct of an imperfect representative system, it should not

Lord *Brodrick* (Viscount *Midleton*)—continued.

give rise to any friction. If it is recognised as a regular constitutional machinery, to be used for safeguarding the administration in this transitional period it should not create any friction at all, and that is why I suggested that this power should be exercised, not by the Governor, but by the Governor and his Council, for the reason that in that Council Indian opinion would be fully represented.

7720. What are the subjects on which you, the Legislative Council, having what you call a partial control of the whole Government, would think it would be most likely that the Governor would have to exercise his veto or his powers?—It is very difficult to forecast. Take the subject of education, which is marked down generally for transfer, you might have educational enthusiasm carried to such a pitch as regards compulsory attendance at school as to create serious administrative difficulties. That illustration was put forward by the Bombay Government; they said, for instance, that it might lead to serious opposition among the rural classes if their children were taken away from them during the harvest time, or it might lead to rioting among the mill hands if their children, earning good wages for them in the Bombay mills, were taken away from them for many years; so that even with a subject like education, on which opinion is in principle agreed, you might have in practice very serious administrative difficulties arising affecting public order.

7721. Do you think the exercise of the veto in a subject of that kind would create any very great popular feeling?—I think not.

7772. Supposing you had a measure like the Rowlatt Bill, which had to be carried or not carried by the Legislative Council, and then the Governor had to take his action, would the friction created by that be of the same character or would it create more popular feeling?—That would probably create more popular feeling, because it lends itself, as the Rowlatt Bill lent itself, more easily to misrepresentation and agitation.

7723. You think it desirable in framing this new constitution that we should avoid those occasions of friction as far as possible?—Yes.

7724. Would it be possible, in your view, if the Montagu-Chelmsford proposals were not before us at all, to frame certain subjects which would be obviously the function of the supreme Government, leaving all other subjects to the popular Assembly?—I think, under Indian conditions, it would be difficult to frame subjects, because critical occasions might arise on even the most simple subject, and I cannot suggest any better definition than that already embodied in Section 50 of the Government of India Act where the peace, tranquillity or interests of the Province, or any part thereof, are essentially affected. It might be affected by any subject. Take a matter which does often arise now, the matter of vaccination; compulsory vaccination is axiomatic in this country. Compulsory vaccination is at present in its infancy in rural India; it has been accepted in various municipalities and strongly opposed in various others. If you attempted to impose compulsory vaccination in rural areas you might have an all-round rising in the present state of public feeling, owing to ignorance, and the fact that compulsory vaccination would be seized on to misrepresent the intentions of the Government. It would be said that the Government were getting all the children together in order to break their caste or to use them for a bridge, or some other cock and bull story of that kind, and those misrepresentations are readily swallowed by the ignorant population.

7725. Were you apprehensive that that sort of question might be unduly pressed by the Legislative Assembly, or were you thinking of its being done by higher authority?—Even if the Legislative Assembly in their enthusiasm for public health were to press that measure, it would lend itself to the same kind of misrepresentation among the populace and would raise a certain amount of genuine opposition and a certain amount of factitious opposition.

7726. I want to make my question quite clear. There is a large class of subjects such as you have mentioned, for instance vaccination, which might be left to the Legislative Assembly, and it is only in extreme cases that the Governor would have to exercise his veto?—Yes.

Lord *Brodrick* (Viscount *Midleton*)—continued.

7727. Is there, in your opinion, any class of subjects in which in all cases and in all events the Governor would probably have to interfere to get his way? Take the question of public order?—Those are the questions in which the Governor's interference would have to be most frequent.

7728. Questions of discrimination of taxation?—That would be another, and questions involving racial and sectarian questions would also be among the number.

7729. Would you have been prepared, if you had had to draw it up, to draw up a short schedule of questions which under no circumstances would you at present put in the hands of the Legislative Council?—No, because in the whole of the field of administration I think the advice and influence of the Legislative Council is a help and to a large extent a guidance to the Government. I would exclude none except political relations; I would exclude none of the subjects a Government deals with from their purview, but I would retain the right of the Governor in Council to override their views in the wider interests which are laid down in the Government of India Act.

7730. Take finance, are you aware of the position with regard to the Consolidated Fund in the Houses of Parliament? Do you know that there are certain classes of Votes which I believe I am right in saying the House of Commons cannot touch—they cannot challenge?—I think it is provided in the Bill that those should be subjects with which the Legislative Council would not deal in dealing with finance. That would be one matter—the monetary obligations of the Provincial Government.

7731. There is therefore ample precedent for withdrawing certain things from the popular assembly?—That would be one. Another would be certain matters connected with the All-India Service, which, I think, it is proposed should be regulated by the Secretary of State and which the Provincial Governments would have no power to alter or amend. That is another class of subjects which might be removed from the purview of the Legislative Council.

7732. How do you propose, either under your scheme or under the scheme of the Bill, to work finance? Would you have in each Province a Finance Minister?—Yes, one of the members of the Council; finance would be one of the portfolios.

7733. It would be a portfolio by itself?—Not necessarily—it would depend on the number of members of the Council, but at present it is not a separate portfolio, I gather, in the Provinces where Council government exists.

7734. When you come to Ministers holding different portfolios, under the system suggested in the Memorandum of the Lieutenant-Governors, or under the system of the Bill, is it not necessary to have one man who should be a check on all parties with regard to finance?—I think it is very desirable in the interests of economy and general administration that there should be only one financial adviser.

7735. There is some view in this country that the Treasury has deteriorated since it became a spending Department. Is it not well that you should have one man whose duty it is to point out the difficulties of all expenditure to all Departments and have a perfectly free hand in recommending the provision of funds?—Yes, I have found that myself in administration.

7736. If that be so, would you propose that he should be one of the elected members, or one of the nominated, or one of the Executive Council?—I think he ought to be a member of the Executive Council. The responsibility is so great that you want considerable authority behind him, and it requires wide administrative experience, and those qualities are most likely to be found in a member of the Executive Council.

7737. Up to the present, I suppose, you yourself as Lieutenant-Governor of the Punjab were the chief authority on finance?—Yes. We had a Financial Secretary, by whose advice I was guided, and we had very inquisitorial Government of India financial authorities in the provinces.

7738. But in deciding how the money should be spent each year the Lieutenant-Governor was surely the head?—Yes, but as regards all new expenditure he

was

Lord *Brodrick* (Viscount *Midleton*)—continued.

was guided by the advice of a Finance Committee of the Council, half of which was elected by the non-official members.

7739. It is quite clear that if either of these schemes is adopted, either yours or that of the Bill, the Governor would have to exercise his right of veto or his other powers from time to time. Is it not desirable that he should be in the position rather of an umpire?—Yes; in fact, even at present, the Governor is very often in the position of an umpire between the conflicting claims of separate Departments. The Police Department wants ten lakhs extra for police buildings or for raising the pay of the police, or the Education Department wants twenty lakhs to give a grant in aid to local bodies to start more schools, and the Governor in the last resort must decide as to the apportionment, so that he is accustomed to exercise those functions of arbitrating between conflicting claims.

7740. Let us follow out the new system. In either case—take the case you suggested yourself of the very undue and too rapid extension of compulsory education. First of all, I suppose, there would be a discussion in the Governor's Council as to the desirability of bringing forward a Bill in that form, would there not?—Under the present scheme.

7741. Assuming it is proposed by the Ministers to make a very considerable advance—a too drastic advance, as you suggested—there would be first a discussion in the Governor's Executive Council?—I do not think that necessarily follows. I think it is desirable that there should be, but the relations between the Ministers and the Executive Council have been so differently defined at various stages of the proposals that I really do not know what is contemplated. According to the last despatch of the Government of India they desire to build as big a wall as possible between the two branches of the Government, but my own view is that in the event of a matter of wide public importance like that, a common discussion would certainly be desirable.

7742. Before the Bill is drawn the question is discussed in the Cabinet: Do you not think it desirable that the Ministers should have a full discussion, with full advice, about the objections to their proposals before they put them in the form of a Bill?—I think that is essentially desirable.

7743. The next step would be, would it not, that they introduce their Bill and it is discussed in the Legislative Council, and there those members of the Governor's Executive Council who were opposed to it would make their case, would they not?—I think it is understood that it is the intention that in the Legislative Council each half of the Government must refrain from opposition to the other half: one half of the Government may influence the other half or attempt to convert it to its views at an earlier stage, but once the matter comes before the Council the words of the Government of India Bill are that a convention must be established by which either side must refrain from opposition to the other side. More than that they say that it is impossible to insist upon. I think it would be a distinct breach of etiquette if the two halves of the Provincial Government were not only to be fighting amongst themselves in their joint deliberations, but to be fighting their battles in the open. in the Council.

7744. But surely we must consider the possibility of the adoption of the other course—that the responsibility should be laid on the Ministers for what they themselves are going to propose; otherwise supposing the Governor says to them, "I wish to put forward this Bill; it is going to cost you twice as much as we appear to have the possibility of raising," should not some official state the view of the Legislative Council so that they may be seized with that view?—I think that under the scheme it is contemplated (I do not give my view the one way or the other) that that matter should be thrashed out before the Bill is framed, and that the Bill would only be framed when the two halves of the Government—or the Governor as the final authority—had decided that the measure was one which ought to be proceeded with, and when the Governor had arrived at that decision the official half of the Government could not express its disapproval

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of the measure. I think that is what is contemplated, and on the whole if you have a dual system I do not see that you can have less than that.

7745. You do not put any responsibility on the Ministers in that case?—That is one of the objections I have to the dual system.

7746. Mr. Montagu asked you just now whether it was fair to ask the Ministers to resign on a divided responsibility—that is to say, on a matter on which the other members of the Executive Council would not resign?—Yes.

7747. I put it to you, is not the way out of that to give the Ministers on all subjects which have been committed to them—transferred, or whatever you like to call it— the responsibility of introducing the measures for which they are going to stand advocates?—Yes, I think that is a natural enough consequence of the dual system. It is complicated, of course, by the fact that in your Government and in your Legislative Council you have a considerable official element, and also by the fact that owing to the communal system, which is the basis of your Legislative Council, you can hardly ever get a clear issue upon matters of policy. Those are limitations due to the dual scheme.

7748. Whether there should be a division between the two sides of the Government or not, ought there not to be some machinery for warning the Legislative Council of the danger of the course on which they are entering?—With reference to a Legislative measure?

7749. What machinery do you propose in the case of an extreme measure which the Governor may subsequently have to veto for the Legislative Council being seized of the whole of the arguments against it under your plan?—Under the plan of collective responsibility I do not thnk the danger would be likely to arise, Under the dual system I think the danger would arise.

7750. In that case, surely, that means that the Ministers would be overruled early in the day before they were able to put forward anything which the Governor may find necessary in the end to veto?—Yes. the question of policy would be thrashed out before the measure was framed, as I suppose it is done under the British Cabinet system.

7751. The cases where objection is likely to arise, or may arise, would be rather from the point of view of action taken by th Legislative Council in refusing legislation which the Governor considers necessary, or in refusing the supply which he deems necessary for carrying out public works?—Yes; other sources of friction would be cut off at the source, or be likely to be cut off at the source.

7752. Do you think it preferable cutting it off at the source rather than letting Ministers have the opportunity in fact to be masters in their own house, even if it is a limited house?—Yes, I think it is better at the present stage of development of representative institutions and the present stage of administrative experience.

7753. I understood you just now to say (going now to another point) that you think it is desirable to have a Finance Minister, seeing that the Governor, who may, so to speak, be the final authority on these questions, in the end may have to over-rule the Legislative Council on finance?—Yes.

7754. He should not enter into the battle but come there as an umpire?—Yes.

7755. There is a great change in his present position. At present he is constantly voting in his own Council. and has not got to take the responsibility of over-ruling a popular Assembly?—Yes, I cannot speak with reference to Council Government, because hitherto I have not had the advantage of a Council in the Punjab.

7756. I should like to ask you one question about the electorate. You said that in your case there is a great deal of talk—I have not got the actual words—with regard to the Ministers' responsibility, and very little about the responsibility of the electorate. Now, apart from the justice or injustice of the form of representation proposed, would you think that members elected on a communal basis would have a larger feeling of responsibility to their electorate than members elected on another basis?—Members elected from a common electorate, I think, will tend to look primarily

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to their electorate, and not to the general public. They draw their authority from a communal source and that must inevitably colour their views.

7757. You think there would be a higher sense of responsibility in that case?—A higher sense of responsibility, probably, but of a narrower character.

7758. On a narrower basis?—On a narrower basis.

7759. And therefore when you came to have a division, to use the House of Commons expression, there would be not so many members who were entirely at the mercy of the Whips, but there would be more men voting according to the views of their constituents?—Yes. The Whips in fact, I think in the first stages, as far as I contemplate them, would be communal Whips; the line of division would be inevitably communal in Provinces where various religions are strongly represented.

7760. One more question. Does your experience of municipal government in the towns incline you to think that popularly-elected bodies are economical?—I think it inclines me to the belief that popularly-elected bodies are economical with funds which they are to derive from their own areas, but are very wasteful with funds which are put at their disposal by another authority; that is to say, they are inclined to get all they can out of Government and to raise as little as they can from their own municipalities. They are very slow to impose new taxation, however necessary, because that is invariably unpopular.

7761. I gather from your evidence that you have generally the fear that the rural districts will suffer, the urban being so much better organised under the popular system. Is that so?—That is so.

7762. You think the Governor, if he is to interfere, will find that it will be on behalf of the rural areas?—Yes, because although they preponderate in numbers by nine to one, and also in wealth, in the aggregate they are badly organised, they have little interest, as is said in the Reforms Reports, in political matters, and they have at present very few people to voice their interests. They have very little voice in the Press, and working in the country they are not able to assemble on the platform.

7763. You have said more than once, I think, that from the educational standpoint the effect of this franchise will not be developed for a generation or two; what period would you say that the rural areas were behind the urban in that respect?—I should think literacy is probably three times as high in the Punjab in urban areas as in rural areas; that is to say, assuming that the total in the Punjab is one in twenty-seven as literates by the census of 1911 you may take it that it is one in ten in towns and one in thirty in the rural areas who are literate. That was in 1911. So that literacy was then thrice as high in the urban areas as compared with rural areas.

7764. If we made reasonable progress, would you expect the rural areas in ten or twenty years time to be what the urban area is now in point of education?—Possibly. I would prefer to say in a generation.

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7765. Sir Michael, you express yourself as in cordial sympathy with the general aims of the Declaration of August, 1917?—That is so.

7766. You find yourself prepared to agree and to cordially welcome the gradual establishment of responsible government, or anything which would lead towards responsible government in India?—Yes.

7767. Of course, as a member of the Civil Service, and long acquainted with it, you know the value of its work and the essential necessity for very high and strict rules of efficiency being applied to the administration of our Indian Empire?—Yes.

7768. But you do not feel it inconsistent to admit that you would sacrifice a certain amount of that efficiency in order to attain the end of responsible government as soon as you think it could safely be attained?—I think some sacrifice of efficiency must be admitted in order to secure the end in view.

7769. Then you do not feel that you are placed upon that dilemma which Mr. Montagu placed you upon, that if you thought this thoroughly efficient and there were certain dangers to be faced in moving forward, you were by that precluded from wishing that responsible government should some day or another be attained in India. You did not feel yourself shut out from that?—In no way.

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7770. In fact you said, to use your own words, that you supported the wish to attain responsible government, owing to the faith which is in you, and free government where it is possible to obtain it?—Yes.

7771. That is a faith which I hope is in all of us, but you, like all of us, think there must be a balance to be struck by common sense between the attainment of this end and the amount of danger that you will incur in achieving it?—Yes, and it was in reference to that danger I dwelt with such insistance upon the necessity of association.

7772. I will come presently to the way of working it out, but I want first to see where we are with regard to the general aims. You cordially profess your sympathy with the aims of this Declaration of 1917, and you do not think that you are at all precluded from that sympathy by seeing the necessity for certain caution, because you realise that there are dangers?—That is so.

7773. As to these dangers, I would like to get a little closer to them. There is the necessary fear that a large number of officers who will now be drawn into the administration under the new system will lack the experience which has been hitherto employed?—Yes.

7774. You can support that, I suppose?—Yes; which they necessarily lack from want of administrative training.

7775. I want to ask you another question, as an old administrator in India. Comparing the Indian with the English administrator, do you find so far as they have been tried that there is any lack of initiative in the Indian?—I think the British character, as compared with most others, generally shows more spirit of initiative and enterprise.

7776. I want to get down rather to particulars. In your experience, have you found that where responsibility was thrown sometimes upon the natives, they rather declined it, and pushed it off upon their English administrators?—Yes; that, I think, is generally admitted. The refusal to accept, or the hesitation to accept responsibility may be due to more than one cause. It may be due largely to the communal divisions. An Indian acting in a particular way if he is a Hindoo, runs the risk of being assailed by the Mohammedans; if he is a Mohammedan he runs the risk of being assailed by the Hindoos, as having been actuated by sectarian reasons. The European has the advantage of not being assailable in that particular respect.

7777. I want to ask about another point which I am forced to touch upon. In your experience as an administrator have you found that the system of bribery entered largely amongst the lower ranks of the Indians?—Bribery, I think, is more common in all Eastern countries than in Western countries, and is more common from the fact that public opinion does not condemn it in the same way as it does in Western countries. In the Punjab we had a tremendous campaign against bribery in all ranks of the service during the last three or four years I was in office there, and it was the most difficult——

7778. In all ranks of the service? Are you speaking both of the English and the Indian?—I will call it the provincial service. We had one case in which an European magistrate—an Anglo-Indian magistrate—was concerned.

7779. And, of course, he was deprived of his position?—We succeeded in prosecuting several cases, including his, to conviction, but it was very difficult to get any real public opinion on the side of the Government in prosecuting these cases; in fact, in one case where after great difficulty we succeded in bringing home the guilt, in a very notorious case of an official of the Irrigation Department, a memorial signed by some of the most important men in the Provinces, members of the Legislative Council, of the Imperial Council and the Provincial Council, was presented to the Government, asking that this man should be let off altogether, not because he was innocent, not because he had a big family or anything of that kind, but simply because he belonged to a respectable family. That is why it is so necessary to retain a strong European element in the administration, because it is that alone which tends to secure the principle of the equality of all men before the law. That is a most difficult principle to translate into practice in India; it is admitted in theory as one of the greatest boons

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we have conferred upon India, but when you come to translate it into practice you find the most appalling difficulties.

7780. It is the case, is it not, that the English officials do find themselves often thwarted by the impossibility of getting directly into touch with some of the lower classes, who can approach them only by means of some douceur given to, or favouritism shown by, an intermediary?—That is the case; the corrupt lictor is as prevalent in Oriental countries as he was in ancient Rome.

7781. And all the efforts of your officials sometimes cannot break down and get directly to the real difficulty, because there are intermediaries who have not been properly squared?—It is difficult when you are sitting in your office for these people to find access, perhaps, unless they open the door with a silver key, but the ordinary official has no difficulty when he moves about and goes down into his town or goes round the district in getting into contact with all classes. In his office at headquarters he may often find that some barrier of the kind you suggest does exist.

7782. May I put an instance within my own experience, and ask if you think it possible that such a thing could occur where an officer thought he had found out some bribery on one of his visits in connection with land settlement, and insisted that the parties concerned should be brought directly to him. He went back the next year and a petition was presented to him from these parties, asking that he should not interfere in that way again, that they had made the arrangement, but that their life had been made very uncomfortable since?—Yes, I can quite conceive that a case like that would arise.

7783. That is one of the dangers which, without hindering the natural inspirations for popular government, make you think that necessary caution must be used in the development of it?—Yes.

7784. Now I go further. I next touch this question. This responsible government must rest upon a franchise, voting for the representation necessary. I have read all your notes and also your Memorandum previously, and my recollection is, without referring to the particulars, that you say in the Punjab the rural population is as 10 to 1?—9 to 1.

7785. It is 9 out of every 10, so that I am not far wrong. Out of that number you say that 1 man in every 110, I think, will have a vote?—I think so.

7786. And out of that very small percentage, less than one per cent., eighty per cent. will be illiterate?—Yes. That is the calculation I make. It is based upon this fact, that only 1 in 10 of the males over 20 is at present literate, and I am taking it that as our electorate will be in a way drawn from the better classes, literacy will be more prevalent amongst them, so I have doubled the actual average of males over 20, and I think that is a liberal estimate.

7787. One-fifth of less than one per cent. will be the number of literate voters?—I think that is a liberal estimate.

7788. That makes, of course, the franchise representation, so far as that branch of the calculation is concerned, a very flimsy one?—Yes; and it was in view of that slender foundation that I thought we were building up too large an edifice of responsibility—a larger edifice than our foundations would support.

7789. You think that this difference between the town and country population is the widest and most important distinction that you have experienced, looking over the whole expanse of India?—I can only speak with direct knowledge of my own Province, and I should say in the Punjab it was the governing or the most dominant factor, and I think it is a more healthy line of cleavage than the communal or racial one, because it is based on the diversity of interests.

7790. When you compare it with the Western model it will also have this very serious defect, that almost admittedly it must to a large extent depend upon a communal representation; you cannot get quit of it?—No.

7791. Which, of course, to our idea, is essentially opposed to anything like what we call real ordinary representation?—Yes. We have had communal representation in some of our municipalities during the last twenty years; it was forced on us then rather reluctantly, and we have found it impossible to get rid of it up to the present. The communities concerned show no disposition to discard it.

7792. Of course, I am not saying anything, and I do not myself argue in the least against communal representation; I think it is necessary, but still I want to point out that it is alien to our Western ideas?—Yes.

7793. There is another class which would require representation, and that is the labouring part of the population. We have had some witnesses before us who professed to represent the views of the labouring classes in Bombay, Mr. Tilak and Mr. Wadia. Now, do you think that that class do represent the labouring classes really?—I should not have had any certain views on the matter if I had not seen in the last *Indian Mail* the report of a meeting at Bombay of the mill hands in which they repudiate Messrs. Tilak and Wadia as being entitled to represent them either in dealing with the Labour Party in England or at the approaching Labour Conference in America, and they end up by asking the Viceroy to nominate a genuine Labour representative to represent them.

7794. I do not think we have anything to do with that, but at all events it is only a proof that there may be doubts as to whether the educated classes of the extreme Reformers do represent as much as they claim to represent the view of the labour classes?—Yes, the views of the labour classes at present in India are very indefinite. If there is any one place in which they are capable of forming a view it is Bombay, which has far the largest labour population of any part of India, the number being about 200,000. In the Punjab it is a very small thing.

7795. I have gone through these general points just to explain that consistently with your real and honest desire, which we all have owing to the faith that is in you and in all of us, for the encouragement of popular institutions you feel the necessity for very great caution. Now I come to the next point, that is the machinery, and this question of the dual government. You, as I take it, see the chief objection to dual government in the fact that the separation of subjects you think is an untoward and inexpedient method of procedure?—Yes, it is an arbitrary demarcation.

7796. But that separation of subjects will at the very start draw a line between what is called the popular and what is called the official branch of the Government?—Exactly, and thereby tend to create rivalry and friction.

7797. You see no necessity why there should not be an equal responsibility given to the popular side by simply assigning as far as you thought possible from time to time and to the very utmost extent you could, a responsibility and a charge over certain subjects, not taculated subjects at all, but any subject you thought they were possibly fit for, to that popular side?—As members of the Executive Council?

7798. Yes?—No.

7799. You would make no distinction between the Ministers and the Executive; they would be all equal, but under your scheme there might be a greater amount of responsibility and charge assigned to what we call the popular element than there would be under the system of the dual government?—Yes; subject to the collective responsibility of the Government, I think it might be very interesting as an experiment to allow certain Departments to remain in the hands of your non-official Minister or member chosen from the Legislative Department for a considerable time, or one succeeding another, say for ten years, or until the first Statutory Commission came round.

7800. You would hope to develop that as rapidly as was found possible?—Yes.

7801. And that would be following the traditions and the whole arrangement and spirit of our Cabinet here?—Yes.

7802. For instance, we will take it that the Cabinet is more or less a Coalition Cabinet. We know that there are very wide divergencies of opinion between the Labour Party and the party to which I belong myself—the Unionists. There are certain elements in the Coalition Government which represent the Labour Party

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Party and certain elements which represent the Unionists, and as long as they form a Coalition Government they must agree to follow a general policy united on all essential points, although it is quite recognised that there are wide divergencies of opinion on many points between them. That is the analogy you want to follow. On the other hand, is there any analogy in history or in existing constitutions for anything like this dualism or diarchy as it is called?—No, there certainly is no analogy in any Eastern country I know of, and I looked hard to find if there was any analogy among the Governments of native States.

7803. Is there any analogy in Western lands?—I do not know of any, and the nearest analogy I could find to this was the old system of the Government of India between the Army Department of the Government of India and the Military Department, and the system was gone into and repudiated as far back as 1905. Perhaps if I quoted Lord Roberts' views on the working of dualism in the Government of India it might have some bearing on the point. Writing in 1889 on dualism in the Army Department of the Government of India Lord Roberts said: "Here are two sets of officers of high capacity, animated by a common zeal, guided by a common sense of duty, and each striving to do their best for the Government they serve and the Army to which they belong—yet each set appears to be pulling a different way and to be actuated by a jealous rivalry rather than by a friendly emulation. If Army administration is to be a success the Staff at the Army Headquarters and the Military Secretariat must work together in unison and must possess a common knowledge of the questions in which they are mutually concerned."

7804. That is supposing the dual system is carried out, but, setting aside the dual system altogether, you yourself would prefer a common purse for the Province if it were possible?—Yes, setting aside the dual system.

7805. If the dual system exists, does it not necessarily involve, if you are to bring home financial responsibility to each side of the Government, a separate purse?—Certainly, that is a logical consequence of the dual system; taxation must be the vehicle or the instrument of Government, and those responsible for policy must be responsible for taxation.

7806. I want to get hold of this, because it has puzzled me. I find constantly a reference to the fact that certain revenues will be assigned and that a certain surplus which exists will be assigned in certain proportions, and that so long as that surplus exists and the portions are assigned there can be no great reason for contention or for division. That surplus arises from the fact that by your financial administration in India, if you have a surplus at the end of the year you carry it over and you form a reserve fund?—Yes, we are in the happy position of having no funded debt to avoid.

7807. You know that would not be contemplated, and would be considered absolutely unconstitutional under our financial system here. No Government would be allowed to accumulate a reserve which might, more or less, make it independent of the voting in a particular year. If you have free financial responsibility, surely the first thing which would be done is that you must make the voted revenues of each year apply to that year and not to any future year. We must begin with a *tabula rasa*, and we must begin each year to vote what we consider proper. That is the only way in which you can have in a popular government real financial responsibility?—The financial position of India (I am speaking here subject to correction) is different from that in the United Kingdom to this extent, that several most important sources of taxation continue and are not subject to an annual vote like Land Revenue, Excise, and matters of that kind. The items of expenditure——?

7808. I speak apart from that. We have an analogy to that in the Consolidated Fund, but I am speaking of quite a different thing—that you have a reserve fund formed by savings every year, which cannot occur under the English constitution?—An enormous fund at present.

7809. We never have had that. If any Department has a surplus of any kind it is bound to surrender that surplus at the end of the year, and it goes to the

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Sinking Fund. The next year's vote must be voted on the responsibility of each Minister who presents his estimates, and those estimates as a whole must have a further confirmation from the Chancellor of the Exchequer, who is the chief Financial Minister. That begins and is finished within the year. Now I want to see how are the sums raised each year. Are they raised in the form of estimates or by Bill?—Not by Bill. They are fixed sources of income, as a rule, like Land Revenue, Excise, and Irrigation receipts. Those are not subject to an annual vote.

7810. Could any increase in the Excise or Land Revenue be voted by the Legislative Council in the form of a Bill?—No.

Mr. *Montagu.*

7811. In your opinion do you think it would be a possible change in your system that increments in Excise or in Land Revenue should be voted?—No, I think that would be undesirable; it would lead to too much detailed interference in the administration of large and important subjects by people who would not understand that administration. For instance, to take a concrete case, if a district came under settlement, say a canal colony, in which there was a very large increment to be levied owing to the great increase of irrigation, you would probably have the members for that part of the country collecting all their followers and using all their influence to get that vote rescinded in the Legislative Council.

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7812. I have just one other question to ask you about this which is based upon what I have asked with regard to the dual system. What is your view as regards the extension of any system such as is sketched under the Montagu-Chelmsford Report to the Government of India?—I must really confess that I have not studied the matter very deeply with reference to the Government of India, because I looked on the statement of the Government of India that they were prepared to go no further than was said in that report as decisive.

7813. It is quite clear—you are of opinion, I assume—that the effect of the system of separation between transferred and reserved subjects in the Government of India would lead to great difficulty and trouble?—Yes, and there is another reason, that when the scheme of devolution is carried out the functions of the Government of India will be very largely contracted as compared with what they are at present; the number of subjects they deal with, and the extent to which they deal with them, will be enormously reduced, so that the field of experiment in the Government of India is very much smaller than in the Provinces.

7814. Taking the system advocated by the Majority Report of a larger share, without absolute dualism and separation of subjects, being given to the popularly elected element in the Government, do you think it might not be possible for that to a certain extent to be applied to the Government of India?—That will necessarily follow from the very large Indian representation in the new Legislative Assembly, and also from the increase in the number of Indian members of the Governor-General's Council.

7815. Then you have to a certain extent already in the Central Government adopted this practice of giving greater power and responsibility to—I dislike the name but it has been used right through—the popular element; you have already done so?—Yes.

7816. If you adopted the system of the Majority Report in the Provinces, you might follow a very similar scheme with regard to the Government of India, and you might not be forced to say: "This dual system may be adopted in the Provinces, but we cannot adopt it for the Central Government of India"; that is to say, the Majority Report scheme has perhaps the advantage of enabling an advance at once to be made in the Provinces and in the Central Government to a certain extent as far as you consider it wise?—I should be very glad to think that the Majority Report has not only been a help to the Provincial Administration, but also in the Government of India. That is more than we claim for it, and perhaps it is a matter on which I should hesitate to give an opinion. Personally

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sonally, I think it would be wise to withhold further changes in the Government of India until after the first Statutory Commission reviewed the situation.

7817. Just one question on a totally different subject; it is referred to in some of your Memoranda. You know that the Bill as drafted now proposes to change certain Lieutenant-Governorships into Governships?—Yes; I think all of them, except Burmah.

7818. And by that change it removes them from being appointed from the Indian Civil Service, or rather it makes it no longer necessary that they should be?—The Statutory provision no longer applies. I think there is a Statutory provision at present.

7819. There is a Statutory provision, and that is that the Lieutenant-Governors should be to a certain proportion men who had served ten years. By removing them from the category of Lieutenant-Governors you remove the application of that statutory limitation. You make take it that is so?—Yes.

7820. In one of your Memoranda you deal with this question. You, as a Lieutenant-Governor, must have found it necessary, I suppose, to have very close contact with all classes of Indians?—I tried to maintain it.

7821. Would it have been possible to do so had you not been familiar with the ordinary language?—No; quite impossible. I think I made a calculation which I stated in the Official Letter of the Punjab Government, that looking to the list of visitors who I thought it was desirable to see and to talk over matters with in the Punjab, most of them—70 per cent. to be exact — were ignorant of English, and my only means of communication with them was through one or other of the vernaculars. If I had not had a knowledge of the vernacular I would have been deprived in the first place of the advantage of discussing matters with those men, some of whom were the most influential men of the Province, and they would also have felt, what is perhaps more important, that they were cut off from direct access to the head of the Province, an access which the position of many of them entitled them to have. Take the biggest man we have in the Western Punjab, a man who can call up thousands of men to repress frontier disturbances, the Chief of the Masari Tribe, he did not know a word of English; he could sign his name in English and say "Thank you," but when you came to talk to him you found that he was a man of the most wonderful administrative experience and very helpful in all matters, and his advice I found almost indispensable in dealing with tribal and frontier concerns. I mention him as the most important of the class of landed gentry who are the backbone of our administration in the Punjab, the landed classes, yeomen and peasant proprietors, and the men they can bring at their backs. Those were nearly all ignorant of English; the future generation will not be, because we have been encouraging them to educate their sons in English, but it will take some generations before they know English generally.

Chairman.

7822. What are the languages in the Punjab?—There is Urdu, which is the *lingua franca*, and then there is Eastern Punjabi, Central Punjabi, and Western Punjabi. They all more or less glide into one another, but there is considerable difference between them. Then on the frontier you have got Baluchi and Pushtu, only in comparatively small tracts.

7823. If it is not an impertinent question, do you speak all those?—Except Baluchi.

Sir *Henry Craik.*

7824. And Pushtu?—I know Pushtu moderately well. I spent about seven years on the frontier before going to the Punjab.

7825. Very few can speak Pushtu?—We tried to get a certain number of our officers to qualify in it, because we have an enormous population coming through our Province every year—100,000 Pathans and Afghans come down through the Punjab, and in dealing with them it is very necessary to know their language.

7826. In the absence of that language, supposing you had been a member of Parliament or a politician appointed to such a place, you would have had to trust to your subordinates?

Chairman.

7827. You can speak through interpreters?—Yes.

Sir *Henry Craik.*

7828. Is it not the case that interpreters sometimes have to be watched?—I have rarely had to use them.

7829. I have heard of the Registrar of the High Court of the Punjab at Lahore, who had frequently to correct the translations of the interpreter, and I understand that that is not an infrequent experience?—No, I should be very sorry to have to depend upon an interpreter, and if you have an interpreter you cannot get into really close touch when you desire it very often with men who ought to be and are the backbone of your administration.

Sir *J. D. Rees.*

7830. With reference to what Sir Henry Craik has asked you about bribery, I take it the relevant issue which of course my right honourable friend meant to raise is whether under the new dispensation, when it comes into being, bribery will be more easy and more rife than before. I want to ask you whether, seeing that the vast majority of the public servants would be Hindoos, then as now, there is any ground for thinking it will be more rife?—There is always a danger of bribery in Eastern countries, and as far as public opinion can affect it, I think public opinion is beginning to show a more healthy tendency towards disapproval of bribery; but there is another factor which is necessary to put down bribery, and that is that you have to run your bribe taker down as well as your bribe giver, and prosecute him and bring him to justice. That is very up-hill work, and I do not think that you find your Indian administrator realises so acutely as a European does what an evil thing bribery is and how desirable it is at all hazards to try to repress it.

7831. When you say "administrator" have you the new Minister in mind?—I was thinking more of a magistrate or a Minister or whoever might have to deal with it.

7832. Will there be any larger opportunity with regard to those officials under the new scheme? I put to you what I believe to be the relevant issue whether there will be greater opportunities for bribery under the new dispensation than under that which is passing away; that is the question?—My reply to that would be that so far as you are Orientalising the administration there will be, I believe, a tendency to the deterioration of standards.

7833. Taking the higher officials in India, who are Hindoos—Indian gentlemen—do they lie under any suspicion now of taking bribes?—Within the last few years I am sorry to say that four members of our Provincial service—magistrates, barristers, some of them educated in England—were convicted by the Courts of bribery.

7834. In the Punjab?—In the Punjab. I should be very sorry to say that they were representative of our Provincial service; I think they were the black sheep, and we were very fortunate in being able to bring home their offences to them.

7835. There has been, at any rate, one case?—There have been four cases in the last three years.

7836. There is no service which is absolutely free from it. You were also asked by Sir Henry Craik, or rather it was suggested, that there was a difficulty in the lower classes getting into touch with the Lieutenant-Governor or with the minor officials under him. Is there really any such difficulty at all? Have not all classes direct access to the highest official during his time in camp and even in his headquarters?—Not in headquarters, I think in practice, but certainly when he is in camp.

7837. And the Lieutenant-Governor spends some months in camp every year?—Three or four months.

7838. And the lesser lights spend a still longer time in camp, probably?—Yes, five to six months.

7839. You quoted Lord Roberts' objection to dualism in the Viceroy's Council?—Yes.

7940. Subsequently, in the time of Lord Kitchener that dualism was brought to an end, was it not?—Yes.

7841. Was not the failure in Mesopotamia chiefly attributed to that change?—That I do not know. I should

Sir *J. D. Rees*—continued.

should be sorry to think it was due to that; anyhow I have my own opinion upon the subject. I would not atribute it to that change.

7842. It struck me as an unfortunate illustration; but as regards taxation and the separate purse, will you kindly tell the Committee (perhaps the Committee understands, and I may be the solitary exception who does not) why does the power of taxation postulate a separate purse?—I did not speak of the power of taxation, but if you give a body certain wider powers you ought to test it also by its finance, and in order to apply the financial test the only method is to give it separate financial responsibility, and that involves a separate purse.

7843. If, as I believe to be the case, the finance of both branches will be recorded and followed and checked by the Governor and the whole Government, why will it be necessary to have a separate purse?—I think it brings the results much more fairly before all parties, before the taxpayer, and before the representatives in the Council: if they say, "we start with a certain balance and certain sources of revenue, with certain items of expenditure," if after so many years working their own items separately they have their separate balance-sheets, they ought to show that they have achieved certain results at such and such a cost. If you had a joint purse, I think it would be very difficult to differentiate the items in practice.

7844. I take it that would be for the purpose of representing in the public eye the results, but, as an actual fact, would they not be equally on record and equally apparent to those whose business it was to compare and check and criticise?—The people whose most important business it would be to compare and criticise would be the electors and their representatives, and I think they will see the matter much more clearly under the system of a separate purse. I do not advocate a separate purse from the administrative point of view, but I think it follows logically.

7845. Could not the Government as a whole publish those figures? Would they not be published every year in their budgets?—The separate purse includes separate powers of taxation, and that is the great test.

7846. I do not know that?—That is what the Government of India contemplated. I have not been deeply into the matter, but I think it is contemplated that each part of the Government should impose its separate taxation, to be guaranteed by the whole Government, of course, and each would have separate powers of taxation and separate powers of borrowing.

7847. Am I right that the difference between your scheme and the scheme of the Report, is that yours does not now give responsibility? Is not that the chief difference between them?—I do not think the scheme of the Report gives more responsibility.

7848. At any rate, it is upon that issue that you differ from them, is it not?—Yes. You profess in the scheme to give responsibility, but you have necessarily imposed so many safeguards and limitations that you do not give full responsibility, and thereby you disappoint expectations and create discontent, or run the risk of further transfer of subjects—premature transfer.

7849. I do not want to cover ground that has been covered, but if you accept, as you do, the Declaration of August the 20th, 1917, that provides for the progressive realisation of responsibility, and requires that a substantial step should be taken at present. You recognise and approve to the last degree the maintenance of the power of the British Government and Parliament. The British Government has decided this and Parliament has accepted this declaration without cavil and has acted upon it and has given this Bill a second reading. Therefore, can you explain how you reconcile your present support of your own scheme, lacking responsibility, as you admit, with the scheme of the British Government upon your own admission?—Yes. I am quite prepared to do that. If you wish I will take the terms of the Announcement, one by one. There is a very material part which has been long neglected, "The policy of His Majesty's Government is that of the increasing association of Indians in every branch of the administration." My contention is, if I am told that our scheme does not fulfil the terms of the Announcement, that dualism does not fulfil the terms of the Announcement in this respect. If Indians are to be associated in every branch

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of the administration as laid down here, how can you assure that you divide the administration into two separate branches? How can association take place in division? You divided your administration into reserved subjects and transferred subjects you warn your Indians off to a large extent fom your reserved subjects, and you put your transferred subjects more or less under their separate control, and yet the terms of the Announcement bind you to an increasing association of Indians in every branch of the administration.

7850. Is your answer to the question that neither your scheme nor the scheme of the Bill goes as far as the declaration of the 20th August?—No, that is not my answer. I say the scheme of the Bill does not fulfil one of the requirements of the announcement of the 20th August as I interpret it.

7851. Which one?—The increasing association of Indians in every branch of the administration.

7852. It gives a great deal in that very respect, does it not?—It does not, because you divide the administration into two separate parts, and, therefore, you cannot have association where you have division.

7853. How does responsibility turn upon this exactly?—I have not yet come to responsibility at all; I am dealing with association, and I am trying to make it clear that by dividing the administration into two separate heads, and putting them under two separate authorities you are disabling yourself from fulfiling this requirement—this increasing association of Indians in every branch of the administration. If you ask me about responsibility——

7854. I do?—I say that our scheme provides for it in so far as the conditions of responsibility allow; our scheme goes as far as is possible under those conditions.

7855. If you make it a question of the conditions of responsibility I have no more to say?—But I was taking the effect of your scheme on the other.

7856. I do not ask you upon a matter of opinion; I know your opinion—you have stated it?—It is not only my opinion; it is also the opinion of the Government of India and also of the authors of the Report. If you would like me to point out in what respect our scheme gives responsibility I can point it out to you.

7857. The point I ventured to put to you was that your scheme differs from the other in not providing for responsibility, that the announcement of August, 1917, provides for responsibility, and Parliament has approved that announcement, and that I do not see how, Parliament having approved the announcement, you can put forward your scheme now without any responsibility as coming within its purview?—In reply to that, I can indicate the points on which our scheme gives responsibility. In the first place, responsibility must rest upon a certain foundation, and that foundation is an electorate. Our scheme provides as wide an electorate as is possible at present in order to establish some basis of responsibility. I admit that that basis is not a very large one, and therefore it cannot support a very great edifice of responsibility. In the next place, having established that electorate, we followed the scheme in all those respects. We agreed to a Legislative Council with a very large elective majority. We give that Legislative Council power of legislation and power as to finance, subject to necessary safeguards. Those are very large responsibilities. Finally——

7858. I beg pardon, but I only venture to interrupt by way of saving time, as those points you are on at the moment are really rather off what I was exactly on. I was not on the democratic advances concerned in your scheme, but strictly on the subject of responsibility, which I believe is wanting in it. If I am wrong——?—Our point of view may be different. I understand all these things mean a considerable advance in responsibility that is towards responsible government.

7859. Responsibility of a sort, but not responsibility to an electorate, which is what I am talking about?—We support your electorate. Your Legislative Council is responsible to the electorate.

7860. You do not provide any real electorate, do you, under your scheme?—Our scheme accepts the same electorate which has been proposed by Lord Southborough's Committee. We accept everything in the

Sir *J. D. Rees*—continued.

the scheme of the Montagu-Chelmsford Report and the Bill except the dualism in the Government. We accept all the principles of responsibility.

7861. Do you accept the Southborough electorate?—Yes.

7862. Since the Report came in?—Yes, since the Report came in; I do not think there was ever any doubt about it. The Southborough proposals were practically based on the proposals of the Local Governments, so that we have no reason to dissent from them. My point is that you have a very large amount of responsibility in the fact that you are constituting five millions of an electorate. When you have an elected majority in each Legislature, and when you give that elected majority powers of controlling finance and legislation, and when you are appointing in each Local Government a large Indian element in the Government itself, that is my interpretation of responsibility.

Chairman.] I think you have made that quite plain.

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7863. You think the scheme of the Bill goes too far now? Generally speaking, that is your attitude, is it not?—Only in this particular respect as regards dualism, I think in endeavouring to confer separate responsibility on the Minister responsible to the Council, you are going too far for present Indian conditions.

7864. It is going too far—those are my words; I understood that to be so, and I ask you on that footing. You say elsewhere in your Memorandum many special safeguards the Bill provides. You go on, upon page 5, to say there that is only an illusory control over the transferred portion. On the next page you approve of the power given to the Governor very rightly to override his Minister, even in the administration of transferred subjects. What I ask you, for my own information only, is if this scheme goes too far, how is that compatible with the fact that the control given is purely illusory?—I should say in theory it goes too far. You are setting out this theory of responsibility, but directly you try to give effect to it in practice, you find you cannot do it, and therefore you have imposed these safeguards. It is when you come to imposing the safeguards on your theoretical scheme of responsibility that you find your responsibility is illusory.

7865. You do think that there are many safeguards which will prevent this scheme working for the too rapid development of democracy in India. You think there are many safeguards—those are your own words—special safeguards?—Yes.

7866. They do exist; you do not condemn the scheme because there are not sufficient safeguards provided to temper too rapid an advance?—Too dangerous an advance, I should say; the more rapid the better, consistent with safety.

7867. You think that safety is provided for?—In that direction, certainly, but the method is likely to arouse friction and discontent.

7868. You spoke of the educated classes being exclusively urban?—Did I say "exclusively"? If I said that, it is wrong.

Chairman.

7869. Preponderatingly?—"Preponderatingly" is the word, I think.

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7870. That being so, would not that be a good reason for a somewhat broad extension of the franchise amongst the rural classes?—I do not follow.

7871. If the educated classes are chiefly urban, they would have an undue weight in the administration, but to countervail that, would not a broad, democratic franchise amongst the rural people be very desirable from a——?—That would be one way, but we have endeavoured to obtain the result in another way by basing the rural representation in this way, giving the rural interests representation according to their numbers or with some reference to their numbers. So long as you get a sufficient number of representatives, it does not matter so much how many voters you have.

7872. A reference was made to sanitary measures, and I should like to ask you whether in the Punjab they are generally intensely unpopular, and only carried by the insistence of the Indian educated classes: is that so, or not?—Sanitary developments are generally unpopular, and they are carried either by the influence of the educated classes or by the influence of the administration in more cases.

7873. You referred to the people of the Punjab, the ryot class as I understand, as being unfit to exercise the franchise on pages 8 and 9. I should like to ask you whether in the Punjab the ordinary ryot is or is not a very shrewd person, quite capable of understanding his own interests, and of casting a vote in an election, and whose opinion would be valuable on a simple issue?—Anything connected with his land or holding, his relations with the landowner, or taxation if it was a clear issue, he would be capable of giving a shrewd opinion upon.

7874. Is he not generally rather a shrewd person?—His outlook is extremely narrow, and I would not consider him capable of taking a sane political outlook on a general question.

7875. You said that the present reform movement was a movement in an anti-sectarian direction. May I ask if it is also an anti-high caste, anti-upper caste movement in any way in the Punjab?—No, I do not think so. The caste feeling in the Punjab is not nearly so strong as in other parts of India.

7876. I am not sure if I gathered from your evidence, and I should very much like to know if you think the abolition of the caste system is desirable for the advancement of reform in India? Is it necessary or desirable?—I do not know how we should get on without it, because the caste system to a large extent takes the place of Government; it supplements the action of the Government. Some of its features are admirable.

7877. Would any action on the part of the Government in the way of loosening the bonds of caste or abolishing it be compatible with Queen Victoria's Proclamation?—I think not; in fact, I think it would arouse the most serious discontent. We have had evidence of that in the agitation against the Patel Marriage Bill. I believe the Government was considered by orthodox Hindoos to have shown a disposition to favour that reform by circulating the Bill to Local Governments for their opinion. Even that small action by the Government apparently aroused great suspicion in orthodox circles that the Government was identifying itself with a movement which was directed against certain features of the caste system.

7878. You spoke of large commercial interests. Is there much foreign capital invested in the Punjab?—A great deal in the export trade, wheat and cotton, but not much in industries, it is chiefly export.

7879. Have you any reason to suppose that the interests of that capital and that trade would be jeopardised by the adoption of the reforms contemplated? Is sufficient provision made for safeguarding those great interests?—As far as I can make out, the matter was gone into by the Franchise Committee, and there was a feeling that the interests of the European trading community were not sufficiantly provided for in the scheme, and I was asked whether I would suggest that they should be given a member. I thought their numbers at present were too few for the creation of an electorate in the Punjab, and I did not proceed further with the matter; but undoubtedly the commercial interests do feel a certain anxiety as to what their position will be under the scheme.

7880. There is a question that I forgot to ask you just now. Would you say that the Punjab ryot classes—the so-called depressed classes, as it is the custom to call them now—are oppressed by the other castes and classes? Is there anything like a systematic oppression?—No; but I would not say they were treated well. They are regarded as hewers of wood and drawers of water, and of recent years, largely under the influence of Government and by funds provided by Government, there has been a movement for their uplift, with which we have endeavoured to associate every religious society in the Punjab—

Sir *J. D. Rees*—continued.

Hindoo, Mohammedan and Sikh. I think that movement is bearing fruit.

7881. Apropos of the relative positions of Ministers and the members of the Executive Council, I understood you to say that there was a possibility that the Government might be by schisms rent asunder in respect to these two classes. I understood you to say that a member of the Executive Council, if he was recalcitrant, or if he did not give satisfaction, could be removed by the Government. Is that so?—Yes, he could be removed by the Crown, I said, as he is at present.

7882. He is appointed by the Crown?—And he is removable, I presume.

7883. Do you ever remember one being removed?—I cannot recall a case of a member of the Executive Council being removed, but if he refused to carry out the policy of the Governor then the only course open would be for the Governor to propose his removal.

7884. I can remember a case of a Governor being removed on that score, but do you ever remember a member of the Executive Council being removed on that score?—No.

7885. If you have answered this when I was away will you kindly tell me, so that I may not waste time? Do you think the adoption of these reforms is likely to lead to wholesale applications for proportionate pensions and a large number of retirements from the Civil Service?—I think if you have a dual Government, the Services will feel they are in a very difficult position. They will have to serve two masters, and, what is more difficult still, they will have to serve two policies. I think all the anxiety, as far as I can make out, having studied the question most thoroughly with various Departments, proceeds from that fact—that they would have to serve two masters and two policies—and that is one of the reasons why so many of the heads of Provincial Governments were strong in opposing a dual system.

7886. Do you think there will be many such retirements on that score?—Judging by the number who came in before I left India, in my own Province I am afraid the number will be very considerable.

7887. Before they have completed their service for full pensions?—Yes. I would not like to say how many came in, but, in fact, the number rather appalled me.

7888. Am I right in supposing that their pecuniary position will not be at all prejudiced by the adoption of this scheme, but rather the other way?—As far as one can make out, their pecuniary position will certainly be no worse, except to this extent, that they may find themselves in a position in which their only course will be to retire on a proportionate pension.

7889. They may, but I understood you to say they have in large numbers?—Up to the time I left the Punjab I had nine such applications.

7890. Out of a service of how many?—Out of a service of 120 within the Province. I think it was nine; I would not vouch for the exact number.

7891. Do you think that the changes that are imminent are likely prejudicially to affect the recruitment for the Indian Civil Service?—I think so, because the same causes that will make men leave the Services, very materially will prevent them from coming into the Service. These things spread very rapidly; and I think I can say that, rightly or wrongly, nine out of ten men now serving in India, whether in the Civil Service or in the Army or other services, who have got sons at school or at the University, have come to the conclusion that it is inadvisable for their sons to enter the Indian Service. I think it is a very unfortunate result, and personally I have tried to allay their anxiety. But there the fact is.

7892. Do you think that new blood, people who will not be led by forbears who had lived under the ancient system in India, the new generation of public school boys and others, are likely to shy at the prospects of India now? They will not be in the same position?—One hopes they will not, but one knows that in these matters school boys or University men are rather like a flock of sheep; the word goes round and the tendency is for everyone to follow one course.

Sir *J. D. Rees*—continued.

Lord *Sydenham.*

7893. I gather that you regard electorates in which there is a true representation of the people of all classes as the real foundation of government?—Yes.

7894. And if that foundation cannot be securely laid, there can be no real responsibility in the limited technical sense. The main responsibility is that of the elected to the electorate?—Yes. My view is that you cannot build up a very stable edifice on an unstable foundation.

7895. The utility of your Eastern stream that you wish to combine with the Western stream will depend really on the electorate being a valid electorate?—Yes.

7896. You have had great experience of elections in India during the last thirty years; can you give an instance of the difficulties which arise in elections in securing the results which they ought to produce?—In the first place, you get a very large number of people in the Punjab who are opposed to election at all. When I took charge of the Punjab I found there were thirty municipalities in which they did not exist. In endeavouring to introduce the elective system we made inquiries and we found that some agreed to it, but a good many said, "Do nothing to force on us an elective system which will arouse all our latent animosities and give rise to new factions, and generally create an undesirable state of affairs." I think we were able, with all the goodwill in the world, to impose an elective syystem in only twelve cases; in the other eighteen cases, owing to feuds or factions, or corruption of the most widespread kind, we had to defer to the local view and refuse to compel them to adopt an elective system.

7897. Therefore it is very probable that at first, at any rate, there would be huge abstentions from elections?—Yes; judging by what takes place at present in municipal elections and in District Board elections, the abstentions will be enormous, in fact people only go to the poll at present in large numbers when there is some personal or sectarian issue involved.

7898. Therefore for some time really an electoral scheme cannot be expected to get into real working order at all?—No; because you have to arouse interest; you have to educate your electorate, and you have to establish your machinery.

7899. You said that 80 per cent. of the rural electorates in the Punjab will be illiterate. There must be a danger, must there not, in a case like that, that those illiterate people will be liable to be swayed by propaganda of all kinds?—Yes; I think their case will be like that which I have quoted from Mill: If they vote at all they will not bestow their suffrages on public grounds, but sell them for money, or vote for some who have control over them, or whom for private reasons they desire to propitiate.

7900. So there may be real dangers that reports circulated at an election may sway the electors into doing what they would not do if they understood the issue?—Yes. While education and enlightenment generally is as low as it is at present, I am afraid there will be that danger.

7901. Then do you think it is really possible to supervise the very large new electorates that you are going to have?—I think in the Punjab, where we have about 240,000 electors, we could barely manage it by closing down all our other administrative work for the week or so that the elections were going on, and devoting all our energies to the conduct of the elections. Even then it would be a very serious difficulty, and we would have an enormous number of petitions and objections to dispose of afterwards. In the other Provinces, which have over a million electors, honestly I do not contemplate how they would propose to cope with the work. We find in the Punjab the polling of, say 15,000 to 20,000 voters, even though they are polled as Hindoos, Mohammedans, and Sikhs separately, is a matter of the greatest difficulty. We have to suspend all public work for a week and put all our officers in charge

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charge of these elections, and even then we do not carry them out very satisfactorily.

7902. You have considered the electorates in the Punjab as proposed by the Southborough Committee. Do you think they give due representation to all the various communities, and especially to the agricultural population?—They do not give representation to the agricultural population in proportion to their numbers, but they accepted the proposal of the Local Government Board, of which I was head at the time, and we gave the urban population increased numbers, largely owing to the fact that the state of education was much higher in urban areas than in rural areas. In relation to the population I think in towns you have only one-tenth of the total elected members; we gave them about one-sixth, in view of their higher level of education and intelligence, and in view of the fact that in the towns you have already a large number of people who are exercising the franchise. We made that concession to the urban population, but it was rather resented, I must admit, by the rural populations, who thought that representation should be in accordance with population.

7903. We have had a memorandum presented to us by Sir Malik Umra Khan saying that the rural class, which contributes 90 per cent. of the revenue, will not have adequate representation, and it is suggested that that class will suffer under the various reforms?—I think under the franchise scheme, although the rural population will not be represented in proportion to its population, still it will have such strong representation that it should be able hereafter, when properly organised, to protect its own interests; but at present, of course, it is unorganised.

7904. Do you see any other way, except by an increase of the communal system, of giving representation to the lower classes in India—except by extending the communal system more than we have it already?—That would be the most effective and desirable way, but it would be also advisable to secure their representation through nomination. In Provinces like the Punjab, where the depressed classes do not bulk so large as they do down country, at present, until there is some sort of organisation evident amongst them, I think it would be better to have them represented by nomination.

7905. In other cases, where they have organisations, do you think nominations from a panel sent in by their own organisations would be a good way of meeting their case and giving them representation?—Prima facie, I should think so, but I do not know enough of local conditions in those cases to give a very definite opinion.

7906. Was there not real danger at one time that all the land in the Punjab and elsewhere would be taken out of the hands of the hereditary cultivators into the hands of moneylenders and town capitalists?—In certain parts of the Punjab the danger was very acute; in the western part of the Punjab, where you had a Mohammedan peasantry and Hindoo moneylenders, the Mohammedan peasantry was particularly ignorant and the moneylenders were not always over scrupulous. The result was that alienation was proceeding at a terrific pace, leading to riots, murders, and serious political discontent. In the rest of the Punjab the situation was not so acute, but even there the alienation was becoming a serious political danger, and it was owing to the realisation of these facts that the Punjab Government of the time determined to take action.

7907. You have told us that that Bill was strongly opposed by some of the Indian politicians. Has not that happened in the case of some other measures intended to benefit the working classes?—I think factory legislation in India has generally been opposed by the urban representatives, the moneyed interests in the Councils. The hours of labour at present in Indian factories, I think, are allowed by Statute to be twelve hours a day, but, even so, I think any reduction of the hours or any improvement in factory conditions meets with a great deal of opposition. I have never myself had to put a Factory Bill through, but that is so far as I know. Another very important matter in India has been the co-operative

Lord *Sydenham*—continued.

movement, especially among the rural classes. That really supplements the Land Alienation Act. The Land Alienation Act restricts credit from the village moneylender; the co-operative credit organisation supplies a man with credit from his own brethren; and the co-operative credit movement, which has been working about ten years, received great opposition from the moneyed interests and generally from the urban interests in the Punjab and from the sections of the administration which are drawn from those classes. We had frequent complaints from our co-operative societies that they were being very hardly treated by our civil judges and others who belonged to classes to which the moneylenders belong.

7908. So that those classes do require safeguards, and you are not surprised that one receives constant telegrams begging that they shall have the benefit of communal representation of their classes?—I do not think we heard much about communal representation until it was known that the Government was going to withdraw from certain branches of the administration. As long as the Government was willing to retain its control over every branch of the administration the desire for communal representation did not show itself, but directly it appeared that the Government were going to withdraw from administration, and that Indian administrators were going to take it up, then all classes, especially minorities, were on the alert to try to protect their own interests, because they felt some suspicion, rightly or wrongly, that they might not receive impartial consideration under the altered conditions.

7909. Is that the main objection to the dual Government—that the two sections of it would derive their authority from different sources and by a different form of control? Is not that the vital objection to it?—Yes, that appears to be so.

7910. And there is nothing better laid down, for instance in instructions or in statute, to get over that difficulty and to bridge over that difference?—No.

7911. It is an organic difference?—Yes.

7912. In those conditions, is not antagonism almost certain to develop?—I am afraid that for a long time to come there will be serious risk of it.

7913. Is it not a serious thing that we should begin the reform with a system which is likely to start in antagonism?—Yes; I think it is very desirable that we should have a calm and peaceful atmosphere to start the new system of administration.

7914. Do you think it is possible that in the Legislative Council one half of the Government can sit aside while the other half is proposing and supporting and arguing for a Bill of which the other half does not approve? Is it a conceivable state of things?—I suppose under this Convention, which it is hoped to establish, one half of the Government must not actively oppose a measure which the other half is bringing forward. It must, as I have said already to-day, content itself with a benevolent neutrality, or an armed neutrality, or a correct neutrality.

7915. Is the neutrality to be on both sides? Is the popular Minister to be silent when the Executive proposes its Bill?—That is the intention.

7916. It is to be reciprocal?—It is to be reciprocal.

7917. Then at certain periods one half of the Government is always to be muzzled in the Legislative Council?—I hope in many cases, even under the dual system, the Ministers and the Executive Councillors would see eye to eye; but cases, important cases, would undoubtedly arise where they differed, and in those cases I should say one of them would be muzzled.

7918. Would you agree to give a two-thirds majority of the elected Councillors the power to reject any Government Bill, unless it was a Bill dealing with public order, under the definition that you have already given?—It is a very large power to give, but in view of the importance of making the experiment, and in view of the check which is provided, not only by the statute which you have quoted, but also the fact that the action of the Legislature will be a test for further advance, it is a risk which I personally am prepared to accept. I admit there is considerable risk in it.

7919. But

Lord *Sydenham*—continued.

7919. But the effect of that would be to bring home at least a real responsibility to the Legislative Council?—Yes.

7920. If the Bill was passed by their majority, then the whole Province would know that theirs was the responsibility. Therefore, is not an arrangement like that really providing more direct and real responsibility than the proposals in the Bill?—The proposals in the Bill as to the Governor's power of veto?

7921. The dual system?—Yes.

7922. The effect of that would be to confer direct responsibility in regard to almost the whole field of Provincial legislation?—Yes.

7923. Therefore, that would be a very liberal proposal, would it not?—Yes. I think our Majority Report goes much further than the Government of India proposal.

7924. You think that it is the dual system which is really alarming the public services?—Yes, I am convinced of it.

7925. That if you sweep away that there is not likely to be any large number of resignations?—I think not. I think the Services will have confidence in any Government provided it is a unified Government, with the Governor at its head, and irrespective of the fact that the Indian element would be very strong in the Government. That question does not arise as long as they are working in association.

7926. If the result of this dual system be to cause the early retirement of large numbers of very experienced civilians and British public officers in the other Services, and to check the recruitment of good men to replace them, would not the effect be very serious to the interests of the masses in India?—Very serious.

7927. Would not a certain lowering of standard throughout India, not only the standard of efficiency, but the standard of morality, be likely to take place?—I think the standard of efficiency would certainly be lowered, because even those who do not resign, who would be willing to serve on, would be discouraged by the fact that they saw so many of their fellows leaving the Service, and also discouraged by the hesitation of men of the same type to enter the Service. They would simply carry on till they had earned their pension, and would not show the same zeal, and perhaps the same ability, as they would in other circumstances. If you find that spirit in the premier Service, the Civil Service, then, of course, it would inevitably spread to the other Services, and in that way would tend to impair and lower the efficiency of them all.

7928. Has there been any marked improvement in the relations between Hindus and Mahommedans since the arrangement that was arrived at at Lucknow?—Of course, an agreement is come to at a particular time, and great fuss is made about it, and it is very impressive; and then something happens which raises a good deal of sectarian feeling and upsets that agreement and leads to difficulty. There have been in the last two years the most serious sectarian upheavals which we have witnessed in India in my time; those are the Bihar riots and the Kartarpur riots of a year ago. In the latter 30 Mohammedans were murdered.

7929. In cases of great outbreaks like that, is not the fanaticism generally stirred up by upper-class people?—That has certainly been found to be the case by the Courts in the Baha disturbance, and also in the Catapore case.

7930. How far do you think the Congress and the Home Rule Leagues are entitled to speak for Hindus and Mohammedans generally?—The word "Congress," of course, has so many acceptations now. I believe there are now not less than four; there are three or four, certainly.

7931. There are only three at the present time?—It is very hard to know. There are at least three divisions of the Moslem League, and it is very hard to know which is representative and which is not. It is very hard to mark down responsibility to any particular one, but in my opinion none of them is entitled to speak for the masses.

Lord *Sydenham*—continued.

7932. Do you think the deputations which have come before us really represent Punjab opinion?—I do not know; I am not in a position to say, but I know of no deputation which has appeared from the Punjab.

Sir *J. D. Rees.*

7933. The Punjab did not give evidence?—I think I may safely say that Punjab opinion has not been represented before this Committee except through one witness.

Lord *Sydenham.*

7934. You have been attacked rather violently for bringing undue pressure to bear upon recruiting. May I take it from you that it was your particular wish that only willing recruits should ever be secured?—Yes; instructions to that effect were issued; in fact, to prevent any risk of compulsion arising, most distinct orders were issued by the Punjab Government in my time that the agency of the police was never to be used in recruiting. The police were rather dissatisfied with that, because all other Services were asked to help in this great rally, and they were specially excluded.

7935. Everything that was possible was done to prevent anything like undue pressure?—In order to secure that there should be no undue pressure used, our recruiting organisation at headquarters was very largely non-official, and in each district the Recruiting Committee was composed mainly of non-officials under the presidency of a Deputy Commissioer, and nearly all the arrangements were left to the local non-official agency, supervised, of course, by official control.

7936. Do you think it is possible that some undue pressure may have been exercised by subordinate officials?—I think where you have such a big propaganda as we had, which succeeded in raising 400,000 men in four years in a single Province, there were cases in which over-zealous or unscrupulous agents did exceed their instructions and acted contrary to the orders of Government; in fact, I know that such cases did occur, because we succeeded in prosecuting many such cases in which people had endeavoured to extort money under pretence of pushing the recruiting, and prosecuting them to conviction.

7937. Has it not been the policy of the Home Rule League in recent years to attribute the ills which afflict India to the British Government, and to assert that they would all be cured by Home Rule?—I think that Home Rule has been generally put forward as a panacea for every evil.

7938. But has not the unfortunate effect of that been to stir up racial antagonism in many places where it did not exist before?—I am afraid so.

7939-40. When rioting broke out in the Punjab was there evidence of organised preparation?—Yes, unmistakable evidence.

7941. Was the attitude of the mobs distinctly anti-Government and anti-British?—Yes, unfortunately, it was.

7942-44. Is not that rather a new feature?—Yes, in the Punjab, quite new.

7945. Do you think that a dual Government would have been able to act with sufficient promptness in a case like that?—Personally, I think if the Governor in a case of that kind had colleagues with whom he shared the responsibility he would hesitate to act without consulting those colleagues; and, speaking from my own experience, I know that on those occasions it sometimes meant a matter of minutes. Questions of life and death depended on coming to a decision within a matter of minutes.

7946. On that particular occasion it was necessary that the most prompt decisions should be taken to avert a great disaster?—Yes, I found myself in that position. I had to decide as speedily as possible, knowing that I had to accept full responsibility for the decision; but if I had to share that responsibility with somebody else, even though one had the emergent powers, the inevitable tendency would be to delay

Lord *Sydenham*—continued.

delay and consult, and I believe in this particular case to which you refer that delay would have meant disaster.

7947. I gather from the whole of your evidence that you are most anxious, as we all are, for liberal changes in the administration of India?—Yes.

7948. But that you consider that the proposals of the five Governors, coupled with these other very great changes which you have specified, do make a very marked advance in the direction of self-government?—Yes.

Lord *Sydenham*—continued.

7949. Do you consider that in the interests of the masses of India it is safe at the present time to weaken the supreme Government when you are making great new experiments in the Provinces?—No; I think it is undesirable to go further than the Government of India has proposed to go, at least pending the report of the first Statutory Commission.

Chairman.] Thank you for your evidence.

(The witness withdrew.)

Mr. J. H. OLDHAM is called in; and Examined, as follows:—

Chairman.

7950. You have submitted to us a very full Memorandum, which I understand you will revise, on behalf of a Committee of the Conference of Missionary Societies in Great Britain and Ireland?—Yes. (*The following statement was submitted by the Witness*):—

1. *Body by whom the statement is submitted.*—This statement is submitted by a Committee appointed by the Conference of Missionary Societies in Great Britain and Ireland to consider the constitutional reforms of India, and in particular their bearing upon the future of Indian education and the educational work of Christian Missions. All the larger British Missionary Societies carrying on work in India other than the Roman Catholics are officially represented in the Conference. There has not been time to submit the statement to the Missionary Societies for their approval. The Committee has, therefore, no formal authority to speak for the Missionary Societies, but it includes officers and members of the Committees of all the larger Missionary Societies. It has had before it memoranda by the Missionary Education Council of South India, submitted by request to the Madras Government and to Lord Southborough's Committee, and a further memorandum prepared after the publication of the Report of Lord Southborough's Committee. The Missionary Education Council of South India is a body representing 30 different Missions in the Madras Presidency. The Committee has also received communications from representative missionary bodies and individual missionaries in other Provinces, and has had personal conference with a number of educational missionaries at present in this country. The Committee is in close touch with the Foreign Missions Conference of North America, in which all the principal Missionary Societies of the United States and Canada are represented, and believes that American missionary opinion is likely in the main to be in accord with British missionary opinion.

2. *Reasons for submitting statement.*—We wish to state clearly at the outset that our purpose in giving evidence before the Joint Select Committee is not to seek any special protection or exceptional treatment for Christian Missions. These missions have had in the past abundant evidence that their efforts to serve India have been appreciated and welcomed by Indians, and they believe that so long as they sincerely seek to promote the true interests of India they may rely with confidence in the future on the good will and friendliness of its people. The reason which prompts the Missionary Societies to give evidence in connection with the Bill at present before Parliament is that they have had in the past, and still have, a substantial share in the education of India, and they consider it to be their duty at this critical time in the history of India to place such experience as they have gained at the disposal of those on whom rests the responsibility of momentous and far-reaching decisions. What we wish to say has to do primarily with the ideals which should control and inspire Indian education and with political method and administrative machinery only in so far as they affect the realisation of these ideals.

3. *Share of Christian Missions in Indian Education.*—The share of Christian Missions in Indian education may be shown in the following figures. The last Quinquennial Review of Education in India shows that 42

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arts colleges with 11,579 pupils, or about one-quarter of the whole, are under missionary management. Christian Missions are carrying on 843 secondary schools with 160,952 pupils, and over 9,000 primary schools with more than 350,000 pupils. The official statistics do not show the exact proportion of this work which is being maintained by the Missionary Societies represented in the Missionary Conferences in Great Britain and North America. The total number of pupils being educated by Roman Catholic Missions in schools of all grades, however, is stated to be approximately 108,000, and it may be assumed that the remainder of those in Christian institutions are being educated by Anglican and Protestant Missions.

4. *Sympathy with Pronouncement of August 20th, 1917.*—We desire to place on record our cordial approval of and sympathy with the principles contained in the pronouncement of August 20th, 1917. In this we believe we have the practically unanimous support of missionary opinion. We are impelled by the fundamental teachings of Christianity to seek for all men the fullest life possible for them. Believing the exercise of political responsibility to be one of the chief means of developing manhood and of strengthening character, we heartily welcome a policy which aims at giving to the people of India increased responsibility for the management of their own affairs.

5. *Importance of Education in relation to proposed Reforms.*—We wish to express as strongly as possible our conviction that in the attempt to carry out the policy announced on August 20th, 1917, the question of education is central and vital. The importance of education in relation to the constitutional reforms is recognised in the report of the Secretary of State and the Viceroy. It appears to us, however, that in the inevitable concentration of attention on the political aspects of the reforms and the administrative questions involved there is a danger of losing sight of the central importance of the subject of education. It is acknowledged on all hands that the success of the reforms depends on the creation of an intelligent and public-spirited electorate. This indispensable foundation of all real progress can, however, only be laid if the establishment of a sound system of national education is recognised to be a primary necessity. The most urgent problem in India seems to us to be a wider diffusion of the advantages of education, and the imbuing of the mind of the rising generation, and in particular of the future leaders of the people, with just and worthy conceptions of life and conduct and true ideals of public life and citizenship. We desire to make clear that the education we have in view is not one shaped in accordance with Western traditions and ideas, but one based on the assured results of modern knowledge and expressing what is best in Indian tradition and culture as well as in the educational ideals of the West. We recognise that there is a high Indian tradition in regard to education, and that there is much in common between the best in Western ideals of education and the traits which Mr. Ramendra Sunder Trivedi, in the memorandum submitted by him to the Calcutta University Commission, selects as characteristic of education in ancient India. (Report, Chapter XXX., paras. 34-8.) The vital importance of sound education to the progress of India has been emphasised by many leaders of Indian thought

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thought and affairs. We desire to give our whole-hearted support to what they have said on the subject, and to urge that no matter connected with the constitutional reforms is of greater importance than to lay sure foundations for a well-considered and properly co-ordinated system of national education.

As the Calcutta University Commission has shown, educational advance is possible only through a largely increased expenditure of funds. We wish to express our strong conviction that if the proposed reforms are to achieve their purpose it is essential that much larger funds should be available for education, and that there should be such reform and reorganisation of education as will ensure that the funds are expended to the best advantage.

6. *The Unity of Education.*—We hold that national education in all its grades is a unity. Believing one of the chief needs of India at the present time to be a properly co-ordinated system of national education, we feel that from the educational standpoint there would be grave disadvantages in the separation of the administration of elementary education from that of the higher grades. This matter was dealt with so fully by Sir Michael Sadler in his evidence that we need only say that, as a Committee, we attach great weight to the considerations which he put forward—the necessity of making proper provision for the transfer of pupils from the primary to the secondary school; the desirability of unifying the education of girls; the need of increased attention to the vernacular in the higher stages; the great importance of educating the village community as a whole, adults as well as children; and the advantage of a single administration for efficient inspection and the best allocation of funds. To these considerations we would add, in view of the acknowledged necessity of giving to Indian education a more practical turn, the desirability of linking as closely as possible practical and especially agricultural training in village schools with the teaching of these subjects in higher institutions.

The Missionary Education Council of South India, however, in the memoranda already referred to, take the view that, important as the unity of education is in principle, it is necessary in present circumstances to take account of political as well as educational considerations. Holding that the policy announced by His Majesty's Government necessitates a beginning being made in the transfer of education as of other functions of government, they believe that if education is to be gradually transferred, the part which can with most advantage be transferred at once is elementary education. They are of opinion that this course is in existing circumstances more for the advantage of Indian education than either the reservation of education as a whole or the immediate transfer of the whole. Moreover, they see certain positive advantages in the adoption of such a course. Indian education is at present top-heavy, and will remain so until elementary education comes to its own. One reason, if not the main reason, why elementary education has failed to obtain its proper place is that the courses have too much affinity with secondary courses: they do not attract the ordinary village pupil, and to the parent they seem of very little value. It seems to the Council, therefore, that an Indian Minister in close touch with the various sections of the people is peculiarly fitted to deal sympathetically and successfully with this situation, and that it would be of advantage if for a period of years he could devote his undivided attention to elementary education.

There are thus in regard to this matter two tendencies in missionary opinion—one attaching such importance to the unity of education as to be unwilling to subordinate it to any other consideration, and the other holding that in the political circumstances the least disadvantageous course is to make a beginning with the immediate transfer of elementary education.

7. *Missionary Attitude towards the Transfer of Education.*—It seems to us axiomatic that the people of India should be free to shape Indian education in accordance with their own ideas and should not have imposed on them an education framed according to Western conceptions. We believe missionary opinion to be in favour of the transfer of education as soon as

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the conditions are created which will provide real and instructed educational opinion in India with an adequate opportunity of shaping educational development. But, while favourable to transfer in principle, almost all our correspondents have expressed grave the urgent need for the complete reform of education under existing conditions will prove the course most likely to result in real educational progress.

8. *Need for Reform.*—It is admitted on all sides that Indian education at the present time is suffering from grave defects. This is so entirely common ground that it is unnecessary for us to enlarge upon it. The most important event in the history of Indian education since the Education Commission of 1882 is the Report of the Calcutta University Commission. The report affirms in the strongest terms the urgent need for the complete reform of education in Bengal. The Commission state that education in Bengal "has reached a stage at which further satisfactory progress is impossible without a complete reorganisation of the existing administrative conditions—there can be no substantial improvement without reconstruction. The existing system cannot be patched up. What is needed is far-reaching reorganisation." (Chapter XXXI., para. 14.)

Educational conditions are doubtless better, and in some instances much better, in other provinces than in Bengal, and there may not be elsewhere the same need for radical reconstruction. But it cannot be doubted that throughout India there is need for fresh advance and new constructive effort, and for some measure of reorganisation, more especially in view of so great a change as transfer to the new popular government.

9. *Board of Secondary and Intermediate Education.*—One of the most important recommendations of the Calcutta University Commission is the establishment of a Board of Secondary and Intermediate Education. In the light of the evidence received by the Commission it is held that a thorough-going reform of secondary and higher education in Bengal is the most urgent and pressing need. (Chapter XXX., para. 18.) A radical reform of existing conditions of secondary education is stated to be necesary not only for university reform but also for national progress in Bengal. (Chapter LII., para. 3.)

In stating the reasons for recommending the appointment of a Board of Secondary and Intermediate Education the Commission point out that in England the most influential of the secondary schools are wealthy foundations which are virtually independent and could resist successfully any action of the Board of Education which threatened their freedom of initiative. In Bengal, on the other hand, there are no Indian educational institutions corresponding to these great endowed schools and therefore able to maintain their independence against mistaken interference on the part of a body of officials. The safeguard of public opinion, therefore, which in English administration is in part secured by the virtual autonomy of the great secondary schools, must be provided for in some other way in the administration of secondary education in Bengal. Again, while in England local educational authorities are very strong and neutralise any tendency towards excessive centralisation of educational control. In Bengal the local educational authorities are weak and have little influence in higher secondary education. It is necessary, therefore, that in the educational administration of Bengal there should be some influence which will serve as a make-weight against the otherwise preponderating influence of a central body of officials. (Chapter XXXI., para. 37). For these reasons the Commission recommend for the control of secondary and intermediate education the creation of a board which, by its constitution, will combine expert judgment with an intimate knowledge of the needs and sentiments of the community which it serves.

There has not been time to obtain from educational missionaries in India any expression of opinion in regard to the recommendations of the Calcutta University Commission, and without much closer examination we are not in a position to support them in detail.

We

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We desire merely to point out that in the event of the transfer of education the establishment in all provinces of such a board as has been proposed for Bengal would be of great advantage in helping to ensure that the direction and shaping of Indian education should, as far as possible, be in the hands of those best qualified by knowledge and experience to develop it on sound educational principles and to adapt it to the real needs of the community.

10. *Education of Women.*—In consideration of the transfer of education the requirements of the education of women deserve special attention. As was pointed out in a Government Order of 1916, the disparity of education between the two sexes constitutes a great danger to the social well-being of Indian communities and must impose a serious obstacle to the well-balanced development of their intellectual and political progress. The recent impulse to women's education has been almost entirely Western and largely missionary in origin. In the Madras Presidency two of the three women's arts colleges are managed by missionaries and one by Government, and of the 39 girls high schools 33 are missionary and six Government. Owing to the backwardness of women's education Indian women qualified for responsible posts in teaching and administration are as yet few in number, but if the present development can be maintained without disturbance there is every hope that in time there will be produced a body of experienced Indian women able both to devise the principles of a truly national system of feminine education and to carry out these principles in the practical details of teaching and administration. Until that time arrives the needs of women's education will require special attention and the advice and assistance of women will be indispensable. We therefore attach great importance to the recommendation of the Calcutta University Commission that in connection with the proposed Board of Secondary and Intermediate Education there should be a special body, consisting very largely of women, acting under and reporting to the Board, to advise in regard to the content, methods and organisation of the education of girls (Chapter XXXVI., para. 5); and to the further suggestion that a special board should be constituted in the University to organise the provision of more advanced education for women and to make proposals regarding the adaptation of the university degree courses to the needs of women. (Chapter XXXVI., para. 17; XXXVII., para. 84.)

11. *Education of Backward Classes.*—Christian missions have given, and are at present giving, special attention to the education of the backward classes. Experience has shown how important it is in present conditions in India to secure that the needs of these classes receive adequate consideration. We are therefore strongly in favour of the recommendation of the Calcutta University Commission, that the proposed Board of Secondary and Intermediate Education should appoint an advisory committee which it could consult on questions affecting the educational welfare of the now backward classes. We also are in agreement with Lord Southborough's Committee on the Division of Functions that if education is transferred it is desirable that a clause should be included in the Governor's instructions that due provision is made for the educational advancement of depressed and backward classes. Lord Southborough's Committee recommend that this should apply to Madras only, but we are of opinion that it should be extended to other provinces also.

12. *Opportunity for Private Effort.*—Throughout the growth of English education in India Christian missions have consistently given their support to the policy laid down in the Dispatch of 1854, and endorsed by the Education Commission of 1882-3, that in the extension to the people of India of the advantages of education the main reliance should be on private effort under State inspection and aided by Government grants. They have done so because they have believed variety of experiment and individual initiative to be essential to sound educational progress. The Calcutta University Commission recognise that it is necessary to take precautions to guard secondary education against State interference with freedom in schools,

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and to seek for some new synthesis between State supervision and private effort. (Chapter IV., para. 41). In their view the crucial problem in Indian, as in English education, is to discover a way of giving public subsidy to education without hampering the freedom of those teachers who are qualified for their work (Chap. XXX., para. 43), and this seems to us also one of the most important of all questions in the reorganisation of Indian education.

We observe that Lord Southborough's Committee on the Division of Functions recommend that in the event of education being made a transferred subject a clause should be included in the Governor's instructions requiring him to take care that no change of educational policy affecting adversely Government assistance afforded to existing institutions maintained or controlled by religious bodies is adopted without due consideration. We have already stated that we do not wish to ask for any special or exceptional treatment of missionary interests. But in the event of transfer some such instruction as is proposed might be desirable for the purpose of securing the continued contribution to Indian education, not of mission schools in particular, but of all institutions which have moral and religious aims according to any one of the faiths now prevalent in India. We believe that, apart from a comparatively small number of educated leaders who have come under Western influences, the one thing which India does not want is secular education, and we attach the greatest importance to the conservation of the policy which has inspired Indian education in the past, and has left room within the national system for institutions giving education definitely based on religion. As a means of ensuring the continuance of this policy, however, we attach less importance to a clause in the Governor's instructions than to the recommendations of the Calcutta University Commission for the establishment of a Board of Secondary and Intermediate Education. Provided that the direction of education is in the hands of a genuinely educational body, we do not believe that institutions giving a sound education will be allowed to suffer.

13.—*Transfer Advisable only on Certain Conditions.*—We have already stated that we are favourable in principle to the transfer of education, but that it is, we believe, the almost unanimous opinion of missionary educators that transfer under existing conditions would not be in the best interests of progress in education, and that if education is to be transferred far-reaching reform and re-organisation is necessary. We do not think that there is a wide gulf between this opinion and the view expressed by Sir Michael Sadler. Sir Michael Sadler, in giving evidence before the Joint Select Committee, stated that his personal judgment inclined decisively to the view that it would be wise to transfer the whole of education on the conditions, first, that the Universities are reorganised; second, that there is a board for secondary and intermediate education; and thirdly, if it were felt that a Minister would gain by such advice, that a board differently constituted might be set up to help him with regard to primary education. He did not deal with the question of how effect might be given to these conditions. The opinion of missionary educators, so far as we have been able to ascertain it, is that if education were transferred without effect being given to the conditions the real educational interests of India would be prejudiced.

14.—*Steps to Create Conditions Necessary for Transfer.*—The question therefore arises whether the necessary reform and reorganisation of Indian education can best be carried out under the existing administration or by the new popular government. It seems to us doubtful whether the early and experimental stages of popular government would provide favourable conditions for giving effect to a large and comprehensive scheme of educational reform. We think that the reform of education in the directions pointed out by the Report of the Calcutta University Commission is more likely to be carried out if the responsibility for giving effect to it rests with that part of the Government which has had the larger administrative experience.

15.—*Responsibility of Central Government for Education in the Event of Transfer.*—In considering

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the proposal to transfer the whole of education we think that careful consideration needs to be given to the effect of such a change upon the relation of the Central Government to educational development. In accordance with the scheme of the present Bill, education, if transferred, will become entirely a provincial matter and pass altogether out of the hands of the Central Government. Education is already, and ought to be, largely a provincial matter, and the Provinces should be free to develop on their own lines. But it does not seem to us in the interests of Indian education that the Central Government should be relieved of all responsibility for the educational progress of India. We urge this not because the Central Government is for the present less subject to popular control, but solely on the ground that it is central and therefore better able to take account of the needs of the country as a whole.

The Calcutta University Commission expressed the opinion that it is impossible for the supreme Government of India to dissociate itself from the work of the Universities, and that, however far the process of devolution to provincial governments may be carried, in the educational sphere there must necessarily remain many functions of the highest importance which the Government of India, and only the Government of India, can perform. These functions include the power of passing Acts or charters constituting universities, or of modifying or revising the Acts or charters of existing universities and the functions of visitation, co-ordination, stimulating and promoting research and assistance in recruitment (Chap. I., paras. 43-5). Apart from the needs of universities it seems doubtful whether, under present conditions, the largest developments in Indian education can be looked for without the assistance of the wider outlook, co-ordinating power and stimulating influence of the central Government. In particular it may be questioned whether the Provinces without the help of the central Government could carry through independently large schemes of educational reform and reorganisation on the scale and in the manner best calculated to further national development. But if the whole of education is made a transferred subject it would seem, according to the fundamental principles of the Bill, that the reform and reorganisation of education will be a matter entirely for the new provincial legislations.

16. *Policy suggested by the Foregoing Considerations.*—The conclusion to which we are led by the considerations we have put forward is that it is right that education should be transferred as speedily as possible to popular control, but that this should be conditional on such reorganisation as will provide the most favourable opportunity for progress under the new conditions. We hope that it is clear from the grounds on which we advocate such a course that we have no desire to restrict the area of responsibility which it is proposed to transfer to Indian lands. We believe that if the policy of the pronouncement of August 20th, 1917, is adopted it is necessary for the success of the reforms that they should be made in a generous and ungrudging spirit, and it is far removed from our purpose to lend support to any attempt to whittle down the proposals of the present Bill. The real meaning of the view we put forward is that the sharp alternative of reservation or transfer is from the educational standpoint a false alternative. It tends to obscure what is in reality the supreme need of Indian education, namely, a constructive effort for advance and reform, in the carrying out of which the best in Indian tradition and ideals can be combined with what Western experience is able to contribute. We think that education should be reserved only if it is intended to take immediate steps to create the conditions which will make early transference possible. What in our view would most further the cause of education would be a movement in which the Government, Indian opinion and such private agencies as missionary institutions might unite to lay the foundations of a sound and co-ordinated system of national education.

If it should be decided to reserve education temporarily with a view to early transfer we suggest that conferences might at once be set up in the different Provinces to consider and prepare schemes of educational reform with a view to legislation, and that to

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co-ordinate the efforts of the different Provinces a similar conference should be appointed by the Government of India. On these conferences the Universities, the Educational Department, and private agencies ought to be adequately represented.

17. *Conditions in the Event of Transfer.*—If it should be decided that it is best to transfer the whole of education immediately, we are of opinion that the recommendation of Lord Southborough's Committee with reference to Bengal, namely, that education should be transferred subject to Indian legislation in regard to the reorganisation of the University and the control and organisation of secondary education, should be applied to other Provinces also.

18. *Elementary Education.*—What we have said in the preceding paragraphs has reference more particularly to University and secondary education. We have already expressed our conviction that the great need of India is a genuinely national system of education, and that education in all its grades needs to be viewed as a whole. We believe that the best chance of securing a wider diffusion of elementary education and of its wise adaptation to the needs of the community, more particularly in rural areas, is that it should be taken in hand as part of a national effort to deal with the whole of education. But, as we have already indicated, a considerable body of missionary opinion holds that elementary education can with advantage be transferred immediately as the first step towards the transfer of the whole of education.

Whatever course may be adopted, we wish to emphasize the immense importance for the progress of India and the success of the constitutional reforms of discovering and applying the right kind of elementary education adapted to the needs of Indian life. This subject is at the present time engaging the close attention of the missionary bodies. They recognise that the kind of education adapted to the actual conditions of village life and best suited to promote the economic, social and moral advancement of the village community has still to be found. With a view to obtaining fresh light on this important problem the missionary societies of Great Britain and America have sent to India a special commission of inquiry, under the chairmanship of the Rev. A. G. Fraser, Principal of Trinity College, Kandy. His colleagues include the Bishop of Domakal; Mr. K. T. Paul, General Secretary of the Indian National Council of Young Men's Christian Associations; Miss Allan, Principal of Homerton College, Cambridge; Professor D. J. Fleming, formerly of the Forman Christian College, Lahore, and now of Union Theological Seminary, New York; and the Rev. J. H. Maclean, of the United Free Church of Scotland Mission in Madras. Three of the members of the commission have proceeded to India via the United States, Japan and the Philippines with a view to studying elementary education, and particularly rural education, in these countries. We hope that the report of this commission, when published, may be of some service to those responsible for the development of primary education in India. In view of the immense importance of elementary education in relation to the new political experiments in India and the progress of the country generally we trust that in the event of its being put under the control of an Indian Minister consideration may be given to the advisability of providing him with the assistance of a board similar to that proposed by the Calcutta Unversity Commission for the direction of secondary education in Bengal. We are of opinion that his hands might be greatly strengthened by the advice of such a board on which both expert knowledge and a knowledge of the needs of the community to be served would be represented.

19. *Religious Toleration.*—We desire to call attention to the bearing of the proposed reforms on the principles of religious toleration and religious impartiality, as set forth in the Royal Proclamation of 1857, on which British rule in India has been based. We are not sure that the terms of the Bill sufficiently provide that legislation affecting freedom of conscience or religion or discriminating against any class of His Majesty's subjects on the ground of their religious beliefs may not be passed without the previous sanction of the Governor-General We desire also to direct attention to the importance of including among the laws "declared by rules under the principal Act to be a law which cannot be repeated or altered by

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by the local Legislature without previous sanction" all laws securing the rights and liberties of Indian Christians, and in particular the Caste Disabilities Removal Act of 1850.

7951. In regard to this question, we will not ask you to repeat here anything which is in your Memorandum. The position is that whatever part of your statement you wish will be finally included in our notes. Therefore, what we would ask you, for the moment, is only to add anything that you may think is necessary, in addition to the statement. What I gather from the statement is that you desire to express or feel sympathy with the reforms, and that you wish specially to impress the importance of education in relation to them. Might I ask whether you would explain in a few words this portion of your statement. You hold that national education in all its grades is a unity; you do not desire the separation of elementary education and that of the higher grades, but on the whole I gather that you are in favour of a transfer of primary education in the first instance. Is that so?—There are, I think, two currents of missionary opinion on the subject. There is one body of opinion which holds with Sir Michael Sadler. Our Committee was very much impressed with the evidence which he gave here as regards the unity of education, and holds that that unity is a matter of very great importance. The Missionary Education Council, which is a strong missionary body in the Madras Presidency, and a number of other missionaries, hold that is is desirable that the transfer of education should be proceeded with by stages, and they take the view that, while holding to the ideal of unity of education, it is desirable to make a beginning by the transfer of elementary education, and that there are certain positive educational advantages in making that transfer. They feel that elementary education has tended to be sacrificed to the requirements of secondary education, and that a temporary concentration of attention by an Indian Minister on elementary education would have certain positive advantages. But there is another body of missionary opinion, which attaches such great importance at the present juncture to conceiving the whole of education in India as a unity and to an attempt to lay the foundations for a genuinely national system properly co-ordinated in all its grades, that they are not in favour of any separation of that kind.

7952. Your general opinion is, is it not, that the subject is a very vast one, and that in any case, on the lines we have had in Great Britain, where there has always been a Board of Education, it is desirable not to put it into the hands of any individual exclusively without the assistance of a Board?—Our general view is that, while we regard it as axiomatic that education in India ought to be directed by Indians in accordance with their own ideas, and therefore, while we are entirely in favour of transfer in principle, we see serious difficulties in transfer under existing conditions. The Calcutta University Commission Report has expressed in the strongest terms that in Bengal there is need for very thorough reconstruction and reorganisation unless the system is to break down altogether. We feel the conditions are not the same in other Provinces, but that everywhere there is need of strong advance, and, if there is to be transfer, of the re-examination of the foundations of the educational system. Our view is not very different from that expressed by Sir Michael Sadler, who said that he was in favour of transfer, subject to three conditions: First, re-organisation of the Universities; secondly, the establishment of a Board of Secondary and Intermediate Education; and, thirdly, a Board for primary education. Our unanimous view is that those conditions ought to be given effect to in the interests of Indian education, and that transfer, without effect being given to those conditions, would not make for real educational progress. There are three points to which we attach exceptional importance in any reform, and which we think need to be safeguarded in the event of transfer. The first is the establishment of this Board of Secondary and Intermediate Education, which the Calcutta University Commission recommended for Bengal. I had an opportunity of consulting Dr. William Miller, who is one of the great names in education in Madras, and I asked him whether, in view of conditions in the Madras Presidency, he felt

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that a similar Board would apply to the conditions in Madras, or whether he knew of any other device which would safeguard the interests that we think ought to be safeguarded. His reply to the first question was yes and to the second no. In the event of transfer he thought there should be such a Board. The reason why the Calcutta University Commission recommended it is that they point out that it is essential that you should have a makeweight against excessive control by a body of officials; and throughout the history of Indian education Christian missions have stood for that. We feel that perhaps one of the most important services which the Missionary Institutions have rendered to Indian education is that they have been probably the most powerful force against an excessive centralisation under the Department. We feel it is essential, if there is to be transfer, that some means should be found by which you could have a body on which there should be represented both expert knowledge and a knowledge of the needs of the community; and we think that the proposal of the Calcutta University Commission creates such a body. Then we feel that the educational interests of certain classes need to be safeguarded, in particular the education of women. Their education has been very largely the work of the missionaries. In the Madras Presidency out of thirty-nine girls' high schools thirty-three are managed by missionaries and six Government. I have not figures for the other provinces but the conditions are, I believe, somewhat similar. Therefore we attach very great importance to the suggestion of the Calcutta University Commission that there should be an advisory body composed mainly of women, both in connection with the proposed Board of Secondary and Intermediate Education and in the Universities. We feel that the question of education of women in India is probably the largest question making for national progress there, and our experience in this country has been that the education of women has been the work of women, and we think it is essential that there should be the co-operation of women in promoting the education of women in India. The other classes whose interests we feel should be safeguarded are the backward classes, to which the missionaries have devoted very special attention. The third point which we regard as essential and as needing to be safeguarded in any scheme of reform in education is that there should be preserved an adequate opportunity for private effort. The educational policy since the dispatch of 1854 has been definitely based on placing main reliance on private effort. We quite recognise that the time has come when there must be some change from that system, and that you can only get an adequate national system if you bring all the resources of the State to bear to secure it. At the same time, in making that change we feel, and the Calcutta University Commission are with us in this, that it is necessary to safeguard schools against excessive interference with freedom, and that there needs to be some new synthesis between State supervision and private effort. We think that is a matter which needs very careful attention.

7953. We quite understand that your main concern is as to the method of progress, but you are entirely in favour of it. You appreciate that the rural districts may suffer, I suppose, if things were too much in the hands of those who represent the towns?—Yes, I think that is one matter that would need to be carefully considered.

7954. The more interesting and immediate progress being that of secondary education, so that primary education may suffer?—We attach very great importance to primary education. We are sending out a very strong Commission to investigate this problem at the present time in India, and we think that if primary education is transferred it is very important that the Indian Minister should be assisted by a board similar to those recommended for secondary and intermediate education.

7955. I notice you put great stress on the necessity of having women teachers. Women's education must be delayed until women teachers have been educated?—Yes.

7956. Will you not have some difficulty also in regard to male teachers if there is a much more general spread of primary education?—Yes, that is one of the great problems. Our difficulty is that the whole ques-

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tion of village education in particular needs thorough, fresh examination; and we have sent out a very strong joint American, British, and Indian Commission to study that problem—not merely the question of the curriculum of village schools, but the question of educating the whole community, raising its economic, social, and moral life.

7957. Apart from the feelings of educated Indians on this subject, of which we have had ample evidence, do you think there is a widespread desire to take advantage of education if the opportunity is offered, or do you think there will be, as there was in this country after the 1870 Act, a difficulty about getting people to send their children to school?—You are speaking of primary education?

7958. Primary education?—That difficulty is very real. We think one of the causes is that the present education is not really adapted to the needs of village life. The parents are probably justified in not wanting their children to be educated, because it is not sufficiently closely related to the real needs of village life. That is a problem which our Commission is endeavouring to investigate. But we think a great extension of education is vital for the success of reforms. Without creating an intelligent and educated electorate reforms have no chance of success.

7959. Do you think your Association would be able to give some valuable help in applying the right kind of elementary education to Indian life?—We have sent out what we think is a very strong educational Commission to investigate that whole problem. They are visiting the United States, Japan, and the Philippines, and are studying the problems of rural education there. They are a body possessing strong qualifications for this work.

7960. I think we thoroughly understand your attitude to the education question. There is one other point which is raised in your Memorandum, and that is with regard to religious toleration. You are a little apprehensive as to the bearing of the proposed reforms on religious toleration and impartiality, on the principles set forth in the Royal Proclamation of 1857. How do you think that is affected by the Bill?—We merely wish to direct attention to the question of whether religious freedom and toleration are sufficiently safeguarded under the provisions of the Bill. We observe that in the list of subjects, which cannot be dealt with without previous sanction from the Indian Government—I think it is in Clause 8 of the Bill—clause (e), which refers to any law affecting religion and religious usages and rites of any particular class of His Majesty's subjects, has been omitted. We do not wish to question that omission; there are probably good reasons for it; but we wish to raise the question as to whether it may not be desirable to insert some provision that would secure that any law affecting freedom of conscience or discriminating in any way between any classes of His Majesty's subjects on the ground of their religious beliefs should require previous sanction.

Lord *Sydenham.*

7960A. I am sure all the missionary bodies are at one in feeling that we must have a great advance in elementary education in India?—Yes.

7961. Everybody who knows what elementary education is in India sees, as you have said, that it wants a great deal of reform?—Yes.

7962. Do you think that you can at this stage entrust education to a Indian Minister, and be certain that he will handle it with absolute impartiality from the religious point of view?—I think that one advantage of entrusting it to an Indian Minister, if he were a man of strong character and had a real belief in education, is that you might get a larger measure of popular support, and that possibly he would be better able to secure the funds that are required; because it is largely a matter of finance. As regards the question of impartiality in religious matters, our main contention, which is that of the Calcutta University Commission, is that in the transfer of education, the control should be, as far as possible, in the hands of a body of educationalists. That, we believe, and the Calcutta University Commission is with us, would be secured by this Board of secondary and intermediate education. That is why we attach such great importance to it. We think it is equally important in the sphere of primary education.

Lord *Sydenham*—continued.

7963. Then I rather understand that you would not transfer anything until certain considerable reforms had been carried out in education?—That is our view with reference to the reforms to which we refer in our statement, but it is conditional on steps being taken at once to give effect to the reforms and to create the conditions which would make early transfer possible. We are not in favour of reservation in the sense of leaving things as they are at present. It seems to us that the principle of diarchy, which we are not disposed to question, presents us with what, from of the standpoint of education in India, is a false alternative; it seems to create an antithesis between British and Indian control of education; whereas it seems to us that in the educational interests of India the really important thing is that the existing Government with its administrative experience, and in particular the Government of India, should co-operate with progressive Indian opinion in laying the foundations of a genuinely national system.

7964. Of course you realise that it may be many years before Bengal gets the proposals of the Sadler Committee carried?—Yes, we do.

7965. It would make Bengal singular in matters of higher education from all the Provinces of India; therefore to bring Indian education an a proper basis those reforms would have to be carried out in every Province, with the expense which is enormous. So that the probability is that it will be very many years before this great change could take place; and you would not until then transfer education?—We are anxious that the transfer should take place as speedily as possible. We think that certain conditions ought first to be fulfilled in the interests of educational progress in India. Our view would be that what is desirable is that immediate steps should be taken to prepare the way for carrying out those reforms. We have ventured on the suggestion that conferences might be set up at once in the different Provinces to prepare proposals leading to reform. But one point to which we desire rather strongly to call attention is this. It is raised by the question which you asked about Bengal. If we understand the principles of the Bill rightly, the transfer of education will necessarily mean provincialisation. As we understand the principles of the Bill, the Central Government will want to keep its hands off transferred subjects. It seems to us, looking at the matter not at all from the point of view that there is a smaller popular element on the Central Government, but solely from the fact that the Central Government is central, that it is rather an important matter for the Indian Government not to abrogate entirely responsibility for the education of the people of India. Trying to view the matter from the standpoint of an Indian Nationalist, I should feel doubtful whether it is desirable to embark on a course the tendency of which is provincialisation of education. I understand in the United States the tendency has been for the Federal Government increasingly to take part in the promotion of education, and it is difficult to see how the Indian Government can, without serious loss to Indian education, divest itself of some measure of responsibility.

7966. That, I think, is the only point on which I incline to differ from you. I cannot see, especially in elementary and secondary education, that the Government of India can really do any good whatever. They are more likely to destroy the responsibility of Provincial Governments and to damp their efforts. All my experience, when the Government of India took a very large part in education, was in that direction. Do you not think that forty millions of people are quite enough for an educational body to handle, without going to the 244 millions?—We recognise that education at the present moment is a mainly Provincial matter. We entirely agree that administratively it ought to be a Provincial matter, but we doubt whether, without some co-ordinating influence and without a certain amount of assistance from the Central Government, there will be educational development in all the Provinces on harmonious lines and on the most effective lines, even in the sphere of primary education. I think we have an analogy in the United States. A body like the Government of India might be better in a position to make some big experiment on a large scale in regard to primary education, or at any rate to stimulate it, than could be done if the

Lord *Sydenham*—continued.

the matter was left entirely to provincial Governments. Still more in the sphere of secondary education is there room for co-ordination; and in the University sphere it is absolutely essential.

7967. In the Universities, I agree. You know that there have been proposals to establish a conscience clause in education?—Yes.

7968. Indian proposals?—Yes.

7969. Which might very seriously affect mission work?—Yes.

7970. I suppose that would be provided against by instructions given to the Governors—against the passing of any conscience clause which might interfere with your work?—We are not anxious to have any special protection for missionary institutions as such. What we regard as the chief safeguard is that provision should be made that education should be in the hands of a genuinely educational body. We think that is the chief protection; but we do feel, with regard to the proposal of Lord Southborough's Committee, as regards instructions to a Governor, that there is an important point which needs to be safeguarded, for the preservation within the national system of particular institutions which have a moral and religious aim, whatever the faith may be which is taught. As far as our knowledge of India goes, we believe there is no desire for secular education. That is a western idea. We think it is important that institutions having moral and religious aims should have their place preserved within the national system of education.

7971. You do not forget the destruction of the mission building at Amritsar the other day. That was a very ominous sign?—I am not familiar with the facts.

Sir *J. D. Rees.*

7971A. Your memorandum does not speak for the Catholic missionaries at all?—No.

7972. Is a similar conference to be held, and will they submit a similar representation?—So far as I am aware, I do not think that is probable; and of course the Roman Catholic missionaries in India are largely foreign, in nationality not British.

7973. Are not the Catholic missionaries larger in number in India than the Protestant?—In South India.

7974. But are they, taking the whole of India?—I think numerically they are; educationally their work is about one-fifth.

7975. You differ from Sir Michael Sadler, and think that education should be made a transfered subject?—

Sir *J. D. Rees*—continued.

Sir Michael Sadler was in favour of the transfer of education, subject to certain conditions. Our view is that there should be transfer when effect is given to those conditions.

7976. You think it may be done, but not now?—We think effect ought to be given to the conditions.

7977. They are rather large conditions?—Yes.

7978. They will take some time?—Yes.

7979. The effect of your representation is that education should not now be made a transferred subject. Am I right?—On the condition that there is no reservation without definite steps towards giving effect to those conditions.

7980. The rest of your paper to a great extent consists of pressing the adoption of the recommendations of the Calcutta University Commission's report?—Yes.

7981. The chief recommendations?—Yes, those referred to in our statement.

7982. You realise that they will cost a very large sum of money; indeed, you refer to that?—Yes, we do.

7983. I take it that the bodies you represent work amongst the poor people; because the Christians are always the poor. Are you prepared to impose upon them considerably increased taxation to bring about these benefits?—We realise that taxation might be facilitated if the matter were transferred to an Indian Minister—that that would help towards taxation; but the particular points of the Calcutta University Commission on which we lay stress are not those relating to finance. We do hold very strongly the view that there ought to be increased financial expenditure in the interests of the success of the present constitutional experiment and the extension of educatio But the particular points on which in our paper we lay stress, relate to the organisation of education and not necessarily to its financing.

7984. Are you prepared to impose taxation upon the Christians in India for the purpose of carrying out the Calcutta University Commission reform scheme which you approve of, and press upon this Committee, or, if not, have you considered where the money is to come from, and who is to be taxed to get it?—That is not a question on which we feel we are competent to express a judgment.

7985. But you want the money?—We regard it as a desirable end, unquestionably.

7986. But you have not gone into that?—No.

Chairman.] Thank you for your evidence.

(*The Witness withdrew.*)

Die Mercurii, 8° *Octobris* 1919.

MEMBERS PRESENT:

Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

SIR JOHN PRESCOTT HEWETT, G.C.S.I., C.I.E., is called in; and Examined, as follows:—

Chairman.

7987. May I ask when you left India?—In September, 1912.

7988. What was the last post you held there?—The last post that I held was the office of Lieutenant-Governor of the United Provinces, and before that I had been in the Council of the Governor-General as member in charge of Commerce and Industry.

7989. And that was at the end of how many years' service in India?—Between thirty-four and thirty-five.

7990. And since you came back you have been a member of the Council of India?—No.

7991. Not at all?—No.

Chairman—continued.

7992. We have had the advantage of having before us your pamphlet and your answers to the questions which we put to you?—Yes.

The questions and answers are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—The Government is responsible for devising a scheme to carry out

Chairman—continued.

out the pledge of August 20th, 1917. That scheme must provide (1) for the increasing association of Indians in every branch of the administration and (2) the gradual development of self governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. The answer to the first question, then, is that I accept the proposition that it is desirable because it is necessary in order to carry out our promises to bring about the progressive realisation of responsible government in India. Responsible government can only mean a system of government under which those who govern are responsible to those whom they govern, i.e., government by responsible ministers responsible to a representative assembly. The announcement of August 20th, 1917, promised substantial steps in the direction of the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India. Progress in this policy was to be achieved by successive stages, and the British Government and the Government of India were to be the judges of the time and measure of each advance. I accept the Preamble as in accordance with the promise made in the pronouncement.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—Undoubtedly there cannot be responsible government in the Provinces without a substantial elected majority in Provincial Legislatures if there is only one Chamber. Therefore when the time comes for the realisation of responsible government a substantial elected majority will be a *sine qua non*. I see no objection to a substantial elected majority at the inception of the scheme for gradually developing responsible government, but the proportions of elected members to the aggregate members of the Legislative Council seem to me to be more accurately described as overwhelming than substantial. The change made by Clause 6 and the First Schedule to the Bill seems to me to be far more sweeping than is demanded either by the circumstances of to-day, or by the condition that you are inaugurating a change to lead gradually and by successive stages to responsible government.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—I do not think that the non-official members of the Provincial Legislatures should have complete power to control the action and policy of the Executive. That power, except that the Legislature can express its dissatisfaction with the Executive by an adverse vote, is not inherent in representative assemblies generally. There is a special reason why it should not be given to the non-official members of the Provincial Legislatures in India at the present time, viz., they have not acquired the sense of responsibility which could justify their being given this power. I support this statement with the following incident. A substantial number of the elected members of the Council in the United Provinces wished in the middle of the war to appoint a Committee with the avowed object of effecting a reduction in the Provincial police force. Had the Council been composed as contemplated in Schedule A, it would have been able to carry a reduction into effect. The result could only have been disastrous. The non-official members of the Legislative Councils have obviously not got any statutory power to control the actions and policy of the Executive or to compel it to follow a particular policy. They have a majority by which, if they combine, they can out-vote the Government, but they cannot exercise the vote in respect of the Budget, and when they pass a resolution against the Government, it, like resolutions of the House of Commons, does not bind the Government to take action. But of recent years the Local Governments have very frequently accepted such resolutions, and agreed to take action on them. And in the matter of legislation, the non-official members of a Provincial Legislative Council have it in their power, if they are unanimous in their opinion, to ensure

Chairman—continued.

that the Government only carries legislation of which they approve. To give an instance. There is an act in force in the Madras Presidency giving Districts Boards the power to levy a cess to guarantee the interest due on capital raised for the construction of light railways within the district. This has been worked with great success in the Tanjore district, and perhaps elsewhere. A combination of the non-official members of the Legislative Council in the Punjab not long ago threw out a Bill to give to District Boards there the power just mentioned as existing in Madras. The Bill was introduced as a Government measure, and was generally regarded as beneficial.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—There are, in my opinion, a number of functions of government in the Provinces for which the Provincial Executive must, at present, remain responsible to the Secretary of State and Parliament.

5. If you accept the propositions stated under questions 1 to 4 do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I do not regard the dual form of government embodied in the Bill as the best way of carrying out the pledge embodied in the declaration of August 20th, 1917. It is difficult to believe that the authors of the declaration had, when it was issued, the idea of a dual government. At all events, the language of the declaration never suggested this idea to many of us who read it often and attentively. I did not myself realise that dual government was regarded as practical until I read the Joint Address to the Governor-General and the Secretary of State, dated 17th December, 1917, and signed by a number of European and Indian gentlemen resident in Bengal. In the address the principle of the scheme was explained in respect of the United Provinces, with the conditions of which none of the signatories were, I believe, familiar. The scheme, as developed in the report of the Governor-General and the Secretary of State, seems to me very complex, and incapable of being worked without constant friction. The demands to add to the transferred subjects may be expected to be so continuous as to render government very difficult. The border line of administration between reserved and transferred subjects will be so close that it must not infrequently be crossed. The Governor will find the position of adviser—with power to control only when the consequences of his acquiescence in proposals of which he may not approve would clearly be serious—very difficult. The position of his English official colleague—who will have no share in a decision on a transferred subject, while he will have to appear before the public as approving it—will be intolerable. If the scheme of provincial finance embodied in the report is adopted, there can hardly fail to be an undignified dispute over each Budget. The report contemplated that the list of transferred subjects would vary in each Province. Apparently this will not be the case at present, the only variation proposed being that forests shall be transferred in Bombay only, and public works, fisheries and excise reserved in Assam only. The relation of Parliament to a subject reserved in one Province and transferred in another would be anomalous. The scheme of the Lieutenant-Governor of the United Provinces, the Punjab, and Burma, and of the Chief Commissioner of the Central Provinces and Assam, dated 15th January, 1919, is, in my judgment, better adapted than the dual form of government to carry out the objects of the declaration of August 20th, 1917. It appears to me to have two special advantages: (1) the members of the Executive will from the first learn the principles of collective government. Having learn the lesson of individual responsibility for their own work under the scheme of dual government, it would be very difficult for them to unlearn it, and to learn that of collective

Chairman—continued.

collective responsibility; (2) it will avoid the unfairness of making men ignorant of practical administration entirely responsible for branches of Government work.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clauses 2, 3, etc.)? and (ii) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—The scheme does, in my opinion, provide possibilities of advance by stages and facilitate the progressive realisation of responsible government. It seems to me to afford means of judgment, both to the electors and the Statutory Committee, to judge of success or failure in results of the control of Legislature and its representatives in the Executive.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—I am not in favour of a dual form of Government.

8. In particular, do you think (i) that Ministers should hold office "during pleasure"—*i.e.*, should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii) that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) that the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4)?—(1) It seems to me that to require that Ministers should hold office at the pleasure of the Governor is to strike at the root of the responsibility of Ministers to electors which the dual government scheme purports to aim at. (2) Clause 3 (3) seems rightly to give the Governor the power to refuse to act on the advice of his Minister. The words, "having regard to His Majesty's instructions," have no doubt been included in accordance with para. 219 of the Report, but I do not like them because it seems impossible and undesirable, were it possible, to prepare instructions to regulate the Governor's discretion in every case that may arise. (3) An Executive Council of one official European and one non-official Indian is probably numerically sufficient for any Province with a dual Government, but it is likely to leave the Governor very weak in the case of discussions about the preparation of the Budget and generally when there is associated deliberation. (4) Yes.

9, 10. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9). 10. In particular, (i) do you think that the legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—My answers to questions 2, 3 and 4 are not an unqualified affirmative. The subject of supply seems to be suitably dealt with in paragraph 7 of the Memorandum of heads of Provinces.

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The plan of Grand Committees contributed in the manner proposed in the joint Report does not seem to ensure the passage of essential legislation. It is difficult to see how the passage of such legislation can be ensured without giving the Governor power to pass vital legislation in the event of obstinate and contumacious hostility on the part of the Legislative Councils. Such an attitude on their part will, it is hoped, be rare, but it would be rash to regard it as impossible. It seems to me that it will be necessary to have a Second Chamber eventually, and that if it is not established now, it never will be established.

11, 12, 13, 14. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to provincial Legislative Councils over provincial governments. 12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)? 13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)? 14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4)? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I am not in favour of Clauses 14-17 of the Bill, as it seems to me to be vitally necessary that the supreme authority of the Government of India should be retained. The device of a double Chamber is designed to retain the ultimate control of the Government of India, and there does not seem to be any justification for elaborating a scheme for transferring control to the legislative assembly and introducing a second Chamber to ensure that the transfer of control shall not be effective. It would be wiser that, while the changes in provincial government, and the increase in control of the Legislative Councils are under experiment, the Government of India, which will have to watch over and encourage the reforms, should not itself be the subject of a constitutional experiment.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I have no objection to state to Clause 21, which is, I assume, designed solely to carry out its avowed object, viz., to give greater elasticity in respect of the size of the Government and the distribution of work.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the provinces on the other, involves any modification of the provisions of sections 2, 33, and 45 of the Government of India Act (Clause 23)?—I do not understand the precise effect of Clause 23, and consequently do not feel able to offer an opinion in reply to this question.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—It will, no doubt, be a good thing to provide for periodical examination, and Clause 28 seems to secure it efficiently, except in respect of the time when it is to be made. The prospect of an inquiry into the working of the system of government, the growth of education, and the development of representative institutions after an interval of only ten years seems to me likely to create an atmosphere of unrest, and to hinder rather than encourage the growth of good administration. The bulk of the people will hardly have digested or understood the present changes before the end of the period comes in sight. Personally, I should like to see fifteen read for ten. A certain proportion of British officials who have served

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served more than ten years in India should be an essential element in such commission, and it seems desirable to ensure this by statute.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—If Grand Committees are to be provided for, the Bill should, it seems to me, provide more exactly for what is contemplated than is done by Clause 9 (3). And—especially if the Council of the Secretary of State is to be abolished—Part IV. of the Bill, relating to the Public Services in India, should be extended so as to regulate by statute the conditions regarding the services which the draft is designed to regulate by rules.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on Home Administration of Indian Affairs?—The general principle suggested by the Franchise Committee, that the qualifications for the vote should be residence and property, seems admirable. I am in favour of removing sex disqualification. I am not convinced that there ought to be more electors in the United Provinces (a much poorer province) than in Bengal; or that the former province should have nearly three times as many as Madras, or that the Punjab, with four-ninths of the United Provinces population, should have (1) more urban electors and (2) only one rural elector to every eleven in the United Provinces. The proposals to give communal representation to Indian Christians, Europeans, and Eurasians, and to give representation to special interests—such as land-holders, and commerce, and industry—seem good; but the distribution of landlords' representatives between Oudh and Agra in the proportion of five to one seems unjustifiable. I am opposed to special representation of the Universities. The depressed classes are, as the Government of India have urged, inadequately represented. The proposals of the Committee regarding the case of the non-Brahmans of Madras leave the matter in an unsatisfactory position. There seems to be good reason for making the rule that a candidate must be resident in the constituency general instead of applying it in three provinces only. The reduction of the representation of Europeans in the Legislative Assembly from nine to seven (from three to two in Bengal and two to one in Bombay) is objectionable. The proposals of the Functions Committee to transfer administration, the public health, education, agriculture, and the development of industries seem to me to be unsuitable.

7993. Would you like to say anything in supplement?—Perhaps I might say that the more consideration I have given to the questions of dual government as compared with the alternative scheme prepared by the Lieutenant-Governors and Chief Commissioners of certain Provinces, the more has it seemed to me that the alternative scheme provides a better chance of being successful than the scheme for the dual Government.

7994. Do you not wish to elaborate that in any way?—It seems to me that the system of a dual Government is open to the objection that it splits people up instead of inducing them to co-operate, and it is contrary to any device that has been successful previously, so far as I know, in the world for a system of government. I think that the Ministers, if they are not to have the same pay and status as the Executive Councillors, will be regarded by the public as in an inferior position, and I think that from their point of view they will have a considerable advantage if all the subjects of Government came partially under their control at once, and gradually entirely under their control. It seems to me also that from the point of view of the Ministers it is rather hard on them to put them at once into these positions where they will have to govern without having had any preliminary experience in the business of Government, and where they will be, I cannot help thinking, to a certain extent dissociated from the other members of the Government; when they find themselves in difficulties they will not always want to go and ask the others to help them, whereas, if they were members of a combined Government, I think they would

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realise that they could obtain assistance from their colleagues very easily, and be very ready to ask for it. I also think that it gets rid of difficulties, which have impressed themselves very much on me owing to the correspondence that I have had with certain members of the Civil Service and other public services in India. The difficulties that will arise from having members of the India services partly under the Executive Government and partly under Ministers are obvious, and I have not seen in any of the papers which I have been able to get any solution of those difficulties. I have had from a number of Indian civilians who have served with me at different times in different Provinces a request that I should do what I could to obtain for them the right to retire from the Civil Service with pensions based upon their service, and on the prospects which they had when they entered the Service, and they base this appeal to me on the ground that they had not entered the Service with the expectation that they would be required to give service in this particular way. All those difficultits would disappear if you had a combined Government.

7995. Is there anything further you would like to say?—The Lieutenant-Governors still adhere to the scheme for Grand Committees. I looked into the figures for two Provinces—the United Provinces and Madras—to try and work out how the Grand Committees would work as regards numbers, and I came to the conclusion that it would be very difficult for the Governor to rely on being able to carry his legislation. You have there 118 members in each Province, and, according as you had 40 or 50 per cent. of the members, you would have to get seven out of nine or nine out of ten of the nominated non-officials to vote for the Government. I think from recent experience that might be very difficult. I do not want to bring up the Rowlatt Bill, but there was considerable difficulty there; I see in the papers that in the question of this Indemnity Bill in the Punjab there is practically a substantial opposition of, it seems to me, almost all the non-official Indian members. That is the class of case in which it seems to me that the Government would have great difficulty in securing the passage of a measure before the Grand Committee. My own preference would be for two Houses in each Province, with one representing territorial interests and the other to a certain extent representing special interests, and having nominated non-official and official members in it. But I would prefer even the alternative of a vote of less than a majority being required to pass an essential Government measure to the Grand Committee—a vote of four-tenths, or something of that kind. I feel as regards the Government of India that while the experiment is progressing in the Provinces—and I think it should progress in every way which is reasonable—I would rather not have any experiment in the Government of India as regards the Legislative Assembly; I would rather not have such a strong majority in the Legislative Assembly against the Government. I do think they will be against the Government. My own idea as regards the Provincial Legislatures was that instead of having 93 elected out of 118, as suggested in Madras and the United Provinces—I take those Provinces because those are the ones I have looked into—you might have the same total—the total of 118—but instead of having ninety-three of them elected I should have thought that to begin with the number of seventy, which would give seventy against forty-eight, would really make a substantial majority. I look upon the majorities proposed as rather overwhelming.

7996. The difference would be nominated non-official members?—Yes, a combination of nominated non-official members and official members.

7997. Is there any other point you would like to mention?—I think there are certain inequalities in the electorates which have been prepared by the Franchise Committee which are rather obvious. In my note I said that I thought there was no reason why the United Provinces should have more voters than Bengal, or why Madras should only have one-third of the number of voters that there are in the United Provinces; but there are some still further rather transparent differences in respect of the urban representation

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sentation. These seem to be rather important, because the Lieutenant-Governor of the United Provinces, among others, has definitely said that political life exists only in the towns. Now in the United Provinces there are 3¼ millions of people resident in towns of 10,000 and upwards, and in the Punjab there are 1¾ millions. The number of the urban voters in the Punjab is 77,000, and the number of urban voters in the United Provinces is to be 64,500. Of those 64,500, 55,000 are resident in the seven large cities of the province. There are nine other cities with a population of over 50,000 inhabitants, which aggregate 580,000 altogether, and their representation, with that of other towns, only comes to 9,500 electors. The Punjab has only eight cities of over 50,000 population, and the United Provinces has 17. Then in Madras there are only 32,000 urban electors, but there are two and one-third million urban inhabitants. The Madras rural electors seem to me to be too few, and though I do not know anything about the actual conditions of rural life in the Punjab, it strikes me that it would be difficult to justify giving the vote to only 160,000 rural electors in the Punjab and to 1,400,000 in the next province, the United Provinces.

7998. You are aware that, broadly speaking, these franchises are those recommended by the Local Governments?—Yes.

7999. Is there any further point to which you particularly wish to draw our attention?—I have expressed my opinion already in the note which I wrote regarding certain subjects which it is proposed to transfer. I have not changed my view as regards them. I have read a certain amount of literature about education. I feel very strongly that if any portion of education is to be transferred you must transfer the whole of it, but I am against the transfer for that reason.

8000. You do not think that it is divisible?—I do not. There are primary classes in secondary schools, and at present, certainly in some parts of India, the state of secondary education is, I fear, very lamentable. Might I read an extract from a letter from a director of public instruction when I was in India? It is now ten years old, but it relates to a case in which I asked him to go and examine the state of the Jubilee High School at Gorakhpur, which was then said to be very overcrowded. This was not a Government High School. It was managed by a District Board: "The number of scholars is 512, while the number admissible under the rule regarding accommodation laid down in the Educational Code is 427. Four classes containing 125 scholars are accommodated in a hall capable of holding 85. The noise was deafening. The teachers could only make themselves heard by outyelling each other. In seven other classrooms the number of scholars was in excess of the number for which there was accommodation. A class of 31 boys was being held on a verandah 5½ feet wide and capable of holding only 12 scholars, and on another verandah, also 5½ feet wide, 63 scholars were being taught. The classes are moved about as the sun moves, and if it rains they have to get wet." He says, "The case is typical of the way in which certain high class schools are being managed by District Boards. Meanwhile the Mission School, quite a good school, is half empty." I was so much impressed by this report that I asked the director to go into the question of trying to make some effective rules to limit the number of pupils to be taken in a particular room, or in a particular class, and eventually a rule was passed that in a high school no teacher should attempt to teach more than 33 pupils at the same time. Because this rule passed by the Director was supported by me, the newspapers representing Indian opinion in the United Provinces condemned me, I think, without exception. In the present state of affairs I feel very strongly that the Government of India ought, as the supreme Government, to retain a general control over all the education in India. I have already expressed my opinion about the proposal to transfer the duty of developing industries, including industrial research and technical education. That proposal was made by the Functions Committee, and goes beyond what was recommended in the Report, and I felt myself that what was recommended in the Report was undesirable. It seems to me that the Central Government cannot divest itself of responsibility for the industrial progress of the country. The really great and typical advance in industry in India has been the Tata Iron and Steel Company. I was member for commerce and industry when the scheme for that was started and carried through. It was carried through by Sir Thomas Holland, the late Mr. Harvey, who was Secretary in the Commerce and Industry Department, and myself. Had a Local Government been charged with the duty it could not have carried it out. To begin with, most of the capital came from the Bombay Presidency; secondly, nobody knew when they began to devise the company from what Province they would have their iron. The Central Provinces was the original one. It would have been quite beyond the powers of the Chief Commissioner of the Central Provinces to have organised what had to be organised. Eventually the iron that was to be worked was taken from a small tributary state in Bengal. The Bengal Government knew nothing about the case. Moreover, in order to encourage this industry, it was necessary to make concessions which no Local Government had the power to make or, it seems to me, ever could have the power to make. Among other things, we had to give sanction to the construction of a railway for 40 miles from the main line to the place where the iron was to be smelted. Next we had to make a promise that we would take from the company, as soon as they were able to roll rails to the proper standard, 20,000 tons of steel rails every year. There were other conditions, but those two were palpably beyond the authority of any Local Government. It seems to me that cases of that sort, if we are going to develop India as we ought to develop India, will be constantly arising. I should like to take this opportunity of saying that I think both the Government of India to a certain extent, and the Secretary of State to a much greater extent, are really responsible for the failure to develop India as much as it ought to have been developed. In 1908 I had a conference which was attended by Europeans and Indians, officials and non-officials, of every class of opinion, and we passed, after the most amicable meetings, a set of resolutions which were absolutely unanimous from start to finish, with the object of inaugurating in the United Provinces a system which would have the effect of developing its somewhat limited resources. It has not got much mineral wealth in it. Now at the top of this scheme was to have been a technological institute. That was a point upon which all leading Indian opinion, and upon which all European merchants whom I consulted were in favour, and upon which I myself was particularly keen. It is just over eleven years since we made that recommendation. The proposal was reduced at home. Subsequently, I believe, the whole character of it was altered. Up to date, I believe I am correct in saying that no technological institute has been either built or sanctioned.

8001. Is there any other point you would like to mention now?—Perhaps members of the Committee may like to ask me some questions.

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8002. We have been told that there are 300 millions of people in India anxiously awaiting the passing of this Bill. Do you think that is rather of the nature of an exaggeration?—From all the correspondence which I have received recently from India I can only regard it as an exaggeration.

8003. In the native states, among their population which is included in the calculation, do you think there is any anxiety with regard to this Bill?—Not so far as my information goes.

8004. Do you think there are a quarter of a million people in India at the present time who really understand what responsible government means?—I should doubt it.

8005. You have large experience of native states, and we have been told that their Government is not nearly so autocratic as our own. Do you think that is correct?—No.

8006. We have also been told that the popular assembly in native states makes laws to a very large extent. Do you know any native state where any popular assembly makes any laws?—No.

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8007. Have you ever found any villagers wishing to be transferred to the rule of a native state?—No.

8008. Are not land assessments and taxation in native states frequently higher than in British India?—I believe they are, but I could not give any facts. What I have always been struck by is the absolute want of any limit as to the matters for which the inhabitants of native states may be required to pay towards the State.

8009. There is an uncertainty in their conditions of taxation?—Yes.

8010. That must, of course, be a very serious matter for many of them. You have spoken at length about industries. Now you would not propose that the smaller class of industry which lies wholly within a Province should be brought under the control of the Government of India?—Most certainly not.

8011. You are referring only to great industries like the Tata Iron and Steel Company, which covers a large area and affects a large number of Provinces?—I was arguing against the Government of India giving up the control of industries altogether.

8012. You would let the Government of India delegate purely Provincial industries to the Provincial Governments?—Most certainly.

8013. We have been told that the Civil Service has had the effect of stunting the development of the people of India. Do you think there is any degree of accuracy in that statement?—It is rather invidious for me to express an opinion at all; but I do not think that we are open to that charge.

8014. Has not progress in the native states generally been attained by following as closely as possible the British models which were set up by the great public services of India?—Yes.

8015. Do you not think it is unsatisfactory and, to some extent, unfortunate that this Committee can examine only English-speaking Indians?—Yes, in view of the fact that they compose so small a proportion of the population.

8016. Are not some of the most capable men, men of business, for example, in India unable to speak English?—Yes.

8017. Do you think anyone can form a just view of Indian opinion from the evidence of a very small class?—No.

8018. Do you think it would be possible to ascertain correctly the aspirations of the French people by examining those who speak English?—No.

8019. And therefore do you not consider that the provision for representation of the lower classes by men of their own class vital if any real democratic advance is to be made in India?—I do.

8020. Failing representations of those classes, who form the vast majority and pay most of the revenue, will not the effect of reform be to set up a very narrow oligarchy?—That is my conviction.

8021. And therefore you would agree that the question of proper representation of the working classes, who provide most of the revenue, is vital to the success of the reforms?—Yes.

8022. Now you have seen the proposals of the Franchise Committee, and you have told us you consider them illogical and inconsistent as regards the provisions made in different provinces. Do you think, therefore, there should be some revision from the point of view of equalising matters in those franchise arrangements?—Yes.

8023. I think you have said that the agricultural and working classes will not, under these arrangements, receive adequate representation?—I think that they will be inadequately represented, because under the scheme there will be only seven representatives of the depressed classes out of nearly eight hundred.

8024. Do you think that in managing these very large electorates it will be very difficult to prevent fraud?—Judging from the experience that I have had, especially in municipal elections, I should say it would.

8025. Do you think, with a view of making representations as direct as possible, that a residential qualification should be insisted upon?—In the case of candidates?

8026. Yes?—Yes.

8027. Now you know, of course, that throughout India at the present time there is really a widespread

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alarm among the non-Brahmins and lower classes as to the working of these franchises. You must have heard of that?—Yes.

8028. Do you see any means of enabling those classes to exert their due political influence except by communal representation?—No.

8029. And having accepted the principle of communal representation, which the Bill does, may we not extend it still further, so as to give more representation to the non-Brahmins and the lower castes generally?—Yes.

8030. Where communal electorates offer difficulties, do you think that nominations could be made from panels suggested by non-Brahmin and lower caste organisations?—I think it could be done, but I regard it as an inferior arrangement.

8031. I would suggest it merely, of course, as a temporary arrangement for the time, but it would lead to the development of organisations among these lower castes, which might be a good thing?—Yes. You probably know better than I do, but I believe there is a very well-arranged organisation for labour in Bombay now.

8032. A fairly good one. It is only the beginnings of what may be a big thing, but if those organisations had the power of submitting names for a panel would not it lead to their more rapid development?—Yes.

8033. Do you think the Bill as it stands is supported by any class whatever in India?—I do not think it is, because I understand that none of the members of the political body, either Extremists or Moderates, do support it in its present form. I do not think anybody else takes any interest in it.

8034. Is it not just to say that it has disappointed the small political class and caused considerable alarm among the much larger classes?—I should say so, yes.

8035. Do you see any real difference between the utterances of the Extremists and the Moderates?—Well, they ask for different things under the Bill, I understand.

8036. Slightly different?—Yes. I do see a certain distinction between them; but I should think they might all be reasonably classed as Nationalists, and all eventually have the same object, I think.

8037. I think Sir Archdale Earle told us that, under the scheme of the dual government, the Indian Civil Service would be more interesting and attractive than it has been hitherto. I understand that is not your view. His words were "more interesting and attractive"?—I am surprised to hear it.

8038. As regards the effect on the Services, it is really the dual government which is the source of the mischief, is it not?—That, I think, is true; and that is one of the reasons for which I think a unitary government would be much better.

8039. Suppose that it does come about that the Indian Civil Service will no longer attract the best type of Englishman to India, and the same thing may occur in the other Public Services, will not that be a very serious matter in the interests of the great masses of the people of India?—From the point of view with which I regard the well-being of the masses of India, it will be.

8040. Would you think, under the dual system, if that is to prevail, that it is wise at the present moment to transfer such very important services as Public Works, Medical and Sanitary questions, and Education to elected Indians controlled only by elective majorities and by the Governor's veto?—If you are going to have transferred subjects, I do not feel any very strong objection to transferring Public Works, except from the point of view which you mention, that there is a large body of European members of the Service. I do feel very strongly about the transfer of Medical Services and Education, both because of the Services and also on the merits.

8041. If the unitary government—as proposed by the five Lieutenant-Governors—were to be adopted, there would then be no objection to putting those subjects under duly qualified Indians?—None.

8042. So that the difficulty of transferring the power to Indians arises, really, out of the proposed dual system?—Yes.

8043. Must not the effect of the dual system—this rift in the little Cabinets of India—create very acute friction, and eventually probably create dualism right through

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through the whole Administration?—I should think it would cause friction. Dualism through the whole Administration? I am not quite sure that I understand that.

8044. I am thinking that a popular Minister must surely wish to have a secretariat of his own in time, and therefore he would probably have his supporters reaching right down to the bottom rung of the ladder of the Administration. That is a possibility, at all events?—Yes; I think it is possible.

8045. You know that the Government of India proposes that, in case of any difficulty with the popular Minister, the British Indian Civil Service officer may retire on a proportional pension: Do you thnk that that is really a fair proposal?—I understood it was only to be permitted in extreme cases.

8046. In cases of disagreement?—Only in extreme cases—very exceptional.

8047. I do not think there is any word about that in it; but do you think it would be fair that a man should have to break his career—and probably never be able to make another in this country—simply because he had a disagreement, in which he might have been right?—No; I think that would be very wrong.

8048. And if the Indian Civil Service and the other Public Services no longer draw to themselves the best types we have, will there be very considerable moral loss throughout the whole Administration?—I think the effect would be that British rule would not be maintained up to the standard on which it has been maintained hitherto.

8049. Do you think that a dual government would be able to act effectively and promptly at a time of crisis in India?—I think that would depend a great deal on the Governor.

8050. Do you think the position of the Governor under a dual system must be a very difficult one?—I think it would be extraordinarily difficult.

8051. And do you see objection to furnishing him with an instrument of instruction?—I do. I should have disliked it immensely myself.

8052. Is it not equivalent really to telling the Governor that he has got to do his duty, which he ought to know?—Yes, and I think it would also have the effect of tying him down so that he could not exercise his real responsibility properly.

8053. Now, supposing that the Governor has frequently to exercise his veto, will not the effect of that be to bring a storm of organised abuse upon him?—I think that is inevitable.

8054. And the effect of that would surely be to lower the authority of all government in India, and, which is almost worse, to increase the racial antagonism?—Yes; I think that has been going on for some time, and it will be much worse.

8055. You have noticed that there has already been opposition shown to any improvement in the status of the Indian Civil Servants?—Yes.

8056. Do you not think, therefore, that their rights ought to be protected in some way?—Certainly; that has been pressed upon me by a number of my friends.

8057. You know, nobody better, that the tranquillity and contentment of a district in India depends on the District Officer more than upon anybody else. Do you think that District Officers will be able to perform their duties as they do now under a dual system of government?—No.

8058. Do you think that the peasantry and working classes generally in the United Provinces will welcome a large transfer of District Officers into Indian hands?—I do not think so.

8059. In the past, have not the main safeguards of the rural population and the working classes generally depended upon an undivided government pre-eminently British?—Yes.

8060. Do you know anything in the history of the customs and traditions of India which makes it likely that responsible government in this narrow technical sense would suit the genius of the Indian people?—No; I do not think there is anything in the history of India which would suggest that.

8061. If we left India to-morrow, having set up this system, would not that system very quickly disappear?—I should expect so.

8062. Does not that, therefore, come to this, that we are trying to force upon the masses a form of

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government which is foreign to their most cherished traditions?—Yes.

8063. You are aware, of course, of many defects in our system of government which we should all like to remedy?—Yes.

8064. Many of which are not touched in this Bill; and you are not in the least opposed to any orderly evolution having the effect of giving much greater influence to real Indian opinion and a much larger employment of capable Indians?—No.

8065. Do you consider that it is just to say that there is no alternative to the scheme of the Joint Report? Do you not consider that the scheme of the Lieutenant-Governors, which gets rid of the major difficulties with which we are faced, is in the nature of an alternative?—Yes.

8066. I think you have said you agree with Lord Curzon that nothing ought to be done at the present time to weaken the authority of the Government of India?—Yes.

8067. What is your opinion as to the period at which the first inquiry should take place into the working of the system?—I would rather have it at fifteen than ten years, because I think that too early an inquiry will lead to everything being upside down in the interval.

8068. Do you not think it would take at least three or four years before this revolution would settle down into working order?—I think it will; and I think it will take a long time for the ordinary elector to really understand what is going on, and what his responsibilities and duties are. I doubt whether at the end of ten years any large proportion of them would have learned that. I think it is possible that in fifteen years a considerably larger proportion might have learned it, but even fifteen years might be too short a time.

8069. If it is made as short as ten years do you not think the result would be to stimulate unrest?—I do, because I think the early portion of those ten years will be passed in people learning their responsibilities and duties.

8070. Might not there be a tendency to make the thing work badly in order that the Inquiry Commission might say: "This will not do; you must go the whole hog"?—I suppose there might be.

8071. Do you know of any Bill which leaves to rules the decision as to seventeen different matters, some of which are of vital importance?—I have always been a strong opponent of the legislation of the Government of India which leaves so much to rules. One of my chief objections was that I had to be concerned in drafting those rules. I think it a most obnoxious principle. I do not know of any Bill which has gone as far as this one.

8072. Is it possible really to judge of the nature and effects of a Bill unless you know exactly what some of those more important rules are to be like?—I find that difficulty myself. I have read the Bill several times, but I do not claim to understand it at all.

8073. May I take it generally that your view is that the Bill as it stands is dangerous to the peace and prosperity of India, and that it does not provide adequate safeguards for the interests of the overwhelming majority of agriculturists and working classes, who provide most of the revenue?—That is my feeling.

Sir *J. D. Rees.*

8074. Arising out of what Lord Sydenham said, am I right in understanding that you hold that it would not be proper to make democratic advances of this description until you can get the evidence of Indians who now cannot communicate it in English?—I understood my answer to mean this, that I thought it was a pity that there was no opportunity for people who cannot speak English to express their opinion upon the scheme, and that until that was given you would not know what the people of India thought about it.

8075. Would you hold the logical conclusion, as I should think it to be, that no such reforms as these, or, indeed, any far-reaching reforms, should be introduced until the people of India, to a very large extent, were English speaking?—Why cannot they be examined?

Sir *J. D. Rees*—continued.

examined? Why cannot you ascertain from them if they only know their own vernacular? Why cannot inquiry be made from them?

8076. Why cannot you get these Indian-speaking witnesses here, do you mean?—Yes.

8077. Do you think that their absence seriously impairs the value of the evidence?—I do.

8078. In regard to the non-Brahmin agitation, you expressed you concurrence with it just now. You thought it was sufficiently established that there is a strong real objection on the part of non-Brahmins and lower castes to these reforms?—It is the case that English is very much more prevalent in the Madras Presidency than anywhere else. They have expressed their opinion in English.

8079. But their opinion to this effect was got by English-speaking people, was it not?—They speak English themselves, do they not?

8080. Would you reject——?—I never said anything about rejecting any evidence. All I said was that certain evidence did not seem to me to come before anybody who has investigated this case.

8081. What you say does not at all imply that there would have to be a very long interval before the real voice of India could express itself. I gathered that impression?—I do not quite understand your question.

8082. Well, I understood your answers to mean that you did not think that the Committee could get at anything like the real voice of India in respect of these reforms?—That is so.

8083. That is so, you think?—Yes.

8084. How long would you wait for that voice?—I cannot tell you; I say they could be asked these questions.

8085. Whom would you ask and how would you get it?—That is not my business.

8086. Is that a practical attitude in the face of a demand for a reform at a time when all the autocratic thrones of Europe have fallen, when Persia has a Parliament, and China is a Republic?—I do not know.

Chairman.] That is rather wide.

Sir *J. D. Rees.*

8087. Lord Sydenham also asked you about the system of government pursued in native states. Would it be practicable to consider the introduction into British India of the system pursued in native states? Would the Government of India be likely to recommend it?—No; I did not understand Lord Sydenham to suggest it.

8088. I thought that was the object of his question?—I do not know what the object of his question was.

8089. Your answers seem to follow his questions?—Naturally. If you are asked a leading question you answer it, I suppose.

8090. As regards the franchise in Madras of which you spoke, are you aware that that followed the recommendation of the Government, and that they expressed themselves unable to deal with a larger number of electors?—Yes, I know that is so, but I say if other Governments can deal with a larger number of electors, I cannot see why the Madras Government cannot. I say the proposals are unequal. That is all.

8091. You stated also that you felt that there was a strong case, the non-Brahmin case. Have you, in your long and distinguished service, come across that feeling in India, that corporate feeling on the part of the lower castes and classes against the Brahmins and the upper classes?—I have not come across it directly in Madras, but as Home Secretary it was frequently reported by the Madras Government, and it was a very serious matter in connection with the reorganisation of the Provincial service some years ago, in which, as I think you will remember, they definitely determined that a certain number of positions in the Provincial service must be reserved for non-Brahmins. It is the only Province in India in which it was done.

8092. Lord Sydenham also asked you about the type of Civil Servant who was likely to be obtained in the future. Am I right in gathering from the Memorandum of yours I have here that you are of opinion that the supply of the class of Civil Servants who go out to India had very seriously fallen off in 1910?—Certainly.

Sir *J. D. Rees*—continued.

8093. By your answer to Lord Curzon?—Yes.

8094. Then the process of deterioration, not only had been begun, but had set in and was well established before these reforms were contemplated?—Certainly.

8095. Do you think that deterioration will be accelerated and increased by the adoption of this scheme?—Violently accelerated, I think.

8096 You realise that the Public Services Commission is provided by the Bill in order to deal with that question, and to do justice to those who at present are in the Service?—Yes.

8097. Do you think they will not be able to cope with the situation?—I should prefer to have the rights of the Services secured by the Bill.

8098. You expressed an opinion, in answer to a question, that there was no support in India for this Bill. May I ask would you not consider that the witnesses who have given evidence here as representatives have evidenced considerable support for the Bill?—I have not read the evidence of the witnesses, but I saw a letter in the paper from Mr. Chintamani the other day, from which I gathered he did not support the Bill

8099. Do you think the Indian Press is no evidence of any support?—I understand that it has been rather criticised by certain branches of the Indian Press, has it not?

8100. You said in answer to Lord Sydenham—at least, if I am wrong please correct me—that you thought the passing of the Bill and the acceptance of these proposals would lead to the establishment of an oligarchy in India. Am I right?—Yes.

8101. I want to ask, on that, whether you do not think that that same oligarchy which you think will be in power if these proposals are passed is not now to a very great extent in power, if it means, as I suppose, the great Indian officials, the heads of the Services, who are the greater part of the instruments by which we govern? Could you throw any light on that?—I thought the oligarchy would be the oligarchy of a political party.

8102. Are not the higher officials now serving us in India practically all members of the political party which presses for reforms? Is not that correct as a general statement?—I do not think it is, as far as my experience is concerned. It may be so in some Provinces.

8103. But you would allow that we must govern India through Indian agents now?—Yes.

8104. The power they exercise now, I believe, is considerable, is it not?—Yes, but in the other case it would be total. The whole power would fall into the hands of the oligarchy. That is my view.

8105. I see you state that British rule can only be interpreted by British agents. Is it not the case that, as a matter of fact, it is interpreted to the extent of 90 per cent. through Indian agents now?—Yes, but there are British authorities over them to correct them if they do not interpret it properly.

8106. That is the meaning of what you said?—Yes.

8107. But it is the case that 90 per cent. of the agents who interpret British rule are Indians, is it not?—Yes, subject to the control of the remaining 10 per cent.

8108. You say British rule cannot be administered through Indianised services. That refers only to the top. They are Indianised now, are they not?—Yes. When I speak of British rule being administered in that way I am referring to those authorities who have the power really to affect the administration. If a subordinate official began to exercise his authority in a way which was contrary to British traditions he would be pulled up, surely, would he not?

8109. Is not British control practically preserved by this reform?—I do not think so

8110. A distinguished Lieutenant-Governor yesterday, I gathered, did. It is in your pamphlet, and I understood you to say, in answer to Lord Sydenham, that these reforms place the Executive Government under the control of the Legislative Councils. Do you maintain that they do?—Certainly I think they do, because, as I explained just now, I doubt if the Grand Committee will give the Government an effective remedy.

8111. Would

Sir *J. D. Rees*—continued.

8111. Would you say that, in face of the powers of re-entry provided for the Government of the Province or for the Government of India, the power of restoring the Budget and the power of restoring the allotment of reserved subjects, and so on?—But you are not going to have the Governor doing this at every turn, are you?

8112. No, I suppose not. But could you say, in the face of the fact that there are these provisions on the part of the Government of India to come in to safeguard the administration of all Indian subjects, and to decide questions arising between two or more Provinces and on the part of the Provincial Governments, to intervene even in the administration of transferred subjects, in defence of reserved subjects, and in defence of the Governor's special responsibilities—could you really maintain in the face of those provisions that the Executive Government is placed under the control of the Legislative Councils?—Yes.

8113. You think that English interests in India have not received sufficient protection or consideration: is that the opinion held in Cawnpore by the Chamber of Commerce?—I have not had any representation or letter from the Chamber of Commerce in Cawnpore, but I have had many letters from people in Calcutta who hold that view.

8114. Am I right in thinking that the Chamber of Commerce of Cawnpore would be the chief commercial body in your Province?—Yes.

8115. You criticise the reforms on the ground that they are asked for only by a small portion of the population: would that be a conclusive objection to your mind?—I put it forward as a criticism.

8116. You would not hold it to be a conclusive objection?—Not absolutely, no.

8117. With regard to the oligarchy that you spoke of, is not an intermediate period of oligarchy almost inevitable in the transfer of any system of Government from autocracy to democracy? Was it not so in this country?—I do not know that it is absolutely necessary.

8118. What I want to ask you is this: do you think that this oligarchy, being Indian, would be unacceptable to and hostile to Indian interests? That is what I am trying to get at?—My opinion is rather that the oligarchy of the educated people in India might be hostile to certain interests of the lower orders.

8119. Hostile to the Indian people?—Hostile to certain interests of the Indian people of the lower orders.

8120. You comment on the fact that the British Government in India has not sufficiently protected or advanced the interests of agriculture?—I do.

8121. Would not that, *primâ facie*, be a reason for giving votes to the agricultural classes, the ryots, the revenue-paying class, in order to enable them to represent their interests and more or less to force the Government to attend to those interests?—I have never raised my voice against giving votes to the rural classes.

8122. I thought you opposed these reforms?—I do not oppose an extension of the electorate.

8123. You do not oppose that portion?—No. You will not find a word I have ever said against it.

8124. Do you believe that it is hopeless to give Western education through Indian teachers?—I do.

8125. Will it be practicable to ensure English teachers?—No, it will not.

8126. Then it is a counsel of perfection?—You know, I daresay, that the Government of India strove to put up a high school in each district as an example. They did it with that object, in order to enable the Indians to take advantage of the system of education in English through English people. I think that it is a very difficult thing for an Indian to teach English unless he has studied the manner in which it is taught by an Englishman.

8127. But it would be very difficult, I apprehend, to provide English teachers, for financial and other reasons?—Yes.

8128. You say that whatever the Government may attempt in order to discourage religious animosities it is not in the least likely that India will for a long time be free from serious breaches of the peace between Hindoos and Mohammedans. You say, "It is not unreasonable to ask how the Government, which must largely consist of Hindoos, could take effective

Sir *J. D. Rees*—continued.

measures in the case of an outbreak due to their co-religionists." Would you on that ground permanently, or for any particular length of time, and, if so, for what length, exclude Hindoos from power or from the preponderating position they would naturally have from their numerical majority, in the government of the country?—I do think that it is a very difficult matter in view of such occurrences as took place at Peru and at Kartapur. I have here a letter which I received a few days ago from the head of a High School at Benares, the European headmaster: "One thing cannot be gainsaid, and that is that at the present moment the racial feeling is more bitter than it has been, certainly within the last twenty-five years, and probably since the Mutiny." I point out that it is a difficulty which has to be overcome. I do not say that it necessarily involves the permanent exclusion. I should like to mention what Sir Alfred Lyall, who, I think, was the most distinguished member of our Service, thought of this. He said: "The Hindoos and Mohammedans form two classes divided on almost every question, as well as those connected with religion; collisions at times of religious observances help to make those more marked, but do not necessarily indicate an increase in the spirit of religious animosity." He adds that at certain times special precautions have to be taken in northern India. In the time of Lord MacDonnell there was a great contest in northern India because of a dispute between Hindoos and Mohammedans as to the script in which petitions should be presented in court. Lord MacDonnell rightly introduced the right of presenting them in the Nagri character. The Mohammedans resented that very much. When Mr. Gokhale was trying to effect a reconciliation between the Hindoos and Mohammedans in the United Provinces shortly afterwards Nawab Mehdi Ali, who had previously been employed in the Hyderabad State, and was then Secretary to the Aligar College, got up and said that so long as the Hindoos tried to prevent the Mohammedans from using their own character—Urdu—it would be impossible for any reconciliation to take place between the two races. When the census was taken in 1910 the Census Commissioner in the United Provinces reported that the Mohammedans had endeavoured to raise this very question upon the character in which the different inhabitants recorded their names. He said: "There are distinct signs that people are trying to use the census for political agitation." The Hindoos were trying to make people record their names in Hindi, and the Mohammedans were trying to make them record them in Urdu. In northern India I think that the line of cleavage between them is still very distinct.

8129. You do not think it would justify a permanent exclusion of Hindoos?—I do not say anything about permanent. I cannot tell what the future will produce. But at the present time I do not see that there is any immediate prospect of racial feeling dying down to the extent which would make it right to place the Hindoos in command of the Mohammedans. I should like to mention that the most serious trouble I ever had in the United Provinces, between a Municipal Chairman and a District Officer, was in a case where one was a Hindoo and the other a Mohammedan.

8130. You refer to the injustice in regard to Madras in its contributions: you do not mention how you would correct that. I am speaking of their contributions to the Imperial Government?—I am not a financial expert, and I could not do that. I think that some system of taxation ought to be devised to make the different Provinces equally assessed, so far as their contributions to the Government of India are concerned; but I do not quite know how it could be done.

8131. What I intended to ask was this: Do you hold that, until that admitted inequality or injustice is corrected, any reform such as this would have to be postponed?—I did not say that; but I do think it will be very difficult, after these reforms have been carried out, for Provinces like Madras and the United Provinces to get equal treatment with Bombay and Bengal, which contain the cleverer and more compact political body.

8132. True; but they have not got justice now, under the existing system?—No; but there will be still less chance then.

Sir *J. D. Rees*—continued.

8133. You say in this pamphlet that Parliament has interfered owing to the desire of the Government to delegate members who possess a certain following, but no special acquaintance, with Indian problems. Are you aware that it is the opinion, as regards this Parliament, that there are fewer members interested in India than in any other part of the Empire?—I did not say anything about the numbers.

8134. You say: "The elected members of the representative Legislative Councils will be, and must be, men belonging to the educated minority of Brahmins and lawyers, who do not represent the masses," and you say they have done their best in the past to block measures for their welfare. You do not make that as a general statement?—No; but certain cases of it have occurred.

8135. You say the ruling chiefs are not supporters of this scheme?—I do not say that.

8136. "If the Maharajah of Patiala interprets the feelings of the ruling Princes, they will not be found to be enthusiastic"?—I expressed a feeble opinion that I thought they would not be found to be enthusiastic—that is all.

Sir *Henry Craik.*

8137. When you say that you think that the result of these changes may very likely be to establish an Oligarchy, you use the word "Oligarchy" in the universal sense that it is used of establishing an authority which will be subject to no constitutional restraint?—Yes.

8138. You do not think that the word "Oligarchy," in ordinary usage—nor as you use it—would be at all applicable to the fact that a small number of officials responsible to the British Government and the British Parliament may happen to exercise authority?—No.

8139. You referred to these deeply-rooted dissensions between the castes and other elements in Indian society. Although your experience has taught you that these exist, you do not assert that they are to be for all time a reason for denying reform? You only say that they place upon us the duty of protecting India against them?—Yes.

8140. And that in all reforms we have that supreme responsibility to look to, that we must not allow the peace of India to be broken as it was in previous days before our authority was established?—That, I understand, is the chief aim.

8141. The existence of these wide divisions would not stop reform, but would make it our duty and our responsibility to be cautious in the reform; that is all you say?—Yes.

8142. I have read all that you have published and spoken. You do not oppose yourself to a general advance of responsible government—to the spirit of the Declaration of August, 1917?—Certainly not. I consider that pledge was made by Parliament, and that everyone is bound to assist in carrying it out.

8143. I quite understood so. But you think that great caution is necessary, and you also think, as the Montagu-Chelmsford Report established and as the pronouncement of August, 1917, laid down, that the judge of the advance must be the British Parliament of the time?—Yes.

8144. Now you think that this advance might be realised in your opinion more successfully by the proposals of the Majority Report rather than by the scheme of dualism?—That is my opinion.

8145. You think that the effect of the wide line of demarcation drawn between transferred and reserved subjects might rather be to draw a wall between the popular or Indian side of an administration and the official side?—Yes. from my point of view I regard it as likely perhaps to hamper the advance.

8146. That is what I understand to be your position, and you think that a better means of advance would be a general association, so far as it is found expedient or possible, of Indians in the whole Government, and that that might avoid the invidious sense of separation and distinction between the two functions of government?—Yes.

8147. You say on page 7 of your note, agreeing with the general tendency of the Report, that at present you do not see any possibility of extending this general scheme of reform from the Provincial Government to the Central Government of India?—That is so.

Sir *Henry Craik*—continued.

8148. In that you agree with the general tendency of the Report, but you think in regard to the Central Government of India it might be quite possible to carry out your plan of increasing, at every possible opportunity, the Indian share in that Central Government, and introducing more of the spirit of sympathy with the Indian people into that Government, if you were free from this dual system?—I should have no objection to increasing the Indian influence.

8149. And you think that might go on?—Certainly.

8150. And that in the course of a few years that might really modify the whole spirit of the Indian administration, perhaps more successfully than a dual system. It would be in that hope, at all events, that you would propose it?—It seems to me to give a more promising prospect of carrying out what is generally regarded as desirable.

8151. I want to ask you on one special subject now on which I wish to gain more information. It is with regard to education. You wrote a striking letter, and I think you supported it with other evidence, on the flagrant defects of some of the schools. These were under the management of the local body?—They were not under an education department—under the District Board.

8152. They were under local bodies?—Yes.

8153. How do you propose to enforce upon these local bodies any rules laid down by the Central Department?—When they receive grants from the Government you can, of course, enforce it, but when they do not you cannot do it.

8154. But cannot that system of grant earning be made universal?—A lot of people would not take grants from the Government, probably. Some of the institutions would not take them.

8155. But are they not then subject to inspection or subject to any authority?—There are a number of colleges in Calcutta that do not receive any grants from Government.

8156. I was speaking more of schools?—The schools in Bengal, I think, are recognised by the University.

8157. Not by the Government?—No.

8158. And inspected by the University?—They are inspected by the Government, but I do not know now the extent to which a school, receiving no grant, would be required in Bengal to be inspected by the Government official.

8159. Of course you understand that at home here we recognise a very large measure of local autonomy in the management of schools, and general control only through the system of grants by the Central Department?—Yes.

8160. The Central Department does not attempt, and does not wish, to interfere with the management of schools, and has nothing to do with that management. All it says is: "Before you can earn the grant you must conform to certain conditions." Now is not that combined local autonomy with a general supervision a better machinery?—It would perhaps furnish a reason for keeping education under the control of the Supreme Government.

8161. With local bodies to manage each school?—Yes.

8162. Perfectly independent in their management, so long as they complied with the rules of the Department?—Yes.

8163. In the case which you put forward of the totally inefficient and insanitary and unwholesome school, you had no means, I presume, of bringing home at once to these local managers their wrong-doing?—Oh, yes. It was in consequence partly of what occurred in the school that the order was passed limiting the number of pupils to be taught in a class in a secondary school to 33.

8164. Did they obey that rule?—Yes, but they objected to it.

8165. Would it not be possible to give a great deal of freedom to local bodies so long as they accepted general and absolutely necessary rules?—Yes.

8166. And would not that develop a great deal of independence in education?—Yes.

Chairman.] Does this really help us much, Sir Henry?

Sir

Sir *Henry Craik.*] I want to find out how far you might develop this independent educational administration by the development of local authorities subject to general rule.

Chairman.] But our only question is whether education is going to be transferred or reserved.

Sir *Henry Craik.*

8167. As bearing on that, I think the enormous importance of the question, far more than transferring or reserving the general subject, is to see how you are to develop free independent management in localities. (*To the Witness.*) You think that there might be a good deal of development if this independent power was fostered on the part of a locality?—I am sorry I cannot speak as to the exact extent to which it is now. I have not been in India for seven years. I think it is a thing which has always been aimed at. My only point was that in view of the attitude which is sometimes taken up as regards education it was desirable that the general control and formation of principles should rest with the Supreme Government.

8168. You would not divide education? You would not have a certain part a transferred subject?—My own feeling is strongly against breaking it up.

8169. But you think that if you had not this system between transferred and reserved subjects, it is quite possible that, with the general advance and increase of Indian administration, you might find that it was possible to entrust education to an Indian agent?—I am strongly in favour of doing everything we can to increase the amount to be so entrusted.

8170. You think that might come up under the scheme of gradual development of Indian administration—that it might be possible to entrust education to it?—Yes. My feeling is at the present moment that education should not be transferred.

8171. But if you abolish the distinction between transferred and reserved and just advance as far as you can?—I think you could give a great deal more to Indian influence in that case than I should like to see given by transferring the whole subject.

Lord *Brodrick* (Viscount *Midleton*).

8172. In your Memorandum you advise the dropping practically of sections 14 to 17 of the Bill, but you leave the position of the Government of India exactly as it is?—I should have no objection to adding to the Indian members of the Council, and increasing the size of the Legislative Council, but I think that there should not be too large an elected majority.

8173. The members of the Executive Council are to sit in a Council of State, and they may be nominated, I suppose, to the Legislative Assembly also?—They have to sit in both, I think.

8174. Do you think it is possible that the same men should sit in the two Chambers?—I think there are objections to that, but I do not think it is impossible.

8175. Do you think there would be any objection, either in the case of Delhi or in the provinces, in members of the Executive Council having the power of addressing the Assembly without being members of it? That has been the case in some Continental Assemblies. What I mean is to make the Government case before the Assembly comes to a decision?—I understand that proposal was made as regards the Secretaries to Governments.

8176. You think it is an important thing that the case should be made as authoritatively as possible before the Assembly commits itself?—Yes, certainly.

8177. Would it not be an advantage that Ministers or responsible persons should have an opportunity of making the case without being involved in the whole turmoil of discussions and divisions and all the paraphernalia of Parliamentary action?—I should think that would be a great advantage if it could be arranged.

8178. You have had a long experience of Calcutta, as well as the United Provinces?—Yes.

8179. Having regard to section 23, your answer on that was that you did not understand the precise effect of Clause 23, As I understand the Clause it enables rules to be made, and if necessary withdrawn and fresh rules made, which would very largely affect the power of the Secretary of State or his position in regard to the Government of India. Do you think

Lord *Brodrick* (Viscount *Midleton*)—continued.

that provision desirable?—I had not got the principal Act with me when I wrote that. Does it mean that the Secretary of State would have more powers to regulate the despatch of business than he has now? I do not understand the Section. I have not seen the principal Act.

8180. I cannot interpret it probably so well as you can?—I do not understand the object of it.

8181. It seems to me that under Clause 23 the Secretary of State in Council may restrict the exercise of any of the powers vested in the Secretary of State by the principal Act, and I would ask you, with your experience, whether anything which tends to throw doubt on the powers which the Secretary of State may or may not exercise is desirable?—I see. If this Clause is meant to limit the powers that exist under the general Act I should think that there might be some objection to it.

8182. If it was held in India that the interference or the interposition of the Secretary of State might be avoided by a continual agitation for fresh rules restricting it, would it not be very likely that agitation would arise?—I should think so.

8183. Therefore, for the avoidance of friction, would you like the duties of the Secretary of State and his relative position to the Governor to be laid down as clearly as possible before starting?—Yes. To be perfectly frank I do not understand the object of this section.

8184. In your Memorandum you say: "The position of the English official who will have no share in a decision on a transferred subject, while he will have to appear before the public as approving it, will be intolerable." Have you considered the possibility of deliberations in the Executive Council being rather consultative on matters in which the Ministers are concerned? If it became consultative would not it be possible to allow the Ministers full responsibility for what they chose to introduce?—Yes; but I understand that the member of the Executive Council is required to justify the position in public.

8185. Is it possible to secure that on all occasions both sides of the Government, if you have duality, should be in entire concurrence?—I imagine not.

8186. It is better frankly to admit that although after consultation a certain course is taken, those who take it are responsible for it?—Certainly.

8187. With regard to Civil Servants, you are very apprehensive of the effect of the passage of the Bill on the Indian Civil Service. Can you suggest any safeguards, whether by placing the establishment under the Governor or otherwise, which would obviate the dangers you are afraid of?—I think the dangers would be eliminated to a great extent if the Civil Service were under the Executive Government, although they did work for Ministers. They must work for the Ministers as well as for the Executive Government, and I understand the District Officer, for instance, will be working for both sides of the Government.

8188. Is there any precedent which you know of for the Supreme authority? I do not know what the case is in Egypt—are there cases in Egypt in which British officials are subject to the Minister, but their engagement and their services are controlled by a higher authority?—That, I think, is the case in Egypt.

8189. In any case, you think that some security of that kind is necessary unless the Indian Civil Service is to be very much broken up?—Yes. I have heard considerable criticism of the Egyptian Civil Service in regard to recent events in Egypt.

Mr. *Montagu.*

8190. You define in the Memorandum which I have been reading this morning what you mean by responsible government. You say: "Responsible government can only mean a system of government under which those who govern are responsible to those whom they govern—i.e., government by responsible Ministers responsible to a representative assembly." You use that as a definition of the words "responsible government" in the pronouncement of the 20th August?—Yes.

8191. Do you agree with the pronouncement of the 20th August? I know you accept it, but do you agree with it?—Must I answer that question?

8192. Well

Mr. *Montagu*—continued.

8192. Well, it is rather important?—I wanted to conceal my disagreement.

8193. Then I will not try to expose it. But, if you remember in answering Lord Sydenham, Lord Sydenham put to you this question. I am quoting from memory: "Are we not, in giving India responsible government, giving to her something which is foreign to her nature, and probably not the most convenient form of government for her," and you answered "Yes"?—Do you mean to say that that is inconsistent with what I have written in my notes?

8194. No, not at all. The only point is if there was any purpose in that question and answer it rather tended to tear some of the veil off that concealment, did it not?—I do not know what the purpose of the question was.

8195. Now, in that spirit, you agree with Lord Sydenham in objecting, not only to the contents of the Bill, but to the form of the Bill. You said that you were unaware, in your experience of legislative achievements, of any other Bill which left seventeen matters to rules?—Yes.

8196. And you said that you disliked rules for many reasons. In your Memorandum, in answer to Question 18, you suggest that the Bill should define more exactly what Grand Committees are, and should define more exactly what the conditions of public service in India are to be. Taking Lord Sydenham's estimate—I have not verified it—if there are seventeen matters left to the rules you would be quite satisfied with the form of the enactment if there were only fifteen?—No. I thought these were more important.

8197. There are other matters which you would like taken away from rules and put in the statute?—I should personally prefer that.

8198. Could you tell me any others?—I should like all the constitutional portion to be laid down in the statute.

8199. So that they could not be altered except by a new statute?—Yes.

8200. You think that that rigidity is desirable in an Act of this kind?—The Bill does, in one of its Clauses, admit a certain amount of elasticity—in regard to the number, for instance, of the Legislative Council that are to be elected. Could not the clause dealing with other portions of the constitutional questions be also elastic?

8201. The differences between rules and the statute itself is that whenever you want to alter a statute you have to have a new statute; whenever you want to alter a rule it can be altered by resolutions of both Houses of Parliament?—I see the advantage from that point of view.

8202. One is easier than the other. You would prefer the more rigid form if it can be done?—Not with the object of preventing further advance, but because I like to see it, as a constitutional question, embodied in the law.

Lord *Brodrick* (Viscount *Midleton*).] I do not want to interrupt the Secretary of State, but it is not a question of a resolution being carried by both Houses of Parliament, but these rules continue unless either House of Parliament passes a resolution.

Mr. *Montagu*.

8203. Yes, subject to resolution. (To the *Witness*.) That is all I have to ask you on that subject. Now I come to Clause 23?—That is the Clause I do not understand.

8204. That is the Clause you were talking to Lord Midleton about. When a Secretary of State considers how far and in what matters he shall interfere or assert his authority over the Government of India, as it present constituted, each Secretary of State in Council is free to choose those subjects for himself. He can, by a despatch, leave to the Government of India a certain decision, or he can demand that all decisions on certain subjects should be sent home. If that clause passes he will be able to lay rules before Parliament recommending to Parliament what he and his Council desire shall be the practice, until it is altered by another set of rules equally laid before Parliament. It is intended to leave it less to the individual action of a particular Secretary of State in Council, and put the matter in definite rules before Parliament. Which

Mr. *Montagu*—continued.

would you think from your experience is the better practice?—Under the explanation which you have given I should prefer that, because I think it would standardise the relations between the Government of India and the Secretary of State.

8205. In answer to Lord Sydenham you expressed the view that the main cause of the unattractiveness of the future to members of your Service was the duality in the Government?—Yes; I meant that they would come under Ministers.

8206. That is to my mind a very important distinction?—I understood that was the meaning of Lord Sydenham's question.

8207. If you ever get that form of responsible government which you say in your answer to Question 1 is contemplated by the announcement of the 20th August, all the Civil Servants would be under Ministers, and therefore it is not the duality, but it is the responsible government that is going to make the Civil Service unattractive. Is that so?—Yes. That is why I am so strong about responsible government being brought in gradually.

8208. But whenever it comes, in your opinion it will make the Civil Service less attractive?—I think that is generally allowed by everybody who writes to me from the Civil Service.

8209. In the pamphlet that you wrote you describe a conversation with me, in which you told me that you would recommend anybody who asked your advice about going to India not to go there, unless he went in the British Army?—Yes.

8210. I remember that quite well, because it impressed me very much at the time. You have given that advice several times, I presume?—No.

8211. You have never been asked?—No, I do not recall a case in which anybody has ever asked me. I decided in the case of my own son.

8212. You felt that the Indian Civil Service no longer, in 1910, offered employment to an Indian Civil Servant that would have made it attractive to you when you were a young man?—That is not exactly it. I foresaw that the future of the Civil Service would be such that I should not like it.

8213. You explained fully in your letter of February 9th the reason. You told Lord Curzon that the Service was in your opinion deteriorating, and you said, "Young Englishmen with the qualities required in India will not go out to an Indian career and exile if they cannot expect to exercise power and authority." That was the test in your mind in 1910?—Yes.

8214. I am very interested in your alternative schemes. Would you mind telling the Committee which of the schemes with which your name has been associated you would really prefer for carrying out this?—Which schemes do you mean?

8215. Well, you told us this morning that you preferred the scheme of the majority of the Local Governments to the scheme of the Bill?—Yes.

8216. There was a scheme published by the Indo-British Association, of which I think you are an officer, some time last year, and this has been revised recently on the lines of the Local Governments' scheme. Which would you prefer of the three?—I do not think I was in England when that was issued. I prefer the Local Governments' scheme.

8217. Coming to the Local Governments' scheme for the moment, which was put forward at Delhi by Sir Michael O'Dwyer, who was here yesterday, Sir Harcourt Butler had forwarded to the Government of India a scheme of his own which had transferred and reserved subjects in it, and which is published in the Blue Book. There is one sentence in that that I want you very much to let me draw your attention to, because I think it is very important. They suggest a unitary form of government such as you have advocated. It is on page 218, paragraph 5: "In the first place, it is contended that at some later date we shall be committed to a precipitate plunge from total irresponsibility to complete responsibility. This argument rests on the assumption that the gradual establishment of responsible government, as announced in the Declaration of the 20th August, postulates the grant in successive steps of responsible government of the Parliamentary type; and certainly, if the assumption be granted, the logical cogency of the argument

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argument cannot be denied." I am not reading the whole of it, but I do not think I am misstating it. "The alternatives are to apply the process as proposed in the Report gradually and to one part of the Government after another; or to retain an irremovable Executive until conditions are ripe for the grant of full Parliamentary government; and of these alternatives the latter on the assumption above noted, is clearly open to the criticism urged in the Report. But we are unable to see why the announcement of the 20th August should be given the restricted interpretation placed on it in the Report." In other words, this Committee was, I take it, acting on a totally different definition of the pronouncement of the 20th August to that which you have accepted in Question 1; and Sir Harcourt Butler's Committee says, as I read that paragraph, that if the Committee had been acting on your assumption they would have preferred the scheme of the Report?—I am not sure that that is not right.

8218. You see my purpose?—Yes.

8219. I am analysing some of the signatories to this scheme which you prefer. Now I come to Sir Benjamin Robertson, and he expressed his opinion on page 84?—What you have been reading on page 218 is not the Lieutenant-Governor's statement—it is the statement of a Committee which he appointed.

8220. Quite so; but if you will look at his letter he says he accepts the finding of his Committee. Now Sir Benjamin Robertson accepts the scheme which you prefer, but he says this: "I am unable to concur in the line of further development outlined in paragraph 10 (d). I should prefer to await the experience gained during the initial period and to leave it open to adopt the dualistic plan of the Joint Report." Therefore, so far as Sir Benjamin Robertson is concerned, it is fair to say that he sees in the scheme which you prefer merely another step before, quite possibly at some delayed time, you have to take the plunge to this awful system of duality?—I am unable to say what was in Sir Benjamin Robertson's mind, but it reads like that.

8221. Now I come to the point I am particularly anxious to get your opinion upon. Do you believe that if Parliament were to accept the scheme which you say you would prefer, we should have a fair chance, if we are to carry out the pronouncement of the 20th August, to escape altogether the necessity, at any time, of embarking on duality?—I think so.

8222. One question about your scheme. You would like two Houses?—I am theoretically in favour of two Houses, yes.

8223. And you would like one to be communally elected and the other territorially elected?—One territorially elected, and one to represent special interests, and also nominations.

8224. Would you have an elected majority in both Houses?—I do not think you could have an elected majority in the Upper House.

8225. You think you would have a nominated majority in the Upper House?—Yes.

8226. Would you have an official majority in the Upper House?—You want to get a majority to ensure Government legislation, I think.

8227. And that could only be done, in your opinion, with an official majority?—There would only be any certainty of it with an official majority.

8228. You said that if you could not have two Houses in a Province you would prefer the Bombay scheme of allowing the Government to pass its legislation if it got a percentage of votes?—Yes.

8229. Would you have that percentage, a percentage of official votes in the Provincial Legislative Council?—I do not think one could do that.

8230. You would have some of them nominated?—I suppose you must have.

8231. Is there any greater certainty than of passing legislation by that means than by the Grand Committee which has been suggested?—I think there possibly is more likelihood of it, because the Grand Committee cuts the thing so fine.

8232. The Grand Committee, as you said, makes it necessary to be supported by nine out of ten of the non-official members?—I see what you mean.

8233. But you are able to nominate any members that you wish. Would your percentage proposal not cut it as fine as that?—I suppose it would; but I was proceeding on the supposition that the percentage proposal would be based upon a rather differently constituted Legislative Council.

8234. Looking back over your experience in the United Provinces, was there any occasion upon which you think that you ought to have been able to secure legislation of a kind in which you could not get this small amount of non-official support?—No; I was singularly fortunate. I had very little legislation to undertake.

8235. Are not the matters on which you cannot get any non-official support much more largely Government of India questions than Provincial questions?—They might be very largely Provincial questions connected with the Land Revenue Administration, the Rent Laws Revenue.

8236. With regard to the development of industries. I was very much interested in what you said on that very important topic. Are there any cases in your knowledge in which, if a Local Government had been left free, it would have done more for the development of industries than if it had been trammelled by a higher authority?—The Madras Government did a certain amount, as I daresay you know, for the development of industries; it developed the aluminium industry, and also advanced the development of the chrome-leather industry. In the United Provinces I had some experiments made in connection with oil-pressing; but we were all told to abandon them by a late Secretary of State.

8237. Would not all the difficulties that you have suggested be got over if Local Governments in charge of the development of industries took joint action among themselves?—I do not think so. Take the case that I instanced. Local Governments could not arrange to build railways, nor could they arrange to purchase steel rails; nor, if you had a wagon factory established in India, could they arrange to purchase the wagons.

8238. But they might arrange the conditions on which the wagon factory was to be run, and be the instrument by which they got from the Government of India the right to contract to purchase wagons?—The wagons would be required by the Government of India, and therefore it seems to me to be reasonable that the Government of India should be the dominating partner in establishing the industry.

8239. Do you approve of the steps which it is suggested in the Joint Report should be taken for associating Indians with the whole Government—I mean reserved and transferred subjects together—by Under-Secretaries and Standing Committees?—I see no objection to that. I think it might be good.

Lord *Sinha.*

8240. May I take it that you are in general, if not absolute agreement, with Lord Sydenham's expressed views on the question of Indian reforms?—What views do you mean?

8241. Lord Sydenham's views on the question of the Indian constitutional reforms now proposed. Am I right in suggesting that you are in general, if not absolute agreement, with those views?—I think in general agreement; yes.

8242. When you said that we ought to have had evidence from some of the masses before this Committee, did you refer to the class of ryots?—Yes, I should like representatives of ryots, among others.

8243. That is, the vast uneducated masses of the Indian population?—Yes. They have certain representatives.

8244. Is it not the fact that you yourself hold that these masses have no political opinions, and do not care to have any?—They have lots of opinions about their own welfare, I think.

8245. But political opinions?—I am now speaking of their welfare; I do not know about their political opinions. I think they have none. But they associate themselves for the protection of their own interests.

8246. You quote—I take it with approval—in this pamphlet of yours which has been referred to, both from the Report and from Sir Valentine Chirol: "The great dumb masses whose horizon has been limited through centuries will be limited for generations to come to the fields they till and to the jungles in which they

Lord *Sinha*—continued.

they move and have their being." You quote that with approval, do you not?—That they should continue to do that?

8247. I mean you approve of that statement with regard to their mental attitude?—Yes.

8248. Do you think it is any use hearing these people with regard to the questions now before us, or any of them?—I think there are a large number of people who might have been heard before you come down to that stratum.

8249. I understood you to say in answer to Lord Sydenham that you had no objection to the exercise of a much larger influence than at present possessed by Indians, and a much larger employment than at present exists of Indians in the service of the Government—that is, in the higher services?—I forget whether Lord Sydenham asked me about employment, but I am in favour of their having more employment than they have now.

8250. In the higher services?—Yes.

8251. And also to the increase of the influence of Indians on Government?—Certainly.

8252. I am only repeating what you said to Lord Sydenham in order to found a question upon it. This larger employment must necessarily be of the educated classes?—Yes.

8253. And this larger influence, which you are willing to concede, must necessarily be of the educated classes?—Yes.

8254. And the fact that they have been agitating, as you describe it, against the British Government would not be a bar to that?—Not if they were associated with British administrators.

8255. It is the educated classes, you say, who have agitated against our Government? The extension of influence and the larger employment of the educated classes you would advocate or concede, notwithstanding the fact of their agitation—whatever that may mean—against the Government?—Certainly, because, as I have already said, I am pledged, like everybody else, to the pronouncement of the 20th August.

8256. But if I understand your evidence correctly, you would not be prepared to give them control in any matter of government?—Separate control, do you mean?

8257. Any control. You would give them influence, you would give them employment, but you would not give them control in the matter of government—that is, of administration?—My intention is not that at all. I say if you accept the scheme of the Lieutenant-Governors they will get control, and eventually they will get the whole control.

8258. Is not the scheme of the Lieutenant-Governors based on the fact that there will be increase of influence rather than of immediate control?—I do not think so, and, at all events, it ultimately aims at the Government being practically entirely Indian.

8259. That may be the ultimate aim, but at present will it mean any control of individual Indians or of Legislative Councils under that scheme?—Certainly.

8260. Am I right in saying that from the evidence suggested, in fact stated, the three principal points of weakness in India now are the failure to develop industries, the failure to initiate a proper system of education, and the existence of racial bitterness between Hindoos and Mahommedans? Am I right in suggesting that you characterise those as the three chief weaknesses in India at the present time?—I did not state them as such.

8261. But am I right in saying that that is your opinion? You have mentioned, though perhaps not in the words in which I have put them, all three?—I will say I think they are three of the greatest.

8262. Now, taking the first, the failure to develop industries or want of industrial development, am I right in understanding you to have said that that is due principally to the Government of India and the Secretary of State?—I did not say that in general it was due to the Government of India. I instanced a case in which the Government of India had interfered, or, rather, had failed to support effectively the schemes which I had myself started.

8263. But was not the trend of your evidence to blame the Government of India for not taking proper initiative for the development of Indian industries?—

Lord *Sinha*—continued.

I was Commerce and Industry Member and I certainly do blame the Government of India because they would not give me enough money.

8264. Take education: practically there is no technical education; as your Technological Institute failed, so have others which others have advocated in other Provinces?—Yes.

8265. There has been therefore no advancement practically in technical education?—I think if you will look at the files of the India Office you will find that the scheme for the advancement of technical education in the United Provinces, which is the only one with which I am familiar, was defeated by the Secretary of State.

8266. I know. I may tell you that I looked into that, and I admire the pluck with which you advocated it, and regret the Secretary of State's decision more than I can tell you. But I am only pointing out to you the fact that there is no system of technical or technological instruction now in any of the Provinces of India, properly speaking?—I do not think that is the fault of the Civil Service.

8267. I am not suggesting that?—But somebody did just now.

8268. There is practically no system of organised scientific education now?—Is that so? I am not quite sure about that. There is some post-graduate teaching.

8269. That is only very recently, and it is apart from Government institutions; it is the Universities which have started that?—With the encouragement of the Government.

8270. Probably with some assistance?—I think there is some post-graduate teaching at Allahabad University.

8271. Yes, but mostly with the assistance of the University itself?—That I do not know.

8272. I have no doubt the Government also makes grants; but that is very recent?—Yes.

8273. The advancement of scientific education dates practically only a few years back. Now take the question of racial antagonism. That has existed, notwithstanding the effort of the Government, for considerably over one hundred years?—Yes.

8274. Having regard to all these defects and deficiencies which have existed notwithstanding the present system of government, do you not think, the people might be given a trial whether they can remedy these things or not?—I start with a difficulty as regards the last point of a Government which consists of one of the parties which are at racial enmity, and I start with the idea that it is rather difficult for them to settle a matter which an independent authority has failed to settle. As regards technical education, the people themselves might fail, just as well as the unfortunate officials who tried to introduce it failed.

8275. I understood you to say that there is no difference between Extremists and Moderates, because they are all Nationalists?—No, I did not say that. I said I would like to call them all Nationalists.

8276. And you would not blame any of them, whether they are called Moderates or Extremists, for that?—I did not attempt to do so.

8277. As regards the letter of Mr. Chintamani, which was referred to, do you consider that because he suggests certain amendments which he considers improvements in the Bill therefore he is an opponent of the Bill?—No. I forget the exact terms of his letter, because I was away and did not keep a copy of it, but my impression after reading the letter was that he was not particularly enthusiastic about the Bill. I may be wrong.

8278. You are unaware that many of the witnesses before this Committee said they would accept the Bill as it is if Parliament does not choose to amend or alter it in the directions which they want?—I was not aware of that.

8279. With regard to the deterioration of the Indian Civil Service, may I take it that that deterioration, which set in before 1910, had nothing to do with the question of constitutional reforms?—No, it certainly had not, but I think it had something to do with the prospects which people saw of their future life in India.

8280. That is to say, that the present bureaucratic system of government could not endure for ever—they forecast

Lord *Sinha*—continued.

forecast that the present bureaucratic or autocratic system of government could not exist for ever?—No, it was not exactly that, but the amenities of life were getting less, and one thing and another becoming less pleasant.

Lord *Islington.*

8281. You have been asked to answer a good many questions on the form of government which is to take place under the reform scheme, and you have expressed very strong dissent to what is called the dual system. I understand that you dislike the dual system, because you interpret it to mean that there are to be set up in each of the Provinces of India practically two distinct Governments side by side?—Yes.

8282. I suppose you have read the subsequent remarks of the Government of India with regard to the original scheme?—Yes.

8283. It somewhat emphasises that proposal in the direction of a separate purse, and in the direction of practically constituting each Minister of a subject a Chancellor of the Exchequer for himself?—Yes.

8284. I may take it that you have a strong aversion to that portion of the scheme as well?—Yes.

8285. Then you fall back upon the scheme of the Local Governments; do you feel that that scheme will really accurately interpret the pronouncement?—I think so.

8286. Of giving real responsibility?—The pronouncement, as I read it, does not say that you will give responsible government at once, but that you will gradually do so. This scheme, I think, does give power and authority to Indian members of the Government, and will eventually enable the whole Government to become Indian, and therefore become responsible.

8287. Would you say from your knowledge of India that if the whole of educated India regarded the Provincial Governors' scheme as an inadequate interpretation of the pronouncement it would be better to have something more in advance of that scheme if you are to have a smooth run of Government in years to come in India?—You ask me if the whole of the educated community regard it as inadequate?

8288. Yes?—I think otherwise you would have constant agitation, which would make government more difficult.

8289. I will put it in this way. Do you think that there is any hope of a satisfactory system of government in India in the immediate years to come if a scheme is established there which does not meet with the general acceptance of the educated classes in India?—No, I think it will be very difficult; it will make Government very difficult.

8290. It will be a very difficult situation in India?—Yes.

8291. Have you ever thought, beyond this scheme of the local Governments, whether something still might not be devised as between that scheme and the scheme known as the dual scheme?—Something which would go further than the local Governments', but would not be dual?

8292. Something which would go much further in the direction of unity in one direction, but something, on the other hand, which would produce, in the eyes of educated India, a more satisfactory interpretation of the pronouncement of responsible government?—No, I have not thought of that.

8293. You have never thought of that?—No.

8294. Would you admit this, that there are certain subjects or services, if you like, which might be given a much more responsible form of government in India than others?—I am not sure that I understand.

8295. I will put it in this way: Would you say that you might give to some of the subjects that come under administration, such as agriculture or public works, more authority to the Legislative Council in the early days than you would to subjects which relate to the peace and order of the country?—You mean that if you had this unitary Government that it should pay more attention to the views of the Legislative Council on such questions as those than with regard to others?

Lord *Islington*—continued.

8296. Yes, but I would go further and have machinery by which the decisions might be given more definite effect to in accordance with the views of the Assembly than those which relate more to questions of law and order?—If you have a unitary Government and a Legislative Council with a substantial majority I should imagine that the unitary Government will, year by year, pay more attention to the Legislative Council's recommendations, and that effect would come about.

8297. What would you suggest should be the composition of your unitary government—how many members?—I suppose it would have very much the same composition as the dual government. You will have the Governor and an official, a European, and I do not see that you want more than two Indians to be taken from the elected members of the Legislative Council. That would make four.

8298. You would approve of a scheme by which you had two Indians appointed by the Governor from the Legislative Council, and one European Councillor and the Governor?—Yes. The Governor of Bombay suggested five.

8299. With regard to the question that came up for discussions in Council as distinguished from the Departmental questions, would those be decided by vote?—Yes, discussions in Council will always be decided by a vote.

8300. Therefore if the Indian element were in favour of a particular question which did not meet the favour of the official member, the European, the decision would have to be made by the Governor in his casting vote?—Yes, as sometimes it has be done in the Government of India.

8301. He would override the Indian Ministers?—Yes.

8302. Assuming that you had in this so-called dual government—I dislike the word just as much as you do; I prefer to call it a government which has gradations of authority, of subjects—assuming that you had laid down definitely that all subjects, whether they be those that come under the reserved category or whether they be those which come under the transferred category, have to go through the full deliberate discussions of a united government before any decision was come to, would you feel that the vices of the dual system would be to some extent mitigated?—I presume that the great majority of the business would be conducted in the way in which it is in the Government of India; the Departmental member, whether he was the Indian from the Legislative Council, or the official European, would dispose of the ordinary cases in his Department.

8303. I am talking of those which must come under collective discussion, Cabinet questions as we should call them in this country. Would you see an improvement in the scheme as embodied in the Bill if it were laid down definitely that all these questions, whether they come under one category or the other, must undergo full discussion by the combined Government?—I think so; I think that is an advantage.

8304. Would there be a very great deal of difference between what you are advocating and the dual system? Because I understand that under your scheme, the scheme which you advocate, it will ultimately be left to the decision of the Governor as to whether a subject shall one way or another. Is not that so?—Yes, certainly.

8305. The provisions of the Bill as they stand now give the Governor a final decision in transferred subjects?—In the case of all the subjects, whether reserved or transferred, the Indian members would then have an equal power of expressing their opinion and voting with everybody else.

8306. Do you see any deep vice in having a combined Cabinet which for all subjects has a combined deliberation and discussion, but every decision is marked off in regard to subjects?—Yes, I do think the one is much preferable to the other.

8307. It is a kind of broad idea I have been putting before you. Would you say if that was brought into the scheme it would to some extent mitigate the evils of the dual system?—If it were brought into the dual system?

8308. Well,

Lord *Islington*—continued.

8308. Well, if it was interpreted in the light which I am rather inadequately trying to put forward?—It would rather cease to be a system of transferred and reserved subjects, would it not?

8309. Not necessarily in regard to voting, any more than I understand your unity system would be, because you would be prepared, I understand, to leave the Governor to exercise his discretion in regard to certain subjects being accepted in the direction that the Indian portion of the Government desire?—Certainly.

8310. You are anxious to see that?—Yes.

8311. You really dislike this dual system, because you have interpreted it to mean two quite separate Cabinets—Ministers sitting with the Governor in one, and the Executive Council sitting in the other. Am I right in that?—Not altogether.

8312. Sitting and voting?—Yes, to a certain extent that is correct.

8313. That is how you have interpreted it?—Yes.

8314. If they were merged as I have suggested would that remove some of the evils?—If they were merged, would not it cease to be a dual government?

8315. We are not tied to the word "duality"; it does not matter whether you call it dual, or what you call it. The point is to get at a scheme which is a workable scheme which will work with harmony, and which will at the same time respond accurately to the pronouncement of the 20th August. What I am asking you is whether, with collective deliberation and separation of decision, you think that would be a preferable scheme to the one as you have interpreted it in the Bill?—Yes, but I should prefer a unitary government.

8316. You would prefer unitary government?—Yes.

8317. But I was asking you whether you would prefer this idea to the one in the Bill?—Well, I think I would, but I am not quite sure that I understand it.

8318. That is probably my fault; it is rather a difficult thing to explain?—No, it is probably my fault.

8319. I wanted to get at certain views of yours on the point. Now, as regards the Government of India, have you read Lord Crewe's Report?—No, I have not a copy of it.

8320. Are you in favour of the statutory powers of the Secretary of State's Council being retained?—Well, I think the powers of the Secretary of State's Council have been so very much reduced in practice in recent years that I do not attach very great importance to the maintenance of the Secretary of State's Council.

8321. Would you like to see the powers of the Council made more effective by statute?—I should.

8322. Would you like to see the financial powers of the Council made effective by statute?—Yes. I am speaking without having seen this Report. I only saw it in the paper.

8323. Would you be in favour of a proportion of one-third of Indians within the Council?—I see no objection to that.

8324. Take a Council of nine, would you be in favour of three Indians?—Yes, I raise no objection.

8325. As regards the Viceroy's Executive Council, would you favour having three Indians on that Council?—I would rather begin with two, as proposed.

8326. Would you prefer two?—You have one now, and propose to put in one more at once.

Major *Ormsby-Gore.*

8327. You spoke about a case where the Secretary of State had, in your opinion, stopped useful industrial development in India. Do you think that is due to the present constitutional arrangement with regard to Indian revenues belonging to the Secretary of State and everything having to come to Whitehall? Would it, in your opinion, be much better if India were practically cut off from the control of the Secretary of State in matters of finance?—In that particular instance it would have been, I think. I think I should have got my case then.

8328. Would you say so generally?—I would not like to say it generally.

8329. With regard to the question of fiscal autonomy, we have a good deal of evidence on that. Are you in favour of tariff autonomy for India, that is to say, allowing India to set up a tariff if the Government of India and the Legislative Assembly of India consider it necessary to protect infant industries in India?—Yes. I understand that such a tariff, if established, would have to receive the sanction of some authority in this country. So that it would not be inconsistent with arrangements of other portions of the Empire. I should be in favour of that.

8330. That is to say, you would not be in favour of giving the same fiscal autonomy to India as is now enjoyed by the self-governing Dominions?—Not at the present time.

8331. That is the goal to which you wish to work?—There is a case now, I think, before the Legislative Council in India for the imposition of an export duty on hides, with a rebate. I think 15 per cent. is the export duty, and a rebate of 10 per cent. when the hides go to a portion of the British Empire. A very prominent member of the Legislative Council denounced the rebate, and therefore I think there is a danger at the present moment. Ten years ago, one of the ablest of the extreme politicians, B. Bepud Chandra Pal, a man still in the front line, stated what would be done if India could become politically independent. (*Here enter the quotation.*) Not longer ago, Mr. C. R. Day described the British merchants of Calcutta as "the petty traders who come here to rob us of our money."

8332. Assuming Imperial Preference was granted by India to the other portions of the British Empire, you would be in favour of some considerable measure of tariff autonomy being given to India in order to develop her industrial resources—a modification of Free Trade which Parliament puts upon India?—Yes. I had myself on one occasion to make a small speech in my Legislative Council denouncing a proposal made by certain Indian members of it to impose an import duty on sugar. With that proposal I was heartily in sympathy, but I had to make a speech denouncing it.

8333. On this all-important question of industrial development, do you not think that until greater fiscal autonomy is obtained it will be impossible to get both Indian and foreign capital invested in Indian industries when they see the country being flooded with Japanese and American goods?—I am absolutely in favour of protecting nascent industries.

8334. Do you think the Bill in its present form does not go far enough in the direction of freeing India?—I think it does not, certainly. Lord Minto was strongly in favour of protecting nascent industries, and when I was Commercial Member of his Council I was equally in favour of it.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

THE RIGHT HON. EDWIN MONTAGU IN THE CHAIR.

COMMISSIONER FREDERICK ST. GEORGE DE LAUTOUR BOOTH-TUCKER called in; and Examined, as follows:—

Mr. *Montagu.*

8335. Commissioner Booth-Tucker, Lord Selborne asked me to express his regret that he is unable to be in the chair this afternoon, and he has asked me to preside. I believe you were a member of the Indian Civil Service?—Yes.

8336. For how many years?—For five years.

8337. And since then you have been in the Salvation Army?—Yes.

8338. And at the present you are the head of the Salvation Army in India?—Yes.

8339. For how long?—Off and on, for the last thirty-eight years.

8340. Would you like to make any statement to the Committee?—I would like to say I have been interested in India all my life. I was born in India. My father was in the Civil Service, and my grandfather was a member of the old East India Company, a chairman, so that I have had India in my blood and my bones ever since—in fact, old General Booth used to say that when India was mentioned Tucker came out of his kennel and barked! The few years I spent in the Civil Service were very useful to me, the training I got was useful, and my knowledge of Indian affairs from the Governmental side was useful, because I got to know about the difficulties of governing a country like India from the Governmental side. Then afterwards

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wards, when I went out in the Salvation Army, I got to know the other side. When I went to India as a Salvationist I adopted the Indian dress. I was not satisfied—I was too far off; there was a certain gap between me when I was a Government official and the people of India which I wanted to bridge, and I felt that I must adopt an Indian name and wear Indian clothes. I was told I should never get any other Europeans to do it, but we have now got nearly three hundred European missionaries in India, nearly all of whom wear the Indian dress and all of whom have, as soon as they land, to take an Indian name. They are also required to serve under Indian officers, and amongst our officers there is no distinction between the Indian and the Britisher. I felt myself that India needed the Britisher, but needed him as a companion and brother-in-arms of the Indian, and I have always tried, so far as my influence went, to make the two one and to get them to forget any racial difference by the absolute unity between the two. Our work is chiefly not amongst the upper classes in India, but amongst those who need us most, the depressed classes and the criminal tribes, but I travel up and down the country. Of course, I learned one side while I was in the Civil Service, but I have learned quite another side since. Travelling up and down the country now, I hold Salvation Army Congresses and Conferences at which we have audiences of from 3,000 to 15,000 wherever we go. I always have a megaphone to address the crowds, and I have a megaphone for my translator. It is impossible to talk all the languages, although I know several of them. Speaking on behalf of these depressed classes and the criminal tribes, I think that in the Britisher they have a warm and constant friend, and that he has earned the title which he receives in India, "Gharib parwar, man bap"; the protector of the poor and mother and father. Of course, I am not one of those who think that there is nothing to be improved in him. I think, for instance, if I had to go back to be trained now for the Civil Service I should want practice as a public speaker. As a public servant I was practically dumb, unaccustomed to debate or public speech, and unable to meet critics on their own ground; the Indian is a born talker, and I think that the British official in India might be greatly improved if his system of training was altered; if (1) he was trained in public speaking—which at present he does not know, except a little he picks up here and there—and (2) if he was trained in the commerce, industry and agriculture which afterwards he has got to direct. The Salvation Army does a great deal in helping the criminal tribes and depressed classes with industry and agriculture, and we have found it rather difficult sometimes to do all we would like to do, because of the ignorance of commercial, industrial and agricultural matters on the part of those who comprise the Government of the country. But the Britisher's honesty and straightforwardness are of incalculable value, in my opinion, to India, and I would like to see the Britisher improve in three respects: (1) as I was saying, in public speaking, (2) in his commercial, industrial and agricultural training, and (3) in his absolute unanimity with the people. Let him make the people feel that he loves them. I believe you can do anything with Indians if you make them feel—not by the lips, but by your actions—that you love them. I have gone in and out among all classes of Indians, and I am glad to have an opportunity of saying that a more beautiful set of people I have not met in the world, with whom I would rather associate in any sense or put myself under them as well as over them. Take our own criminal tribes and depressed classes, although they may not know how to read and write, they have got plenty in them—they are not a set of fools. Take the simple villager—I love to sit down in a village and gather the villagers round me and talk to them about their own affairs—and they are not fools. As you know, Mr. Chairman, practically India is very much a self-governing country. Every village has got its Lambardar; every class has got its Panchayat, and the village head man manages the affairs of the village, and is looked upon as their representative, and the village Panchayats manages the affairs of the individual castes in the village. I should be sorry for anything which weakened that throughout India. It has occurred to me—I do not know if I may be

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allowed to express an opinion—I express it perhaps not as a Salvationist, but simply as one who is perhaps a man of affairs and one who has studied the question in America—where I was nine years; in French Indo-China, where I spent some time purposely investigating the French Republican ideas of governing their subjects; in Korea, where I think every Indian civilian ought to go and spend six months to see how the Japs do it; in the Philippines, where the population is very much like that of India, and where the Americans have a good many things which I think they could teach us. When they got to the Philippines the first thing they did was to ship a thousand schoolma'ams, as they call them there, and they said to the Philippinos: "You shall govern your own country, you shall come into Congress, you can be in the Senate, or be in the House of Representatives, but you must learn English first"; and these thousand schoolma'ams there did more to pacify the country than the armies they sent; they were soon able to dismiss their armies. In French Tonquin, too, of course it is a Republic—both France and America are Republics administering the native populations which have, in the providence of God, come under them; and the Japs, of course, have got in Korea a very much similar system—I think that in Japan itself they base their system of Government on our system in England. In India itself it seems to me that there are some plans which we might do well to copy, like the Srimoolams or Consultative Parliaments. I think, Mr. Chairman, I might perhaps say that our British rulers in India have been too nervous about congresses and conferences, and that, I think, may have been due to the fact that they are not, as a rule, very good public speakers. (You will excuse me, but I have got a malady which affects my speech, so that I am not able to speak very distinctly.) Our British rulers, our British officials in India, can write as much as you like, but they are generally very poor speakers, because they have no practice. I think it was splendid to send out public men like Lord Willingdon or Sir George Lloyd, who understand public life and who are accustomed to give hard knocks and to receive them as well; it is a great training for our civilians. It seems to me a great defect in the training of the young civilian if he cannot speak unless he has got a paper to read from. He has no debating ability. If it were not for that they would be all right. The Japanese system in Korea is conference, conference, conference, gather the people together and hear what they have got to say; the Governor has got to keep going out and gathering the people together, not in Legislative Conferences, but preparatory to legislation he gathers the people together in this part and in the other part, and ascertains from them what are their opinions and needs. The principle in Travancore is splendid; they have an annual Parliament—you know about that, Mr. Chairman; they call it a Srimoolam, a splendid thing. They gather together the leaders of the people and they let them talk for three or four days and air all their grievances, a sort of safety valve. Anybody can say where they feel that the Government is wrong, and the Government is not too thin-skinned to listen and to be told its mistakes and shortcomings. They are willing to give and take. I do not know, but I think there is a feeling on the part of the Indian civilian that it is below his dignity to answer criticisms, so that when he is criticised he is dumb and goes on. It is not like that with our public men in England; they expect to be criticised, and they answer the criticisms. The British official in India is a splendid man, he is unbribable, and that in itself, in a country where corruption is widespread, is a very great thing. We find, on behalf of our poor people, that they get into all sorts of trouble, and we can always have somebody to appeal to and feel that justice will be done to them. But in that respect it seems to me that the British official is not sufficiently—what shall I call it?—*en rapport* with the people, he is not hand and glove with them as much as he should be and as he might be, and as I think he wants to be, and as I believe, if his training was a little bit altered, he would be. If you take the industries and agriculture, the position is most difficult. We are interested in the silk industry. The British official knows nothing about silk, and what he does not know he does not believe, and it is very difficult to get him to move, and

if

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if we do happen to convince him the next one is not prepared to take it up or will undo perhaps what has been done by his predecessor, and the simple principles of commerce, agriculture and industry are put under the thumb and the management of people who very often have had absolutely no experience in it, and who give executive orders which very much hamper the progress of the country in those respects. Now, I do not blame the British official for that, but I say that it is our fault in not having given him a proper training. Greek and Latin are not going to teach him how to manage commercial affairs, and it seems to me, as a Britisher who has moved about among Indians, that the Britisher ought to be improved from our end here a great deal and given, in his training and preparation, an experience which would be invaluable to him when he gets out there. I do not know if I might give you an illustration. A great public function was arranged—I will not say where. The whole of the town was gathered together. The Lord Sahib, as they call the Governor, was there, and a lady I know very well said to the cook of her house, "There is to be a great public function; would you like to go?" The answer was, "Yes." He would like to go, so he went. He came back afterwards, and she said to him, "Now, cook, did you go—and how did you like it?" and the cook replied, "Very nice, a fine *tamasha*." Then she asked, "Did you see the Lord Sahib there?" and he said, "Yes; there were three Lord Sahibs." There was only one, as a matter of fact, but the cook saw what he took to be three Lord Sahibs, beautifully dressed. They were the three Military A.D.C.'s, and he took them for Lord Sahibs. Then he was asked, "Did the Lord Sahib speak?" and the answer was, "No; the Lord Sahib did not speak, but the Padri Sahib got up and he gave a long prayer." This long prayer which was given by the Padri Sahib was when the Governor got up and read his speech. Now, I only mention that as illustrating what I have been saying. With a dumb Government, what can you do? You want a voice for the official. You want him to gather the people together and speak to them—to take them into his confidence and say, "What are your troubles?" The British officials ought to give their reasons, and put their side of any question to the people, and explain why they do things. Very often they do quite the right thing; but they do not take the people into their confidence. Now, when Sir Stanley Reed took up the war propaganda in India, it was simply marvellous how the country responded. For once in its history—since I have known the Government of India—the Government of India spoke and uttered its views. The British lion roared, and everybody heard it. Everybody rushed for the paper—I forget how many millions of copies were disposed of. The people said, "Yes; this is true." They called it the *Haqq*—the truth. The Government of India said, "We will give you the white as well as the black, and we will give you the black as well as the white, the troubles and everything about the war," and it went through the country, and I believe it staved off very serious trouble at the time. Of course, Sir Stanley Reed managed it in the most masterly manner, and he had the sympathy of the people, because he understood the people. Now, there again the British official in India does not understand the use of the press—the use of the newspaper—and I need not say, Mr. Chairman, that it is the last thing the British official thinks of studying. I do not know about this country—I only speak for India—but I do say that there was the one time in this great emergency when the Government spoke and everybody rallied. They said, "Now we understand; now we know the truth." Sir Stanley Reed told me himself that he insisted upon putting the dark side as well as the bright, and took the people into his confidence. I believe, if the Indians are taken into your confidence, they are a wonderful people. I go to them with my troubles, and I say, "What shall I do? The Sahib (official) will not agree to what you advise." I advise with the very poorest villager there, and I find they respond to it and they can give me a great deal of very sensible advice. The aim, it seems to me, ought to be to unite and bring together the Indian and the Britisher, with his grit, determination and other qualities, which are splendid things. In the times of

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those riots there—I do not know if I am transgressing, and you must kindly pull me up if I am—but I want to give an illustration of what the Britisher does, and does it without saying a word, without blowing his own trumpet, or having it blown for him. There was a certain City in India very much disturbed. There was an American mission there—fifteen or twenty missionaries—and they were awfully upset. All the Europeans were expecting they were going to be massacred, and these Americans were alarmed and armed themselves with rifles, revolvers, and all the rest, and were guarding their mission. They sent to the Deputy Commissioner, and the Deputy Commissioner came up quite calmly. He said, "It will be all right; do not worry. I have been round." They said to him, "What are you going to do?" and his answer was, "I am going back to my headquarters." It was about twenty miles distant. They said, "How can you, with this going on?" and his reply was, "Very well, if you like, I will stop." And he stopped. They asked him, "Where are you going to stop?" and he said, "In the Dak Bungalow." "Who is to be with you?" And he said, "Nobody." "Where are you going to sleep?" "In the garden outside." No police, no soldiers in the neighbourhood; that one man alone and the whole of that town of 80,000 people in a boil! He called together some of the leading gentlemen there (he knew them very well) and said, "Now, gentlemen, you know there has been trouble here and there about the country, and I hear there is going to be trouble here, so I hold you responsible. I do not intimate, I do not hint for a moment that you have anything to do with it, but you are the leaders of your own nation, and I call upon you in the name of my Government to keep things quiet here. I am staying here, I shall sleep in the garden, and you can send to me if you want me." Nothing happened, and the thing went off quite quietly. That man's name never appeared in the papers, and he never got a K.C.B. or anything else. That sort of thing is done over and over again in India, and I say that India cannot afford to dispense with that magnificent quality that they have got in the Britisher in India; they cannot afford to do without it. I, speaking as an Indian, say that we do not want to diminish or weaken that magnificent element, because it is good for the interests of all the people there. Now, may I make one suggestion, and that is, when you come to representation, if I may touch upon it, the 700,000 village head men of India would make splendid representatives of the country. They are trained, they know their villages off by heart, and they are the chosen representatives of their people. I mention this because that is what is done—this is not a theory but a practice in French Indo-China. The village head men come together to certain centres and they vote for their representatives, who are generally members of themselves, and that very much simplifies the voting problem. They vote when they come to pay their taxes at certain centres. I mention that again because that same thing has been done in the North-West Frontier Province. My brother-in-law, Sir Frederick Cunningham, was telling me how, when there, he recommended that plan to the Government for getting the views of the villages by getting the village head men when they come together to vote for their representatives; he said that in his time that answered extremely well, and from my knowledge of India, if something on that line could be done you would get over the difficulty of a miscellaneous representation, and you would get the agricultural views of matters properly represented. In India, as you know, Mr. Chairman, you have got 90 per cent. of the population agriculturists, while all the sugar-plums go to the cities—10 per cent. of the population get all the Universities, all the hospitals, all the charity money, all the libraries, all the advantages, and the 90 per cent. are very often overlooked, and those 90 per cent. are the backbone of the country. I have thought myself that if some arrangement could be made by which there could be an association of all the villages in India, say about 700,000 of them, with an average population of 300 or 400—if there could be an association formed of every village, then it could be said: "We will help you villagers to have a library in every village, sanitary arrangements in every village, no castes whatever shall be sent to the puddles and

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and pools to drink dirty and muddy water because the high caste will not let them go to the village well, we will see that every village is made a member of the association, and we will see that every village has its own village improvements, and that everything does not go to the 30,000,000 in the cities." this would do much to obviate unrest. If one holds a shilling up to one's eye very closely one cannot see anything beyond the shilling, and I think the cities of India are rather like the shilling; you hold them up to your eye, and you cannot see the 290,000,000 of villagers, and they are voiceless, they are dumb, they are unrepresented. The cities represent the villages as well as the cities, and yet their interests are diametrically opposed. We know it in England; the village population has not got the same interests as the city population, and in India, where you have 290,000,000 of 320,000,000 living in villages, to ask them to be represented by the 30,000,000 city people inflicts a very great hardship upon them—they are voiceless, they are dumb, and yet they are as intelligent as possible. In the system of education we are practically spoiling them. Colonel Thompson said to me when I met him once that he was talking to a zemindar (a large land-owner) in the Punjab—one of our fine splendid fellows who could not read or write, but a magnificent man who knew his mind—and he said to this gentleman, "How is your son getting on?" and the zemindar's reply was, "Getting on? Take him away, make him a lord sahib, make him a magistrate, make him anything you like, you have ruined him for me." Colonel Thompson said, "What do you mean?" and the reply was, "You came to me, I had got my land, and I wanted my boy to grow up and to cultivate the land for me. You said, 'Let me educate him, it will improve him so much,' and I took your word, and you took him, and now he wears trousers and sleeps all the night. You have ruined him; he will not look after the crop, and he knows nothing about agriculture. Make him a lord sahib." If you go into the schools and ask them, "What are you going to be?" the answer is "Baboos," "naukari"—Government service; and then when you say, "India cannot make Baboos of everybody here," the reply is, "Then why do they educate us in this way—" and there is a great deal of sense in it. The Indian system of education is a splendid system. The caste system says that it is the bounden duty of every parent to teach his children his own trade and no other, and the consequence is that when you ask a man his caste you know his trade. He is an expert, and you have not got to teach him. The Indians say that this book knowledge which we are giving them, based on Western ideas, is absolutely unfitting them for that, and making them such that they are fit for nothing else. I do not say do not have the best education that you can give to Indians; the Indian is very intelligent, and he will respond to it, but I do say we ought to modify it, so that we ought to begin at the bottom in lifting up the people. We should give them the American system of education, which in the agricultural districts makes every boy into a farmer. It is part of the curriculum at the school, and the schoolmaster must learn agriculture. In Hungary the schoolmaster must learn silk. He must teach all his boys silk; he must believe in silk; he has got to do it. If you have that system, you will hold the people. You do not want in India a back-to-the-land policy at present, but you do want a stick-to-the-land policy. The Indian loves the land—his bit of land; he knows it, and loves his soil, and what we want is to increase that love of the land and to give him a system which will enable him to double his outturn and show him how to cultivate it intelligently. Now, sir, our British official is sadly lacking in that kind of knowledge. He does not know, and yet he is put to direct it, and the Director of Agriculture, who is a civilian, and tugs and toils for two or three years to get to know the difference between a cow and a buffalo, is just about getting to know it when he is shipped off to something else, and somebody else is put in who does not know what a cow is or anything about agriculture—the simplest things—and yet he has got to direct the agriculture of the country. Those seem to me things which have very much to do with the arrangements of the future. We in the Salvation Army have been forced into

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industry and forced into agriculture because our people are very poor, and we have had to show them. We have had to create markets for them. We say, "If you weave this, or grow that, we will sell it for you. We will show you how to do it." There are eleven million weavers in India. The original Indian plan was splendid. There were so many weavers in a village producing the clothing for that village, but the English market comes in and cuts the ground from under their feet. We go to the weavers and say, "Cheerio. Here is a better machine for you, which will produce nearly as much cloth as the factories. Stop in your home." He says, "I am not a coolie. Look at my fingers. The Government says, 'Go and be a coolie in a factory,' but I cannot do it." And it is false economy on our part, because that man has a delicate touch. His father, grandfather, and great-grandfather were all weavers, and he is a born weaver. He cannot move about much; his legs have got so that he cannot walk very much, owing to the sedentary nature of this occupation, and if you put that man to be a coolie you do him a cruelty and inflict a loss on the nation. We go to him and say, "First you must have a better implement. You can only produce a yard of cloth in an hour or two, it may be. We will give you a machine which will produce more." He says to us, "Yes, but do not you see my wife prepares the warp, and she can only produce so much warp for me." We say, "All right. Here is a better machine with which you can produce longer warps, so that she can keep pace with less trouble." Then he says, "But we cannot market so much," and we say, "If you will make what we tell you we will market it for you," and we create a market for him." Then we say, "You cannot make cotton pay perhaps, but you can make silk pay, as you can grow your own silkworms." In all these things it seems to me in connection with those depressed and other classes that if we could improve by previous instruction, and if we could send out some people who are expert in these things it would be a great blessing to India—if we could improve the system of education of the Britisher whom we send out there. Then I think I might just mention one thing. It seems to me that very often we can prepare the way for election by selection. It is done a great deal I know, it is nothing new, but still the principle of selection can very often in India prepare the way for election. I do not know that I have anything further to say, sir.

Mr. *Montagu.*] Thank you very much.

Lord *Sydenham.*

8341. Would you tell the Committee what the untouchable classes really are?—I suppose there are about sixty millions of them in India. They are really the hewers of wood and drawers of water of the country and our work is very largely amongst them.

8342. In an Indian village what is the work that the untouchables do?—Really an Indian village in most parts of India is divided up into certain sections. The idea of the Indian village is a self-contained village where the owners of the land live in one part of the village and the cultivators of the land live in another part of the village—hereditary cultivators and hereditary owners. The hereditary owner gets to know from his very childhood all about the best crops for the land and the character of the land, and the hereditary cultivator works for him. The potter produces the earthenware vessels, the weaver the cloth, and the sweeper does the scavenging. As you come down to the sweeper you come to the bottom of the community, but more or less you have other castes. The caste system in India is largely a hereditary trade union, and an Indian trade union in my humble judgment is better than a European trade union, because everybody has an inalienable right to be born into the trade union of his father and mother. In order to prevent any trade union from being swamped he must not go into another, and he must not intermarry into another, which is rather a good scheme. Then he does not give away the secrets to the other trade unions either. He keeps the secrets of his trade inside his own caste, and there is no such thing in India, you might almost say, whether you take the depressed castes or any castes

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castes, as unskilled labour. You ask a man his caste and he tells you his profession.

8343. The work of a great number of these untouchable classes is absolutely essential, is it not, to the life of India?—Yes.

8344. It could not get on without it?—No.

8344A. I do not know if you saw in the Bombay Legislative Council, where there is a large Indian majority, that a resolution was rejected, asking municipalities and local Boards there to open wells and dharmsalas to the untouchable classes. An amendment to that was that special wells and dharmsalas should be provided for those people, but both of those resolutions were rejected. So it is a fact that the untouchable classes cannot use buildings and wells to which their work may have contributed?—Yes, that is a fact very largely in most parts of India.

8345. That being the case can an upper caste man really represent this class from whom he would not take a glass of water?—I assume that the other classes would be represented as well; their representative, their chosen elected would represent them. There would be representatives for them.

8346. Therefore you would say it is absolutely necessary that those unprotected and despised classes should have representatives really representing them?—I think so.

8347. Do you know anything about the South Indian Liberal Federation at Trichinopoly?—No, I do not.

8348. The other day—last month, in fact—they passed this resolution, amongst others: "This meeting urges the creation of separate non-Brahmin-Hindoo electorates as an indispensable foundation for establishing a responsible popular government in the Madras Presidency, without which no constitutional reforms of any kind will be either acceptable or workable." Do you think those people who speak what they ought to know are making a reasonable demand upon us?—I certainly think the 60,000,000 of the depressed tribes ought to have some sort of representation.

8349. If it is impossible to give them an electoral representation, it should be done by nomination, I suppose?—Yes, nomination or selection. Some of the cleverest people I have ever met in India come from those classes—magnificent people with brains. It does not follow that because a man cannot read or write he has not got brains; in fact, the difficulty with people who read and write too much is that they get other people's brains substituted for their own. The man who is absolutely natural, the villager, who grows up naturally, is like a wild flower. I was stopped when I was on a visit to South India not long ago by three or four of our men from a village where we have been about twenty years, who said, "This will not do for us, this big public meeting; we want you alone." I said, "All right, I am at your service." Then they said, "Yes, but you must give us at least an hour," and I said, "All right, I am very busy, but, still, I want to hear what you have got to say." And we sat down there for two or three hours—squatted on the ground together—and they were as intelligent and hard-headed—I do not know if one of them could read or write—but they spoke their minds. One of them could read and write, because he had his notes there; the others supported him, and they were not paupers either. When they first came to us they were deadly poor, and they pointed me out one man who they said then or twelve years ago had given up drink and bad practices and so on, and who was now, by thrifty habits, worth 30,000 rupees—a nice, intelligent man. There is no reason why they should not be associated in the government or management of their own affairs. They understand, and what they like in the Salvation Army is that we put them up. We repeat the Indian proverb, "Let nobody ask what is his caste; he who worships God belongs to God," and we say to them, "We will take a low caste man, and if he has the tact and talents and training necessary, we will make him a brigadier, we will make him a colonel, we will make him a commissioner, in the Salvation Army." A general was passing in Simla the other day, and he spoke to one of our officers, and said, "I stopped at one of your meetings, and there was somebody there who knew Hindustani rather well talking; who was that?" and the officer replied, "Commissioner Tucker." Then the general said, "But beside him stood a man who was holding a flag, a fine looking man, dressed like the commissioner with a red jacket—their jackets just the same—and then he spoke, and he spoke very nicely; who was he?" and our officer's reply was, "He was the sweeper of our headquarters, a scavenger." That man was a sergeant at that time, and to-day he is a captain put in control and command.

Lord *Sydenham*—continued.

8350. I take it you feel very strongly that those depressed classes must be properly represented in any Councils which are set up?—I think so; I think they are the very sheet anchor of the British Government in India.

8351. I do not suppose you have ever read all the proposals of the Franchise Committee?—I have read a good deal, but I cannot say, "I have read all."

8352. You cannot express an opinion as to whether you think the rural and agricultural classes get sufficient representation under those proposals; you have not gone far enough into them for that?—I think the great danger is, so far as I have looked into it, that the shilling close to the eye will obliterate the vast number around. That would be my fear.

8353. You are afraid that, politically speaking, the urban classes may dominate the enormous rural majority?—And that the rural majority will not get their real views or interests sufficiently represented.

8354. As a rule, do these depressed classes trust their British District Officers?—Absolutely.

8355. You said that our officials would have to be much more vocal; that means that in the working of these large councils it would be more necessary than ever to make Government policy perfectly clear to the people?—Absolutely.

8356. And also that the Government should answer criticism?—Quite so.

8357. You think that would be a necessity of the new *régime*?—I think so.

8358. Do you think it would be any use to have a Government Press?—I think so; I say that the Government at present is dumb, and sometimes is also rather hard of hearing.

8359. You told us an excellent story of how a Commissioner stopped a riot, and you and I know very well that that kind of thing is happening very often in India; but would it not have been a little difficult for an Indian Commissioner to take that step, not from any defect in his qualities, but because he would not be regarded in the same way as being quite independent of factions in the town?—I think that point about being independent of all factions is very important, and I think the Indians themselves very much recognise it; for instance, there is a certain city, I need not mention, in which there is a municipality, and there were only two Britishers on the Municipality Council, and all the Indians on that Council begged that one of these British non-officials might be President, and both the Britishers declined, and said: "No; we will chip in, but you appoint your own." They insisted, and said: "No; we have got divided interests, and we rather feel that you would be impartial to all our interests; our interests clash, and we want somebody who will adjust those clashes, and on whom we can thoroughly rely." I think the Indian loves the Britisher when he really meets him half-way; that has been my experience. An Indian, whether you take the top Indian or the under Indian, wherever you meet him, if you will meet him half-way you meet a sensible intelligent person, who is only too glad to co-operate with you and to help you.

8360. For that reason you would not think it desirable to weaken the British element too rapidly?—No, I think not. I think the Indian needs the Briton and the Briton needs the Indian. I think they need one another.

8361. You have spoken of the advantages of selection?—Excuse me, but may I say with reference to that incident I have described you see the tact of that Britisher. He could not have kept order in that city, but he did not call these gentlemen in and command them in an ordering and masterful sort of way. He simply said, "Now, gentlemen, we are in a difficult position. I rely upon you, and I shall hold you responsible," and they were true to his trust. He threw the responsibility upon them, and I think, while in other cases there are people who have not always had perfect

Lord *Sydenham*—continued.

perfect tact, the Britisher, as a rule, has the iron hand in the velvet glove. Sometimes there is a little too much glove, and sometimes a little too little. Sometimes the iron pokes out, and sometimes the iron is missing, which is worse; but, as a rule, the Britisher is a wonderful administrator. I have lived in the American Republic and in different countries in Europe. I have travelled up and down throughout Europe, and I venture to say we have one of the very best Governments in India. I would not like to start upon any reforms with the idea that the Government of India is a bad Government. I believe it is one of the best Governments in the world, and it has an enormous advantage over so many Governments in the world to-day in that it is an honest Government.

8362. You do not think that many of the ills India suffers from—plague, famine, and so on—can be traced to the British Government?—Oh, dear, no. They have existed all the time, and the population has increased, you may say, enormously. That is the tendency—that the goodness of the rule makes the population increase. I think the Britisher in India very often does not do his best by the country because he has not been trained in those particular things which I have mentioned. He has got to direct the commerce, industry, and agriculture of a vast country, and he does not know one thing or another about it. It is our fault for not training him before he goes, it seems to me, or for insisting on a certain training which is not the right one. Just like the Forest Department, which now sends trained people, and it does well; the Irrigation Department sends trained people, and it does well.

8363. Do you think, speaking generally, the people of India, the masses of India, are advancing in general prosperity?—Certainly. I could show you villages of ours where the people absolutely (I have got some of them now) have not got a rag to put round them. They cannot come to meetings because they have not got a rag to put on, but I will show you those same villagers in five or six years and you will find them nicely dressed, with little bits of money saved. You will find the whole thing altered.

8364. Therefore you would say that even under what is called an apathetic rule the welfare of the people is advancing?—Yes; the Britisher does listen to the people, he is fair, and will try to do his best. You have tremendous clashing of interests in India, religious interests, political interests, mercantile interests—commercial and agricultural—all clashing with one another, and to have a fair man who is above it all is a great thing if he will only listen to the voice of all the Indians round him. My criticism of him would be that sometimes he does not listen enough; he is afraid of a Congress and afraid of a Conference. I suggested a Conference to the Government of India on such a simple question as penology, the management of the criminal tribes, because we found in the administration of the criminal tribes that one Government took it up and administered the Act and another Government ignored it and refused to administer it, and so I said to the Government of India: "Why not call all these Governments and your expert prison managers together and let them confer together and compare ideas?" They do it in America, and there are no broken heads over it, and they are learning all the time. Every Provincial Government in India wrote back and said: "No, thank you, the time has not come." The Indian likes a conference, but I think our British officials are unduly afraid of criticism, partly because they are not accustomed to public speaking. If there was a conference they would be called upon to speak. If you will take the people of India into your confidence, like the Japs do with the Koreans, go and meet them and have a congress here and a conference there like these Sri Moolams, and say: "Criticise away, now cheerio, oh, what have you got to say?" I believe they would disarm criticism, especially if they go to them as we go to the Indians and say: "Now what can you suggest; have you any suggestion to make?" Don't let him assume that any suggestion that he will make will be a disloyal suggestion for driving the Britisher out of the country. Go to the Indian and meet him half way. I have never found an Indian, whether he is a high caste man or a sweeper, unreasonable. Say to him: "Come along, let us sit down

Lord *Sydenham*—continued.

and talk the thing over together." I repeat that I have never found them unreasonable—in fact, I have found them highly reasonable.

8365. The two matters on which you wish to lay particular stress are better education for the masses, especially agricultural education?—Correct education, I should say, not the present system.

8366. And especially agricultural education for the rural classes?—Yes.

8367. And a better education for the Indian Civil Servant, especially in matters of business and in the art of public speaking?—Yes, I think so. Excuse me, Lord Sydenham, but you remember how you gathered together those editors in Bombay—I forget what was the trouble, but you gathered together all the Indian editors and talked to them. I do not know that they had ever been talked to like that before; the difficulties were all put before them, and they were taken into a conference, "Come along, now." I think it was about the plague regulations or something of that sort. They were quite open to reason, and they were proud to be consulted. Of course they ought to be consulted.

8368. One last question. Do you think India is really ripe at the present time for democratic institutions on a considerable scale?—I think if it is done along the lines that it is done by the Americans in the Philippines, by the French in Tonkin, and by the Japs in Korea, plenty of congresses, plenty of conferences, plenty of Sri Moolams; if they get your confidence, and you ask them, "What would you suggest; what do you want?" I believe that would very largely meet the need of the present situation.

8369. You realise that the proposals of the Bill differ most radically from that policy of yours?—I do not know that I am qualified to criticise. I have read about the dual system, and my criticism of it would have been that this proposal was non-Indian. If I were a British official, the first thing I would want to do would be to call all classes of all kinds into conference, and to let them feel that they had got my ear all the time. I believe the bulk of British officials like to do that, and wish to do it, but they have got a great shrinking from anything that means public speaking, and I am not sure that there is not some law forbidding them to talk on public questions.

8370. There is a general understanding?—Now, think of that, the Governor of the country not allowed to speak.

8371. Not the Governor. The Governor says anything he likes?—But the British official, the Commissioner of a Division, is the Governor there, a Deputy-Commissioner is a Governor there, and yet there is a padlock on his lips, whereas he ought to be talk, talk, talking all the time. If he could drop his pen and do more talking it would be a great improvement if the people got his confidence. The Indian deserves to be trusted.

8372. You have spoken several times about the Japanese Government in Korea, but you know that the Japanese are having very great trouble there at the present time?—Yes, the question is whether they would not have had greater trouble otherwise.

Sir *J. D. Rees.*

8373. May I ask you a question which your experience would enable you to give a very valuable opinion upon. Do you find in India anything like corporate, collective oppression of the lower castes and classes by the upper castes and classes?—In some villages, certainly.

8374. But, generally; I am speaking as a general proposition, and not of some villages?—I think there is an enormous improvement in that respect; I think there is now a general recognition—an increasing recognition—that the lower classes are also men of intelligence, and that there is something wrong about the system which still exists in some places, where the poor man puts his money in the middle of the road and the shopkeeper puts the food there and takes away the money. That system still exists in some places, and in the schools we have a great deal of trouble; we cannot get a low caste child into most of the schools where the high caste children go. I am not opposed to separate schools, and I think they are a good thing.

Sir *J. D. Rees*—continued.

8375. Is not Hindooism one great system, from the Brahmin to the leather maker?—I think there are a great many things in Hindooism which are excellent; but I think there are some things in which I cannot say that I sympathise with Hindooism.

8376. You said you thought one branch of the lower classes needed special representation, as a protection, presumably, against some other class?—Yes; I think they do.

8377. I have only one more question. You spoke of the Indian Civil Servant, and gave him a handsome testimonial, which I like to think is well deserved. Of course, the British officials would have to use the vernacular for public speaking, if they did anything of the kind?—Yes.

8378. Do you think that they generally possess a sufficient knowledge of the vernacular languages to make a speech in one of these languages?—Oh, yes; the majority of them, I think, have got to pass examinations in them—they do not get on without. They get that knowledge in their training beforehand, as a rule. In the old days they did not; I had a Deputy Commissioner in the old days who could put very few sentences together, and he could not have stood up and spoken; but that is largely a thing of the past. I think the examination in languages is a very strict one now.

Sir *Henry Craik.*

8379. I have listened to all you have said, Commissioner Tucker, with the greatest interest. Would you tell me what inference you draw from your knowledge with regard to the proposals now before the Committee? Do you draw any inference favourable to them, or opposed to them?—I draw an inference favourable in certain cases and unfavourable in others, if I may be allowed to say so. I say that the natural desire of the Indian to be taken into consideration and consultation should be encouraged and not discouraged.

8380. You think, if that were possible, it would meet a great many of the desires of the Indian people without any sweeping reforms?—A great many.

8381. With regard to the two points you raised with reference to the Civil Service. Your experience, like my own, is that a great many Civil Servants can speak perfectly well, and are constantly in the habit, upon occasions where it is permissible for them to speak, of speaking in the vernacular?—Yes.

8382. Of course, you know, in the Civil Service at home it would not be permitted for a moment that a Civil Servant should discuss questions in regard to his administration publicly. No officer has any business to express the policy of his Department. He is a man who has to write and not to speak; he has to work in secret?—It seems to me that in India you cannot stop his speaking, because he is a Governor or ruler.

8383. The difference arises there from the fact that the Indian Civil Servant is not merely a Civil Servant like the Civil Servant here?—Not a bit.

8384. I know as a member of the Civil Service for many years that we were tongue-tied because we were required to be?—Quite so.

8385. But you think he has also to make a declaration of policy?—Yes. It is his duty, it seems to me, to gather his people round him and to consult with them.

8386. You do not think it would lead to any difficulty in connection with possible charges as to taking sides in a public controversy with one side or the other?—I am afraid if you are going to have those Committees and Councils and so on, he is forced to become a public man, is he not?

8387. Will not that take away from him the impartiality which you say is a very great help to his work now?—Perhaps it will, to a certain degree.

8388. I will not keep you any longer, but on the other point, with regard to his not having knowledge of the particular subjects with which he has to deal, that, of course, is a thing which one finds, administering as I did a Department at home in the old days, constantly present, and I did not try to be guided by what you might call the expert knowledge of my own staff particularly?—Quite so.

Sir *Henry Craik*—continued.

8389. Would it not be far safer that you should have an expert at the elbow of the administrator to tell him what it is right to do rather than that he should try to act upon some knowledge which he has picked up?—That is a good theory, I think, but when it comes to the actual practice we find—take the Director of Agriculture—that our Director of Agriculture thinks it is his solemn duty to undo the work of his predecessor, and that is where trouble comes in. He wants to make a name for himself, I suppose.

8390. Still, it becomes very dangerous if the Administrator himself thinks that he can be his own expert adviser. Then you have nobody to appeal to, and he may be very obstinate and difficult to deal with. Is not that a danger?—It may be. To take an illustration, Lord Willingdon is an expert farmer, and when he came to Bombay he was in a position to advise the people. He got a little farm started to show them, and from his knowledge he intelligently advised the people. Now the civilian who goes in has got those 290,000,000 agriculturalists there, and if he can go in and out among them, and they see that he knows about the matters in which they are interested, his influence is greatly increased. And then the business men fret. I talked to a leading business man in Hong Kong, and he said, "It is mortifying. Here we are with Government officials here in Hong Kong who block our way all the time because they do not know the first principles of commerce and trade."

Lord *Islington.*

8391. Mr. Commissioner, you were speaking about the means of getting representation of the depressed classes in the Legislative Council?—Yes.

8392. I understand you differentiate between the population and the village as an entity?—Yes.

8393. It is only a portion of that village which comprises the depressed classes, and the other portion would be the upper classes of the village, the owners, and so on?—Yes.

8394. Then you suggested, and I think it was a very interesting suggestion you made, that with a view to getting representation in the Council there should be an association of head men?—Yes.

8395. That there should be groups of villages who might have the privileges of electing their own representatives?—Yes.

8396. What are those head men? Are they elected, or are they head men for life in the village? What is the practice in an Indian village, because I do not know?—Generally in an Indian village, if it is a composite village, then the head of the higher caste represents the whole village, and he has done it from time immemorial.

8397. His son follows him?—Yes.

8398. It is a hereditary post?—It is really a hereditary post, but it is not according to primogeniture, and he can be removed if he does not do his duty properly.

8399. The first point I would ask is this: Supposing you had one representative for a group of so many villages in the Legislative Council, would he truly represent the views of the depressed classes of those villages?—No: I think there would have to be some arrangement by which the proportion of low caste people should have their separate representative.

8400. There would not be a true representation?—No.

8401. Their interests would not be considered necessarily?—No; not necessarily, unless you had a head man selected who was sufficiently broad-minded. There are some head men who are splendid, and whom you could trust with your life, or anything you had.

8402. I would like to ask a further point. Assuming this suggestion of yours to be carried out, would the head man who was elected be of sufficient intelligence to be able to present his case with effect in the Legislative Council?—Oh, yes.

8403. Quite apart from whether he could read or write?—Quite.

8404. He could make himself felt?—Quite.

8405. Men could be produced with that degree of personality and general standard of intelligence?—Yes; you can find in all these castes men of the highest intelligence, men who can give a very sound

judgment

Lord *Islington*—continued.

judgment on the practical questions which affect them.

8406. When you got to the lower strata, the depressed classes, you would have the same system for them?—Yes.

8407. Groups of villages, too?—Yes.

8408. How would you work your representation of a village? It would be simple enough if each village were represented by the head man; but how are you to get the representation of the village for the depressed classes?—They have all their Panchayats; each class has its Panchayat. The Indian Village system is a splendid labour exchange. When the crops are cultivated the cultivators do the work for the land-owners, and when the crops are ripening seeing that they will not kill the birds, which free them from the insects, the whole population turns out—the potters turn out, the weavers turn out, and the sweepers turn out; everybody turns out into the fields day and night to watch and harvest the crops. Then when the crop is gathered there is a heap for the sweepers, a heap for the potters, and a heap for everybody else. It is a splendidly organised system. Then the Committee of each party divides it up among themselves. The mayor of the village does not say to the sweepers, "You must divide it in such and such a way"; he says, "That is the share of your caste from time immemorial." If it is a big crop the bigger the heaps; if it is a less crop the heaps are less. The land-owners divide it up among the various castes, and they get free unpaid labour for gathering the crops and for protecting the harvest from birds. It is a splendid system.

8409. The question I want to ask is, have you anybody who corresponds to the head man in the depressed classes?—Exactly—that is it; each group has its own head man, and the head man of the village never interferes in their affairs.

8410. Would you say that a man of equal or sufficient intelligence could be drawn from that class?—Everyone of them.

8411. Quite able to represent the interests of his class in the Legislative Council?—I have spent my time among them and they are very intelligent people.

Mr. *Montagu.*

8412. Mr. Commissioner, that Panchayat system you have been describing does not exist in every village in India, of course?—Practically every village.

8413. Still?—Yes. They manage their own affairs.

8414. Has the work you have been doing among the criminal tribes been supported and commented upon by the Indian politician at all?—They have been very kind to us indeed; we have not a word to say.

8415. They have supported you?—They have supported us. Sometimes they have said, "What about the religion?" That is the only point they have raised, but practically these people, as you can imagine, are without religion; a man who lives by plunder and theft and robbery has not got much religion to boast of, and the politician class say, "We would rather have him a good man, even if he ultimately becomes a Christian, than have him a bad man, robbing us."

8416. Do you know of any movement for the improvement of the position of the depressed classes among educated Indians?—Yes, there are quite a number.

8417. There are some in Bombay, are there not?—Yes, The Servants of India, and other associations. We work in harmony and friendship with them. There is a Prisoners' Aid Society in Bombay; we are on it, the Servants of India are on it, and others are on it. In the Punjab there are quite a number of Mohammedan and Hindoo associations doing criminal tribes' work.

8418. If the allegation were made that the educated Indian as a class was callous or opposed to the representation of the depressed classes, you would not give that allegation your support?—I suppose some are. The difficulty is that the spirit of selfishness comes in. I suppose it comes in amongst the depressed classes as well as the others; everybody wants to grab as much power as they can for their own class.

(*The Witness is directed to withdraw.*)

Die Jovis, 9° Octobris 1919.

MEMBERS PRESENT:

Earl of SELBORNE.	Mr. F. D. ACLAND.
Lord BRODRICK (Viscount Midleton).	Mr. BENNETT.
Lord ISLINGTON.	Sir HENRY CRAIK.
Lord SYDENHAM.	Mr. MONTAGU.
	Major ORMSBY-GORE.
	Sir J. D. REES.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

Sir WILLIAM DUKE, G.C.I.E., K.C.S.I., is called in; and Examined, as follows:—

Chairman.

8419. I think you are a member of the Council of India?—I am.

8420. Since what date?—November, 1914.

8421. What was the last appointment you held in India?—I was a member of the Executive Council in Bengal.

8422. Was all your service on the Bengal side?—The whole of it.

8423. You have been good enough to send in answers to the questions we put to you?—Yes.

The questions and answers are as follows:—

I wish to state by way of explanation of my previous connection with the subject that I was employed in Bengal on the preparation of the local Regulations under the Government of India Amending Act of 1909, by which the Legislative Councils were enlarged, mainly on an elective basis and had their functions

Chairman—continued.

extended, and that during the following five years I was a member and during one session president of the Bengal Legislative Council. I had thus opportunities to observe the stimulus which the development of the Councils gave to public interest in politics and the business of administration, and the rapid increase and intensification of public criticism. It gradually became apparent that the operation of the system was one-sided, that it led to a continually increasing volume of criticism not generally very friendly to the Government, and tended to unite groups with very divergent views and interests in a common opposition. On the other hand, there was very little to arouse any sense of partnership with the Government in responsibility for the administration of the country. Accordingly, as I was a member of the Council of India at the time when a further advance began

Chairman—continued.

to be mooted I was already prepared to co-operate in measures which would give popular representatives a real share of responsibility for the administration of the country and would establish them in a genuine partnership with the Executive Government.

I fully accept the declaration of August, 1917, and I support the present Bill as a whole. I am not prepared to defend every individual provision in it as the ideal means of giving complete effect to the objects of the declaration in the shortest possible time, but I believe that as a whole, and subject to the necessity of securing the assent and support of the greatest possible volume of instructed and friendly Indian opinion, it is well adapted to the purpose and provides the safest and surest method of giving effect to it.

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—(a) I accept the proposition. (b) I understand by "responsible government" government by Ministers responsible to the Legislature in the sense that the retention of the confidence of a majority is necessary to their continuance in office, and that the Legislature is similarly responsible to constituents. (c) I do.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—I do.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—(a) I do. (b) No. They have influence which for some purposes may amount to power, but they do not possess power in any constitutional sense, nor in the last resort in practice.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—I do.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I think that the dual form of government is the only scheme so far suggested which is consistent with development by progressive stages.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, &c.)? and (ii) does it afford means of judgment (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—I have no alternative method to suggest.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—I accept the scheme of the Bill.

8. In particular, do you think (i.) that Ministers should hold office "during pleasure"—i.e. should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of the legislature (Clause 3 (1))? (ii.) that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii.) that the executive council should in all provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv.) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—I accept the four propositions of the question, except that it may be expedient in some Provinces that the Executive Councils should consist not of one official European and one non-official Indian, but of two of each.

Chairman—continued.

9. Referring back to questions 2, 3, and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by clause 9 of the Bill upon their financial and legislative powers as (i.) suitable, or as (ii.) unnecessarily severe, or as (iii.) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I regard the limitations of Clause 9 of the Bill as suitable, not unnecessarily severe, and adequate to safeguard the responsibilities of Government to Parliament in the last resort.

10. In particular (i.) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i) I do, with the limitations proposed by the Bill. (ii) I do.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—I do generally, although I should not have been ill pleased to see a higher degree of authority conceded to the views of the Legislative Assembly on some Central subjects concerned wholly with internal administration.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—I do.

13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—I do.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and 4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I accept the provisions of Clause 20. (2) (3) and (4).

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I accept the changes made by Clause 21.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33, and 45 of the Government of India Act (Clause 23)?—The unlimited powers of control vested in the Secretary of State and the Governor-General in Council by Clauses 2, 33 and 45 of the existing Act are clearly inconsistent with the principles of Provincial autonomy and of self-government in the Provinces. If not modified they might be used to nullify many of the purposes enumerated in Clause 1 of the Bill, and indeed it might be held that it was the constitutional duty of the superior authorities to impose their own views upon the Provincial Governments in all subjects in case of serious difference of opinion. Some modification of the power of control seems therefore imperative, but in my judgment it would be impossible to define the modifications required both in the immediate and in the more remote future once for all in the substantive provisions of the Statute. I therefore approve the procedure by which the Secretary of State is enabled to limit the exercise of his own

Chairman—continued.

own powers by rules which can be altered from time to time with much greater ease than the substantive Statute.

17. Do you agree that the gradual realisation of responsible Government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I approve of the provisions of Clause 28 of the Bill. It seems certain that the working of a measure which is experimental in character, and even if completely successful will only have provided an instalment of the objects stated in its preamble, must in any case be brought under review at no very distant date. There are obvious objections to fixing that date in advance, particularly in case it should prove to be too remote. These objections should, however, be outweighed by the inducements to make the best of a system which must continue for a definite period, and by the patience which should result from the knowledge that there will be a certain and not too distant opportunity for consideration of the case for further advance.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—No.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—As regards Lord Southborough's Committees, while I recognise the difficulties in the way of setting up immediately any system of direct election for the Council of State, that of secondary election by the Provincial Legislatures is thoroughly unsatisfactory. Its evils might be to some slight extent mitigated by a system of proportional representation. My views on the matters dealt with by the Committee on the Home Administration of Indian Affairs are stated in my evidence before that Committee. I would add that if the dual system of government provided by the Bill is set up in India there must be a corresponding discrimination in the methods of the Secretary of State in dealing with the various Governments in India. In matters transferred to popular control it is obvious that his methods must approximate to those followed by the Colonial Office with the Dominions. It is inevitable, however, that in the earlier stages questions of much delicacy must constantly arise as to the demarcation of these subjects and as to the mutual relations of the two sides of the respective Governments. With regard to these, it will be useful and perhaps necessary to the Secretary of State to have competent assistance and advice, and that of competent Indians ought to be specially valuable. With regard to the remaining functions of Government not so transferred for the time being, it seems to me that there should be as little radical change as possible in the methods and machinery for dealing with them. The process should be the counterpart of that taking place in India, the maintenance in essentials of the existing system but the gradual diminution of its field of operation by transfer to the other side. This would involve progressive reduction in establishments rather than change in system.

8424. Of course, we have the evidence you gave before Lord Crewe's Committee. I would first of all like to ask you about that. I am afraid I have not had time to read the whole of the evidence given before that Committee. Are you in favour of the abolition of the Council of India?—No, not at this stage.

8425. You would say: Keep the Council of India on during this transition stage?—Certainly, during this transition stage.

8426. Certainly for the next ten years?—Yes.

8427. Would you make any change in its powers?—I do not think it essential, or perhaps desirable, to make any change in its positive powers. Of course, I contemplate that in that part of the field of administration in India which is to be considered as transferred ——

8428. No, I am only talking really of its relations with the Secretary of State?—Then my answer is No.

Chairman—continued.

8429. Do you favour any change in its composition?—I doubt whether any material change in its composition is necessary. I do not think any change in its statutory composition is necessary. I am not sure as to the number of members required to have Indian residence. I take it that would practically remain the same, and I suppose it is possible in any case, if desired, to increase the number of Indian members.

8430. Would you have a larger number of Indian members?—Well, it might be desirable to have a larger number of Indian members.

8431. Would you like to see what I may call the Service members drawn more from the men in their service in India, rather than from the men who have ceased their service?—I am not certain that a general change in that direction is to be desired, but I can see no objection to its being tried. I should be willing enough to see it tried. There are conceivable objections to it.

8432. You would have no objection to the inclusion of younger members of the Service, or of more Indians?—No.

8433. Would any change in the statute be required to do that?—I do not think so. I am afraid I have not considered the point. I do not think any change is required.

8434. You point out in your evidence in respect of Clause 23 of the Bill why it is necessary to give the power of making these rules to the Secretary of State. The rigidity of statute law might cause an extremely difficult situation as time went on?—Yes, it would inevitably require a new statute as soon as any further advance was to be made—any degree of advance at all.

8435. Not only that, but in a very short period the mere experience of working might show a change was required?—Yes.

8436. And, therefore, you are strongly in favour of giving the Secretary of State power to make those rules?—Yes.

8437. Has he not got the power now?—I think not. I think it would be a stretching of the statute if he made rules declaring that he would not exercise powers which are more or less expressly entrusted to him.

8438. Is there not rather a difference of opinion among lawyers about that?—Yes, I daresay there is.

8439. I mean it is conceivable that he has full power now?—At least, it is conceivable that if he did choose to declare that he would not exercise certain powers, it might not be challenged, but I do not feel on sure ground.

8440. I understand that the criticism of the Government of India is directed to this point only, that it wishes the Council of India to be consulted about those rules?—Yes, I believe so. It does not wish especially that rules fundamentally affecting its own position should be passed without its having an opportunity to make full representation, and have it fully considered by the Council.

8441. I think it asks for the agreement of the majority of the Council?—Yes, it does.

8442. Do you think that is a reasonable proposition?—If the Council continues with that statutory power, I think it is the sort of function in which a majority of the Council should be required.

8443. Will it have that unless it is given it?—No, I do not think so.

8444. You would have to enact that?—Yes.

8445. By the Bill as drafted, those rules would be laid on the tables of both Houses of Parliament?—Yes.

8446. And would come into force if not objected to by either House within a certain period?—Yes.

8447. The Parliamentary control could be strengthened by reversing that process and saying that they should only come into force when the resolution had been passed by both Houses agreeing to it?—Certainly that would make the Parliamentary control more direct, but it is hardly for me to judge; it is rather for members of Parliament to decide whether the opportunities for getting such a resolution through would be adequate in cases which the Secretary of State might consider it essential to be dealt with promptly.

8448. My

Chairman—continued.

8448. My question is rather directed to asking you whether such a change would tend to allay the anxiety now felt by the Government of India?—I should think so.

8449. You touch in your Memorandum on the question of the Council of State. As recommended by the Franchise Committee, the Council of State would be elected by the same constituencies, and those very few, as the Legislative Assembly. Is not that so?—Yes.

8450. You do not like that proposal?—I do not like it. The constituencies are extraordinarily narrow, and tend to reproduce exactly the same characteristics in the Council of State as in the Assembly.

8451. How would you like to see the Council of State formed?—I should like to see it given more distinctly the character of a revising chamber. I take it that that would be best attained by rather an elaborate composition, by drawing from various sources in various ways; but so far as it is to be elective I should like to see it elective on a broad basis, but not, of course, on anything like the basis of universal franchise.

8452. I have no personal knowledge of India—you must remember that. I ask you this question: Is it your opinion that there is material for a thoroughly good Council of State to be found in India?—Yes, I think there is if objection is not taken to its being arranged by class representation. If you do not object to the Council being mainly representative of classes, then I think there is plenty of material.

8453. Do you think there would be any delay involved in seeking a new basis?—I fear so.

8454. You think there would?—I fear so, and therefore I did not intend to press the objection I took.

8455. But you regret that portion of the Franchise Committee's report?—Yes.

Lord *Brodrick* (Viscount *Midleton*).

8456. You had experience in India before you came to the Council of India, had you not?—About thirty years, yes.

8457. Was it the impression in India that the work of the India Office was slow, and it was difficult to get things through?—Undoubtedly there was that impression.

8458. Has your experience in the India Office borne that out—have you found the method cumbrous?—Its procedure is somewhat elaborate, but I have not observed anything in the procedure of the India Office which would account for the general impression that was prevalent in India. I put it in this way. The procedure of the India Office may account for delays of many weeks, sometimes of months even in extreme cases, but the idea used to be in India—I am talking as a provincial man, you understand, not having been most of my time in close touch with the Government of India—the impression in the provinces used to be that things were hung up for years. I take it they were not hung up by the procedure of the Council or of the India Office. I think it more probable that in many cases the Government of India objected to move on the initiative of one province.

8459. Do you think if there was some adjustment as between the office and the committee system, all the small questions which have to be dealt with might either be eliminated or might be dealt with rather more rapidly?—Undoubtedly. I think many questions of extremely small importance are sent to committees, and time is lost.

8460. Have you found anything in the existence of the Council which really tends to make matters go more slowly, or that there is really any bar to progress by the existence of the Council?—No. As there is a Council, and as ten or a dozen or more people have to see things instead of one or two there is a delay of days in their doing so. Beyond that I see no bar to progress.

8461. In important matters the Secretary of State not merely consults the Council as a Council, but I believe consults members of the Council individually?—Yes.

8462. And to withdraw in any degree that expert advice would be serious?—I should think from the point of view of the Secretary of State it would be very serious.

Lord *Brodrick* (Viscount *Midleton*)—continued.

8463. On the other hand, do you see any objection to the system of interchange as between the India Office and India of officials from time to time with a view of keeping a general touch between the two?—The question refers to officials, not to the Council?

8464. Yes?—No, I see no objection whenever it can be conveniently arranged. Of course, it is a difficult matter to arrange. To begin with, if you expect good work from the India Office establishment, it is essential not to destroy all their hopes of rising, promotion, and reaching headships of departments.

8465. Would you see any objection to an Indian Civil Servant coming home and acting on the Council for a period, and then becoming, we will say, Lieutenant-Governor of Bengal or Governor of the United Provinces?—I have said already I am very willing to see it tried. I do not think it is altogether ideal from this point of view, that at present the Council, I take it, is entirely outside the sphere of ambition and influence. They are at the end of their career; their career is finished. A man who still looks forward to advancement might not be in quite so independent a position. But, apart from that, which I do not regard as fatal, which I do not think likely to be fatal, I do not see any objection.

8466. With regard to Clause 23, may I take it that you would feel that whatever the powers of the Secretary of State are, it is well that they should be thoroughly understood in India, and not be supposed to be subject to constant alteration?—Yes, undoubtedly.

Lord *Islington*.

8467. Carrying on one or two questions that Lord Midleton asked you with regard to the internal arrangements of the India Office, I think you said just now that delay occurs because in comparatively trivial matters the whole of the Council have to see the papers connected with them?—The Committee has to see them, or perhaps two committees, and the Council have to be given an opportunity of seeing them if they want to.

8468. And I suppose in that direction matters might be expedited?—Yes, I think a good deal could be done in internal reform in that way.

8469. Would you favour the proposal which I see has been made, I think before Lord Crewe's Committee, that the member of the Council who is the Chairman of a particular committee, the Judicial and Public Committee, or whatever it may be, should be brought into much closer association with the departmental officers than he is at present?—Was that a proposal of Lord Crewe's Committee?

8470. No, it was not a proposal of the Committee; it was put before the Committee—it was put by certain witnesses before the Committee?—The proposal that I have understood to be made is that, instead of the Committee system, individual members of the Council should be turned into heads or super-heads of departments?—That I do not favour.

8471. It went as far as that, I believe?—Yes. As a matter of fact, the Chairman of any committee is already in very close touch with the department, and can be in closer touch if he desires. The departmental officers are very willing to give him information and to consult with him.

8472. You would not agree with the proposal that the member himself should occupy the position now occupied by the head of the department?—No, I do not approve of substituting the consultative system by a system of individual heads.

8473. As regards the number of the Council, would you agree to fix the number, or would you prefer to see discretion as between a minimum and a maximum of councillors?—I think it is much preferable that there should be a discretion, for this reason, that you cannot always get perhaps the precise kind of experience that you want. You may not get one man who will combine certain kinds of experience, and it may be more desirable to take two.

8474. Would you reduce the maximum?—It is now 14. I do not think it is urgent to reduce it, but I imagine that 12 would be found quite workable.

8475. Assuming you had 10, with a discretionary maximum of 12, how many Indians would you favour being appointed to the Secretary of State's Council?—Three

Lord *Islington*—continued.

Three as at present, or possibly four. I have no strong views on the subject. When an Indian with good official experience can be obtained, then there is no reason why the number should not be increased. It depends who the Indians are. Some Indian members of the Council have had all the necessary official experience, and that has served a double purpose. May I put in one point I left out? If it is desired to have more Indians, it is rather an argument against reducing the Council, because it is somewhat difficult to keep Indians continuously in this country. Naturally, they want to go home from time to time. They are longer absent on the whole.

8476. Would you specify the kind of official you would like to have on the Council rather more than is at present done? For instance, would you like to see on the Council an Indian who has experience in commerce?—Yes, certainly, whenever one can be obtained. It seems to me a very difficult class of member to obtain, because the Indian who has experience in commerce and has commercial interests probably does not want to come to this country.

8477. Would you like to see an Indian on the Council who occupies an official position in India, in the service or on the Government?—They are very useful members, but they do not probably supply all that is desired by Indian opinion.

8478. Just a word with regard to the powers of the Council. You say you would leave them untouched. Should I be right in saying that there is a nominal power of financial control of the Council, but really in practice it is not very effective, and it is almost literally and truly only nominal?—I doubt whether it is really so nominal as the question seems to suggest. It is quite true that things never come, I believe, to an impasse between the Secretary of State and the Council; that is to say, the Council has never been known to over-rule the Secretary of State; but although that may be the case, I think that the existence of the power of the Council may have a good deal to say to what is put before them.

8479. Do you think there have ever been cases where a matter involving expenditure has been carried with the tacit assent of the Council, though the Council may not have agreed with it individually or even collectively?—Not within my comparatively brief experience. I would not speak to matters which are really outside my own experience.

8480. I gather, therefore, from your answer to the Chairman that you would not desire to see anything put in the Act which would make more effective the control of the Council over the Secretary of State?—I do not desire to increase the powers of the Council in that direction.

8481. Would you say, from your experience, since you have had an opportunity of seeing the work of the Council, that the power of the Council has in any way deteriorated?—From my experience, no. I am inclined to think from all I can gather that the Council is perhaps more regularly consulted and working more in accordance with the idea of the functions embodied in the Act than at some previous periods.

8482. You have doubtless read the note which was appended to the report of Lord Crewe's Committee by Sir James Brunyate?—Yes.

8483. Do you agree with the proposals that he makes with regard to the future of the Government of India and the general Assembly?—I have very great sympathy with them.

8484. I see in your note here that you indicate that you would rather favour something being done for the Central Government as is done for the Legislative Assembly?—I am not prepared to go the length of recommending the establishment of any responsible Minister in the Government of India as yet; but I should have been glad if some higher degree of authority could have been distinctly recognised for the Legislative Assembly in respect of matters that are purely internal—matters of domestic economy in India. I recognise, of course, that the policy of the Secretary of State must necessarily be to attach very high importance to the opinion of the Legislative Assembly when the Government of India is able to accept it. When the two authorities, the executive and the legislative, are in unison in such matters, then I think the Secretary of State in the future must inevitably attach a very high importance to their views. But if it were possible to recognise that definitely in the Statute it would have a good effect in India, and I think it would be in accordance with what must be the line of our future policy.

Lord *Islington*—continued.

8485. Would you say that in its early stage it was a beginning for the Central Government in the direction of what is proposed to take place in the Provinces?—That is how I regard it. I consider that eventually that action must be taken in the Central Government. That is the eventual line of policy, and if it is possible to recognise it at present so much the better.

8586. To that extent could you say it would meet with the request which has been made by Indian opinion that something should be done for the Central Government?—Yes. It would not go very far, but to that extent it would meet Indian views.

8487. Now, as regards the electorates, do you consider that the Southborough Committee proposes satisfactory electorates on the whole in the Provinces, or do you think they should undergo further revision before they are put into force?—No. Unquestionably the whole business is very tentative, very experimental; but I believe that the electorates they have proposed are as good as you are likely to get for a first attempt. It may very shortly—no one knows how shortly—be necessary to revise them. They may prove unworkable in one way or another, or defective; but in my judgment they form the best possible scheme for a first experiment.

8488. You would say that your inclination would be, with all their imperfections, to start them as they are, with certain modifications, I suppose?—Yes. I have not thought of minor difficulties and modifications. I am not referring to the very great difficulty which I know exists in Madras; but, on the whole, yes.

8489. You think the labour community and the Ryot are sufficiently directly represented in those Councils?—Yes. I think they have gone as far down—I am quite certain they have gone as far down—as it is possible to go at this moment towards getting an effective electorate. I am sure if you went further down you would not have an effective electorate. You would have an electorate that would neither understand the questions put to it nor, probably, vote upon them. My only doubt is whether the present electorates will be found within a measurable time to rise to their responsibilities, but that remains to be seen.

8490. I would like to ask you one or two more questions as regards the method of government in the Provinces. You accept the general proposals, the system of government with regard to reserved and transferred subjects?—Yes.

8491. Would you desire to see those divisions made as slight as possible? Would you desire to see that in all matters for discussion prior to decision the discussion should take place in the branches of the Government combined?—Yes; it is the greatest difficulty that I have had personally in connection with the scheme. There are two absolutely opposing principles: One is that duality in government is certainly a weakness; the more unified a Government is, the stronger and more effective it is likely to be. The other is that it is absolutely essential to give responsibility—to make a start in giving responsibility—and it is only by duality that responsibility can be given. Therefore I wish to see the Government as much unified as possible without obscuring and doing away with the responsibility of Ministers, and without weakening the value of what we are doing from that point of view.

8492. Would you go so far as to try to lay down in the Bill that all matters outside the purely departmental questions which the Minister deals with himself, all questions which are to be decided by the collective decision, must come before both branches of the Government sitting as a Cabinet, where they would be fully discussed before the final decision is made?—It is going a long way to say that every decision which requires collective decision must be discussed by the whole body. I mean to embody that as a statutory precept or precept of rule, but that is what I should like to see done.

8493. I am merely alluding to those subjects outside the ordinary departmental subject which is dealt with by a Minister, which in the ordinary course would have to come before, as at present suggested, the Ministers sitting together or the Executive Council sitting together, presided over respectively by the Governor?—

Lord *Islington*—continued.

Governor?—I should say that in certainly nine cases out of ten, or nineteen cases out of twenty, the decision should not be taken until both parts of the Government have expressed their views upon it, but I feel a little difficulty in saying that there should be an absolute rule.

8494. You would say that it would be likely to obviate friction and discord in the future if all questions, whether they be questions under the category of reserved or transferred subjects, were accessible in all their details to both branches of the Government. Would you agree to that as a general proposition?—I agree to it as the general rule, as the general principle. I am not prepared to say that there should never be an exception.

8495. Can you think in your mind of any exception which would lead rather to smoothness than to friction if it were kept from the knowledge of a part of the Government? Well, I see you are not prepared to give too positive an answer, but you agree generally with the propositions I have put forward? I will not press you further?—Yes, generally I do.

8496. One more question, and that is as regards the financial aspects of it. Do you agree to the joint purse, or do you favour more the subsequent proposal of the Government of India of a separate purse?—I did long favour the separate purse, but for some time I have come to think that there really is a greater advantage in the joint purse, provided that both parties will work in a reasonable spirit. The joint purse does, I think, make great calls on the reasonableness and mutual forebearance of both sides. As it is not absolutely certain that reasonableness will always be present, it is necessary, I think, to provide some reserved power in case of a deadlock. In fact, that is provided. And, that being so, I prefer the joint purse.

8497. Anyway, you do not consider that a joint purse is incompatible with the proposed dual system?—No, I do not think it is necessarily incompatible with it.

8498. Would you like to see set up in each Province —would you favour seeing set up in each Province by statute—a financial department with a Minister in charge?—I have a doubt about that; I doubt whether it is necessary. It is necessary, I think, to give very definite and high authority to the financial department as such.

8499. That is the intention of the question. There will be a very definite department, in whose hands are the whole finances of the Province?—Yes, and it must be so, though it need not necessarily have the last word.

8500. In every department there must be a responsible Minister at its head, must there not?—Yes. necessarily there must be.

8501. I am sorry to keep you so long, but your experience in these matters is so valuable to us. Would you like to see in these Provincial Governments, as the development of local government, district boards, and all the lower local government bodies develop—would you like to see established in each Provincial Council something in the nature of a Local Government Board? —Yes.

8502. With powers approximating to the powers which the Local Government Board exercises in this country?—Yes, I should.

Mr. *Acland.*

8503. Have you given consideration to the question of the inclusion among the transferred subjects of the whole of education?—I have considered it.

8504. Will you express an opinion about it?—I think it is inevitable, eventually at any rate. I do not think that education can be satisfactorily, or properly, administered in two divisions.

8505. When you say eventually, do you mean that you would not do it now?—Well, I was rather thinking of certain reservations made about the University of Calcutta.

8506. Do you think there might be difference in practice in different provinces with regard to immediate action?—I think very likely differentiation in various provinces would have been appropriate. I think education is in a very varying position in different parts of India, and suitably there might have been differentiation of treatment.

Mr. *Acland*—continued.

8507. Do you think that is impossible now?—Yes. I am not prepared to recommend a departure from the proposals of the Southborough Committee.

8508. One question about the Provincial Governments. Do you think it is a fair criticism to the alternative proposal put forward by the Provincial Governors that it would be very difficult to envisage the next step forward from that except in terms of dualism—what we have got to call dualism—of some kind?—Either that or by the practical grant of responsible government.

8509. You think it would be possible to go forward from that to a grant of responsible government without going through anything of the nature of a dual system?—When you say " possible," I think it might be found inevitable; I do not think it is desirable. I think it would be much too sudden a plunge, but I think it is what would probably follow.

8510. And therefore is that one of the main points in your mind against it, that it would perhaps necessitate a much too sudden plunge forward to the next stage?—That is the main point in my mind.

8511. Whereas the dual system, with its clear disadvantages, has the advantage of being able to go forward in a better manner?—By progressive stages which can be calculated according to the circumstances of the time, according to the requirements.

Major *Ormsby-Gore.*

8512. I will ask you some questions about the function of the Council of India in regard to the control of the expenditure, both of the Government of India and of the Provinces. At the present moment does not every form of new expenditure by the Government of India, or proposed by the Government of India, have to come before the Council in London?—Yes, above certain small limits.

8513. What is that limit?—I cannot give the various financial limits. There are different limits for different purposes.

8514. Take an irrigation scheme of development. Would that have to come before the Council?—Yes, anything like a large scheme would.

8515. And railways?—Yes, railways, certainly.

8516. And education?—Yes. Since education is not so expensive the Government of India could do something more on their own, but not very much.

8517. Under the Bill as drafted the present financial control by the Council is retained?—It remains, yes.

8518. And it will apply to Provincial Governments as well as to the Government of India. That is to say, no Provincial Government, particularly in dealing with reserved services, will be able to propose expenditure, or to carry out expenditure, without the assent of the Council in Whitehall?—No, that has not been touched by the Bill. I may explain what, as I understand, has actually happened: that the Secretary of State has already agreed to delegate powers up to certain financial limits, and I believe in practically every case of delegation to the Government of India—probably not in every case—the Government of India has passed on that delegation to the Provincial Governments; they have re-delegated it. What is contemplated, as I understand, apart from the Bill, is to continue to revise those powers of delegation. That could be done entirely apart from the Bill.

8519. Does not the difficulty lie in the fact that statute law states that the revenues of India, Provincial and Central, belong to the Secretary of State, and may not be expended without the assent of the Council? Does not that work in the opposite direction to delegation—the existence of that statutory power?—I suppose it does. It means that the Secretary of State cannot divest himself of his responsibility to Parliament, but must be prepared to face the responsibility. He must necessarily always have that in his mind when he is fixing a delegation limit. He fixes a limit, we will say, for some particular purpose, of five lakhs of rupees. If complaint is made, he no doubt can say: " Well, surely, I have not looked into it, I do not look into such matters personally, but I consider that up to five lakhs of rupees I can trust Governments in India." Whether he could say the same with regard to fifty lakhs would be a question. He must always have

Major *Ormsby-Gore*—continued.

have in view whether he is reasonably exercising his responsibility to Parliament and the manner in which he could answer to Parliament for it.

8520. Another point in this connection is this: Will proposals for expenditure by Provincial Governments under the Bill come direct to the Secretary of State in Council, or will they have to come through the Government of India? Particularly in regard to transferred subjects I have in my mind—take a project for education in the Presidency of Bombay. Will that proposal have to go direct to the Secretary of State in Council here in Whitehall, or would it go to the Government of India and through the Government of India?—I had not thought out the procedure, but I really contemplated, on the rules made, that very little in connection with transferred subjects would come at all. The Secretary of State would not practically exercise any control over the revenues allotted for transferred subjects. I take it it would be more a matter of report than sanction, and that he would merely keep himself informed.

8521. You say the revenues allotted to transferred subjects?—Of course, if it were a joint purse——

8522. In that case the whole of the provincial revenues will be available?—Yes. I take it the position will still be the same. Although there is a joint purse, when the Provincial Government is agreed on the Budget allotments of transferred subjects then the revenues are allotted, and there is an end of it.

8523. What was exactly the position of the Council in regard to revenues. Take all-India revenues. Does the Government of India have to get the assent of the Council before it imposes a new tax, or before it will propose a new tax, to the Indian Legislative Assembly?—Yes, I take it it will require previous sanction.

8524. The previous sanction of the Secretary of State in Council?—Yes, for taxation.

8525. That is to say, to all new expenditure?—All new revenue. I believe so.

8526. Is the present procedure that before the Budget is published in India it has to come home to be examined in all its items here in London, and be approved in London, before it goes forward as the proposal of the Government of India?—Yes; the main scheme of the Budget has to be submitted, and particularly such matters as the question of any alteration in taxation.

8527. They have to come before the Council of India here in London?—Yes.

8528. And you think that ought to continue?—Yes, I do think so.

Mr. *Bennett.*

8529. Did I take down correctly an answer which you gave to a question put by Lord Islington? I have it in these words: That there should be statutory recognition of the Secretary of State's obligation to attach special authority to proposals on which the Assembly and the Government of India are in agreement. Have I correctly taken it down?—Yes, I think that is correct.

8530. The obligation, of course, could not be absolute?—You could not lay down an absolute rule that the Secretary of State must accept, because the Government of India and the Legislative Assembly might make proposals that Parliament would not tolerate.

8531. But it should be as definite an obligation as can be made?—Yes. I perhaps was wrong in saying statutory, because I am not sure that it could be embodied in the Statute.

8532. It is rather difficult to draft?—Yes; they have power to do it by rule.

Lord *Sydenham*

8533. Speaking generally, I believe you regard the provisions of the Bill as the best possible at the present moment?—In the present circumstances.

8534. You have alluded to the necessity of securing the assent of the greatest possible volume of friendly Indian opinion. I do not think we have had a single Indian witness here who approved of the Bill as it stands. Can you point to any Indian opinion which whole-heartedly supports the Bill?—I think there is a great deal of Indian opinion, even as far as I have understood the evidence of witnesses who have been examined here, which does support the Bill. Many of them want something more at one point or another. There are many people who would be glad to see the Bill go further, but I think, regarded as a whole, there is a very great deal of support for it in India.

8535. The Bill as it stands is really supported by no one?—You mean there is no one who would not like to make some amendment?

8536. Who does not wish to make an amendment?—That may very well be.

8537. In a book I have received from India there are these words:—"This, then, is the outstanding position. We have a Bill which we have every reason to dread, which its author does not contend to be a satisfactory measure, and does not conceal his desire to abandon. But the prospect is that that Bill may be finally passed and fastened upon us." The writer says further that there is no hurry, and he asks for a different Bill altogether. Does not that show at all events that there is an extreme dislike for the Bill in some Indian quarters?—I am not prepared to say how far the views of the writer may be supported by other opinion in India.

8538. I suppose you know that nearly all the non-Brahmin organisations in India have sent us telegrams expressing fear of the effect of the Bill. Does not that indicate that some Indian opposition is serious?—I am aware that a great deal of non-Brahmin opinion in Madras, and possibly also a certain amount in Bombay, is dissatisfied with the proposals in the Bill for general electorates—is alarmed and dissatisfied. That is the case. But I think as a rule the objections are limited to that particular point and that particular apprehension. I think the people who express these apprehensions are, in other respects, generally in favour of the constitutional proposals of the Bill.

8539. You say in your Memorandum that a dual form of government is the only scheme consistent with development by stages. Now, supposing that scheme of the five Lieutenant-Governors was adopted, and that there were two Indians and two British officers, as I think you propose, and that in time there were three Indians, and then four, and finally an Indian Governor, is not that progressive?—The objection I take to it in the first place is that I do not think it is in accordance with the pronouncement of the 20th August, 1917, in the matter of responsibility. The second objection I take to it is that in effect to my mind there is only one stage, and that is the stage when the Indian members become the majority, and you pass at once from one form of government to another.

8540. It is all a question in your mind of the technical definition of responsibility?—And of progressive stages.

8541. And of progressive stages. Now are you really satisfied with the proposals of the Franchise Committee? I gathered from your answer to Lord Islington that you thought they were capable of revision?—I should be very much surprised if, in the course of a few years they had not to be revised in one direction or another. It seems to me impossible that the first attempt, without previous experience, at setting up an electorate of many millions can really be satisfactory. You can only proceed there by trial and error.

8542. Do you not agree that it is most important that we should at the outset get as close to just conditions as we can, because in certain respects it may be very difficult to make revisions at a later period?—I agree, and I think that the general class of person, the general stamp of men whom the Committee contemplate enfranchising, is the proper kind of man who should be enfranchised.

8543. But you realise that the franchises as proposed are most unequal, and in some respects illogical, and that they penalise some Provinces relatively to others?—They vary as between Provinces certainly; so do the characteristics of the people.

8544. Do you agree with the rather strong criticisms in the Government of India Despatch of March 5th?—Do I agree with them generally?

8545. Yes?—I think they are excessive.

8546. They are too critical?—Yes.

8547. You said with regard to the franchise you have gone as low as it is possible, but to my mind that is not the whole point. Is not the real thing not the lowering of the franchise, but whether the elective members are really fit to represent particular classes in the peculiar conditions of India?—The question is whether

Lord *Sydenham*—continued.

whether they will represent them—whether the people who will be elected will properly represent the constituencies. That no doubt is so.

8548. Do you think the rural population which is of importance is sufficiently protected from domination by the towns, whose interests may differ?—I admit, on my experience, that the rural population in India is in a very inferior position as regards the towns, as regards pressing its interests and getting them represented. But it is enormously the more numerous, and it will have under this system a very great weight of representation in the Councils, and if its representatives are worth anything at all I think it should be sufficiently protected.

8549. Do you think that the non-Brahmin classes and the depressed classes who are showing signs of alarm will be adequately represented by persons really entitled to speak on their behalf?—About the non-Brahmins, using that word in the sense that it has acquired in the Madras Presidency, I am really not qualified to speak. There are, I believe, about 40 million non-Brahmins in Madras, and they include everybody who is not a Brahmin; they include a good deal of wealth and education, and they ought to be able to find people to represent them, though I quite recognise there is a difficulty. Elsewhere in the provinces of Upper India, of which I do know something, I do not think the difficulty arises. I do not think Brahmins are likely to be represented in any higher degree than their culture and intelligence warrants.

8550. Take the five million Mahrattas in the Bombay Presidency, who are special, almost racially special—do you think that special arrangements ought to be made for their representation?—I am not acquainted with the internal affairs of Bombay, and I prefer to go by the opinion of the Bombay Government. If they consider that under the proposals made the Mahrattas will get representation I should assume that they would.

8551. But as a matter of principle involved do you not think a large number of people of that class ought to be provided for in the electorates?—They ought to have representation, but I am not convinced that there is any reason why they should not get it.

8552. Will you admit that if a just system of representation such as I have indicated is not provided the whole foundation of responsible government must be wanting?—I do not think I will admit it. In every country there is only a certain proportion of the population which takes an active interest in politics and which really returns persons to the Legislature and in that sense is really represented; and responsible government is not really incompatible with that being a comparatively small section. It is possible that in India, to begin with, some parts of the electorates will not make use of their opportunities, but I do not admit that the fact that they do not at first do so until they have been taught better or learned better makes the application of responsible government altogether unsuitable. I do not think it does.

8553. But suppose that we now set up an electoral system which does not provide for a real and adequate representation of the agricultural and working classes of India who provide all the revenue, and if the system is such as to put political power in the hands of a small privileged class, should we not be false to our trust to the people of India?—If that really happened——

8554. I am putting it to you as a hypothesis?—On that hypothesis we should have failed to carry out our duty.

8555. In that case might we not expect very grave troubles?—If the privileged classes to whom you refer abuse the position in which they find themselves we certainly should.

8556. Therefore I take it you do agree that the question of electorates is a vital one?—It is one of very high importance.

8557. One last question. I think you said that you consider that any objections to Clause 28 are outweighed by the encouragement to make the best of a system which is only to last for a short time? Do you not think it is also just possible that there will be a very strong temptation to make the scheme unworkable in order that the demand for complete Home Rule may be substantiated?—I have looked at it, I think, from every point of view. I think there are some people who will not be anxious to work the scheme fairly, who will rather keep before them merely the idea of obtaining complete Home Rule, or the greatest approximation to it; but I do not think that that will be the attitude of the great bulk of educated people in India. I think that they will be anxious, having obtained a certain amount of power for their own affairs, to show that they can administer them well, and that they will do the best they can to make it a success and to found their claim for the next stage really upon the successful results of the first stage.

8558. Do you know we have been told by a witness in this room that unless the Bill is drastically amended in certain respects there will be an agitation which will stagger the imagination? Do you think the people who make those sort of statements are likely to make a Bill which they dislike a complete success at the outset?—No; but I do not suppose that these are mainly the people who will have to work the Bill. I do not suppose that people of that kind will form majorities in the Legislature, or will be the people who will have the working of the system. All that amounts to is that there are a great many extremists in India who are not going to be conciliated by any Bill. I do not think anyone expects that they will be.

Sir *J. D. Rees.*

8559. Are not the towns of India for the most part large villages? Do the expressions urban and rural connote industrial and rural occupations, as in this country?—The conditions are very varied in certain parts of the country. In certain parts, certainly, quite populous towns are really merely agglomerations of agricultural villages; but in other parts there are great industrial towns. There is no uniformity.

8560. The towns which are really large villages are greatly in the majority—those which have no industrial part. Is not that so?—Yes, the small towns are very largely of that character.

8561. Is there anything in the religious and economical interests or in the habits and customs of the Mahrattas so distinguishing them from other Sudra cultivators as to call for special representation?—I know very little about the speciality of the Mahrattas.

8562. If responsibility is not given now in these stages, and if the declaration of August, 1917, is carried out, will it not be necessary at some stage to make a sudden jump from the present system into full responsibility?—Inevitably.

8563. Would not that be most disastrous and impossible?—Yes.

8564. If the electorate given by the Report to a Province are such as its Government have recommended, can it be fairly said to be penalised in that behalf, and are not these electorates really all given upon the recommendations practically of the Local Governments concerned?—I think perhaps Madras is an exception, but I understand that practically all the Local Governments propose very much the electorates which have been recommended by the Southborough Committee.

Sir *Henry Craik*

8565. I have only two questions to ask you. You have said, I think, that you do not think it would be a good plan to bring home men actually in the Indian Civil Service to the Council?—No, I said I was willing to see it tried, but that there was the objection to it that such men would not be in the same position of independence as are men who have finished their career.

8566. Do you think that an attempt of that kind to try to draw the bond closer between the India Office and the Indian Civil Service might be carried out by bringing home the members of the Indian Civil Service to hold certain posts in the ordinary administrative staff of the India Office?—To a certain extent that can be done.

8567. You think it can be done. It has never been tried yet?—No. No one has ever come home to a prominent post in the India Office until he has retired from the I.C.S., but, of course, some men have retired very early in order to come home.

8568. But you think that that is not an impossible thing?—No, it is not impossible.

8569. The other question is one of an entirely different sort. You spoke of the Mahratta population, and

Sir *Henry Craik*—continued.

and the necessity of giving them some representation to secure them something: what form would the communal representation which you advocate take?—I do not advocate communal representation.

8570. In any form?—No, I am not an advocate of communal representation.

8571. But is it not necessary for such representation?—No, I merely admitted that it was essential that the people should be represented, but I have not admitted a previous proposition that Mahrattas will not get themselves represented under the proposals. My own belief is that they are in sufficient numbers, and probably of sufficient intelligence to get themselves represented.

8572. Suppose communal representation were allowed, would you think it best to have separate constituencies or to have a certain number of reserved seats?—Where communal representation is inevitable, as it is in the case of Mohammedans, I think it should be by separate constituencies, by local constituencies.

8573. And then those who form part of those constituencies would have no part in the other?—They would be excluded from the general electorate.

8574. You are not prepared to assign a certain number of seats, to earmark a certain number of seats for them?—No, I do not like that idea at all.

Mr. *Montagu.*

8575. We have had many opportunities of discussing these things together, and I have only two questions to ask you. You were, before you became a member of the Executive Council of the Presidency of Bengal, Lieutenant-Governor of Bengal?—I was first a member of the Lieutenant-Governor's Executive Council in 1910, and then for about eight months I was Lieutenant-Governor, and then I was a member of the Governor's Executive Council.

Mr. *Montagu*—continued.

8576. I want to ask you a question as an ex-Lieutenant-Governor: If there were riots in your Province and the form of government in your Province was that recommended in the Bill, do you think that you would be hampered in dealing with an emergency with the promptness which was necessary?—Under the form of government proposed in the Bill?

8577. Yes?—No, I think not. I think I should not be hampered.

8578. I imagine that a Lieutenant-Governor without an Executive Council would be able to deal most quickly with a thing of that kind, would he not?—Yes, because he would have no one to consult but himself.

8579. One more question. Would it be fair to say, in your opinion, that the admitted delays in the government of India—I do not mean the Government of India, but the Government machinery—are in the main due to the necessity for a Provincial Government receiving the sanction of the Government of India, and the Government of India of the Secretary of State in Council?—Yes. There are a great many contributory causes for delays, but I think that the main one is excessive centralisation or what you may call the bottle-neck in India.

Chairman.

8580. Is there anything you would like to add to what you have said?—I think not.

Chairman.] We are very much obliged to you.

(*The Witness is directed to withdraw.*)

SIR JAMES BRUNYATE, K.C.S.I., C.I.E., is called in; and Examined as follows:—

Chairman.

8581. I think you have been a member of the Council of India since 1917?—Yes.

8582. You entered the Indian Civil Service in the United Provinces in 1891?—Yes.

8583. You were at one time Secretary of the Government of India in the Finance Department?—Yes, that was the last appointment I held. Most of my experience in India has been financial, and most of it, including all the latter part of it, has been in connection with the Government of India. So that I feel myself rather specially disqualified for offering opinions on a scheme which is so largely concerned with Provincial matters.

8584. We have had the advantage of reading a very interesting contribution which you made to the Report of Lord Crewe's Committee. Is there anything you would like to say on the subject generally, or in relation to that Report?—On the subject of the reform scheme generally?

8585. Yes?—I think, as it has been impracticable for me to submit a written statement and you have kindly excused me from doing so, I might just mention at the outset that I fully accept the pronouncement on which this whole scheme is based—the pronouncement of August 20th, 1917. I accept with misgiving, but I do accept the scheme of diarchy, which is the central feature of the Joint Report and the basis of this Bill. Those are the two main points I want to state to the Committee, just to indicate my general attitude towards the reform scheme. For the rest I am content to await any questions which may be put to me

Major *Ormsby-Gore.*

8586. You have noticed, I dare say, in the public Press and in the evidence before this Committee, that your division of the functions of the Government of India into two categories has been used by persons who are anxious to see some responsibility in the Central Government of India in support of a proposal to create diarchy in the Government of India. Would you like to say anything on that? I dare say you noticed the leading article in the "Times" this morning referring to it?—No, I have not seen the "Times" this morning. I should like to say that I am totally opposed to dualising the Government of India at this moment and at this stage, and I do not accept any description of my scheme which regards it as instituting a form of dualism, or a half-hearted approach to dualism. I think that those who seek to dualise the Government of India at this stage do not fully realise the extreme anomalousness of the diarchic system as a system of government. I have come to the conclusion, as I said a few moments ago, that that system of dualism is one which we must, in fact, adopt in the Provinces, but I am absolutely clear that we cannot afford to throw all our machinery into the melting-pot at this stage, and that we are under no pledge or obligation whatever to do at this stage for the Central Government what it is proposed in the Bill to do for the Local Governments.

Major *Ormsby-Gore*—continued.

8587. It has been suggested that it would be possible to have in the Central Government of India a Minister responsible to the Legislative Assembly of India for overseeing and keeping account of the actions of the various Provincial Governments in regard to transferred subjects such as education—that is to say, for the work of co-ordination, on behalf of the Government of India, of the work of the Provincial Governments in transferred subjects. Do you think that is a practicable proposal?—Well, I think it depends on your general aim. If you contemplated a scheme under which the Government of India would still retain very large powers of control, or if not of control, of guidance and influence, it would be perfectly possible to collect those functions to a large extent and entrust them to the holder of a particular portfolio in the Government of India—not a Minister, because that would mean diarchy again. But the preamble to the Bill begins by asserting most emphatically — the emphasis comes from the position in which the words occur at the very outset of the Bill—the principle of ousting the Government of India from concern in matters which are purely Provincial, and *a fortiori* in matters relating to transferred heads. Therefore I do not think that the expedient which you suggest is a desirable or a consistent one.

8588. I do not suggest it?—I mean the one you put to me.

8589. You have observed that from India there has been this demand for years for some measure of responsibility in the Central Government. Your argument is that that would introduce diarchy, which is impracticable in the Government of India, and that the process should be by extending responsibility after all

Major *Ormsby-Gore*—continued.

Provincial subjects have been transferred. You would transfer nothing in the Central Government until all Provincial subjects had been transferred?—I do not quite go that length. Your question began by saying that there is a demand from India for some constitutional alteration in the Government of India in the direction of what we call advance. My answer to that portion is that I recognise that. I think it is impossible to meet that demand by immediate diarchy. The scheme which I put forward in connection with the report of Lord Crewe's Committee is the best effort which I, at any rate, can make to meet that demand. But when you ask me as to how soon the state of things, which at this moment in my view makes a larger concession impossible, may be modified, I am quite unable to say; and I certainly should not be prepared to say that it could not be modified until every single subject in the Provinces had become a transferred subject.

8590. What are your views on the demand for fiscal autonomy for India?—As you know, I made a reference to that in the scheme of mine to which you have referred. I think the position in India, in spite of reform, in spite of all we are doing, will be very unsatisfactory if Indian public opinion continues to believe that interests which it has very dearly at heart, as for instance the industrial development of the country, are sacrificed to interests which are external to India, to British interests or British interests disguised in the form of general Imperial interests. In some way I think we have to make it clear that that is not the intention of His Majesty's Government. If that can be made clear, I would not go the length of saying at once that the Central Legislature in India or the Central Legislature and the Government of India combined should have an absolutely free hand in regard to all their fiscal proceedings; I consider that they would still need the guidance of wider experience for one thing. I do not think the experience which is necessary in those matters is wholly obtainable in India. I think they would need the controlling influence which comes from detachment from local feeling. And, of course, His Majesty's Government would still have to be heard in such matters, they would still have to have a voice in such matters from the point of view of international relations. But I do want it to become impossible for any reasonable minded Indian to think that the standpoint from which any Indian proposition in regard to fiscal matters is viewed at home is the standpoint of competing British interests.

8591. One question about the work of the Council. Are you of opinion that the Council of India at present takes up too much time in examining proposals for expenditure by the Government of India or by Provincial Governments, and that that examination is the cause of unnecessary delay?—I do not think the Council of India takes very much time in examining them, because the Council work very quickly, and they are not matters of laborious and anxious study; but I do think too many of such cases come home, and that far too much time is spent in India in preparing them for presentation to the authorities at home.

8592. I gather that you want to keep the statutory power—the financial veto of the Council?—No. I have said in one of my papers that I am prepared to see that go.

8593. You want to keep some statutory power?—I do not press for the statutory power which is called the financial veto, but I do press for what I call the statutory relationship of participation with the Secretary of State in the administration of India. I wish still that India should be administered, as far as home administration goes, by the Secretary of State in Council.

8594. How would you then word the statute if you do not give it the power of finance? How can we get your statutory position for the Council?—As far as that point goes you would leave out the section which confers that statutory power in regard to finance, but you would retain ——

8595. You would retain the whole of the clause of the Act of 1915?—Not quite that. This is the essential portion, in Section 5: "The Council of India shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the Government of India and the correspondence

Major *Ormsby-Gore*—continued.

with India." That I think is conferring on the Council some sort of statutory participation in the administration of India, and differentiates the Council, as a corporate body, from a collection of mere advisers to whom the Secretary of State can refer, individually or collectively, as he may at any time think fit.

Lord *Islington.*

8596. As to your reason for desiring to see the removal of the veto power, is it because the existing statutory power is found from experience to be non-effective, or is it because you desire to leave the final authority solely in the hands of the Secretary of State?—The latter statement approaches my reason. I will take two aspects, one a minor matter—supposing a minor matter is under discussion—and the other is supposing a major matter is under discussion. If the matter under discussion is purely minor it seems to me, at any rate, very anomalous that if the responsible Minister of the Crown has listened patiently to the statements which the members of his Council placed before him, he should not be at liberty to have his way in a matter which, by hypothesis, is purely of minor importance. It really would be an extraordinary thing if any members of the Council should say to the Secretary of State: "This is a trumpery matter, but still we mean to have our way and you shall not have your way." If the matter is a major matter I really find it impossible to conceive the conditions, with one exception which I will refer to later, under which the members of Council collectively should refuse to let the Secretary of State take the action which, in agreement with the Cabinet and the Prime Minister, he thought it his duty to take. Because the Council stands responsible to nobody, in a sense they represent nobody, and in a sense they are not constitutionally responsible to anybody. The Secretary of State bears the whole responsibility, and in the last resort it seems to me that he must have his way. The exception I referred to is where the matter under discussion is an important question of apportionment of charge; where it is a question whether a certain heavy charge shall fall on Indian revenues or shall fall on the British Treasury. In that case the Secretary of State himself occupies a very difficult and anomalous position. As a member of the Government or the Cabinet, the interests of the British Treasury are necessarily a matter of much concern to him. As specifically the Minister for India, he is also closely interested in the other side, and if there were no other means of composing a grave difference of opinion on an important question of apportionment of charge, I can conceive that it might be the duty of the members of Council to press their view and to push the whole question to a collision, which, of course, must end in a modification of the Government of India Act. They could only do it once. But as a matter of fact there are recognised arrangements for dealing with questions of apportionment of charge. They can be referred to arbitration and the like, and that, I think, is the correct way of dealing with them, rather than by collision in the Secretary of State's Council.

8597. As regards the first category which you mention, the trivial matters, I suppose you would say that in 9 cases out of 10 the Secretary of State would probably agree to the decision of the Council?—Quite; I think I can say that is the practice.

8598. Or even if he did not he would probably in some cases bow to it?—There would be some sort of *via media.*

8599. Your difficulty about the veto for larger subjects is mainly because they would come into the realm of what you may call Cabinet questions?—Yes.

8600. And your contention is that an irresponsible body would be clothed with an arbitrary power over the Secretary of State, who is responsible to the Cabinet?—Yes, it would be simply a grotesque position.

8601. If your general proposals were to be given effect to, you would, I take it, admit that you are clothing the Secretary of State with rather more direct power, power in a rather more direct fashion, than has hitherto been the case?—Yes, I am putting him in a position to abuse the intentions of the Act if he wishes to do so.

Lord *Brodrick* (Viscount Midleton)—continued.

8602. You are saying that with regard to Central Government and with regard to Local Governments the vetoing power of the Government of India is not to obtain, but only an allowing power is to be granted them. Is that a fair description?—Are you passing on to another matter?

8603. I am passing on now to the power of the Secretary of State. I have passed from the financial position of the Council, and I have passed on now to your other proposals in your note, in which, as I read them, you lay down that the Secretary of State will have the power of disallowance, while the Government of India and the Local Governments will be confined to that of merely allowance on subjects of legislation, of administration, and of finance?—That is ordinarily the position I suggest. In a sense it does not differ very much from existing practice, I think. I see Sir James Meston is in the room, and he might be able to correct me at the appropriate time if I am wrong. But take finance, for instance. A scheme involving expenditure is put forward in the Provinces. Either it is within the power of the Local Government, in which case the Local Government sanctions it without reference to the Government of India or the Secretary of State.

8604. It is within the delegation power?—Yes, or it is not within the power of the Local Government, and in that case it has to go to the Secretary of State under the existing practice. There is no intermediate limit within which a Local Government's proposal can be sanctioned by the Government of India, but cannot be sanctioned by itself. If it cannot be sanctioned by the Local Government it must go to the Secretary of State. So that though I take it when the proposals go to the Government of India they could say, "We cannot support this proposal to the Secretary of State," and in that sense they might disallow it, in actual practice the more usual thing would be to discuss it with the Local Government and see if they could arrive at an agreement on the matter, and then send the modified proposal to the Secretary of State. A blunt veto from the Government of India at that stage is not usual, even under the present practice.

8605. One other question. I think you suggest, with a view to advancing devolution, that the delegation limit should be extended?—Yes.

8606. The delegation limit to the financial limit to Provinces and to the Government of India?—Yes.

8607. They should have a wider discretion over finance, without reference home, than has hitherto been the case?—Yes.

8608. Have you anything in a concrete form which you could tell us, or have you anything in your mind as regards this extension of delegation?—Might I make a few remarks without their being put down?

8609. Do you agree that it is a very important branch of devolution?—Yes, I agree with that. [*The Witness here made a communication, unrecorded.*] I think that the existing limits in almost all cases want some enlargement, but in addition to that there requires to be a study of the material which has come home from the Government of India to the Secretary of State for financial sanction over a long period, so as to find some further criteria by which you can sift out a lot of cases which now come which are not of real importance. You may lay down a limit that every scheme of reorganisation costing £10,000 a year shall come to the Secretary of State, or you may make it £50,000 a year. But even such a limit will still bring a lot of work to the India Office which has really no business to come there at all.

8610. In the scheme?—Yes. Therefore I say the existing scheme of delegation wants enlarging in two directions—first because the limits are not high enough, and secondly because a mere system of limits does not suffice, however you fix your limits, to keep all the unnecessary references from coming home. I believe that some work is being done in that direction in India, and possibly at home, in preparing work in such directions.

8611. Of course, if that were to develop and materialise it would expedite matters very considerably. That is where a great deal of the delay comes in?—Yes, it is important.

8612. If the scrutiny of the details of even a delegated scheme is modified, as at present obtains, it would expedite matters considerably in their materialising in India, would it not?—When we speak of delay occurring in the Government of India, my impression is we really are not generally referring to those isolated cases of proposed expenditure. We generally have in view some very large scheme, possibly the programme of advance set forth by a Royal Commission or what not, which must, under any scheme of delegation, come to the Secretary of State in some form, and the delay occurs in dealing with a great mass of material containing proposals in many different branches, all of which have to be co-ordinated in some way.

Chairman.

8613. You said, I think, in answer to Lord Islington, that you thought the power of veto in certain financial matters now enjoyed by the Council of India should be repealed?—Yes.

8614. That, of course, is a matter on which I give no opinion at all, but your reasons seem to me to be rather far-reaching. You gave as your reason the fact that the Council of India was not responsible and the Secretary of State was?—Yes.

8615. But Parliament imposes definite duties on whole numbers of civilians and naval and military officers in exactly the same way as it does on the Council of India. Nobody suggests that that is a reason for repealing the powers conferred upon them by Parliament?—Surely Parliament does not impose on any other authorities a power of refusing a decision of the Cabinet itself?

8616. But surely that was the intention of Parliament at the time. It may be good or bad, but that was clearly the intention?—I see that was the intention of Parliament, but I think, if I may say so with respect, the cases are not analagous—a case in which one authority is empowered to block the decision of the Cabinet, and the other the case of officers and so forth to which you refer.

8617. I think the case is the same, because Parliament in every single one of those cases intends these officers to exercise those powers quite independently of the opinion of the Cabinet or the Executive Government. It is part of the method of Parliament of checking the Executive Government in this country?—Well, it is possible that I expressed myself too broadly, and that I ought to have said that, having regard to the extreme anomaly involved in placing an obstacle in the way of a Cabinet decision, it could, I thought, very rarely be the duty of the members of the Council of India to take advantage in the last resort to press the power which this Act confers upon them. I was perhaps rash in saying that occasions could not arise beyond the particular occasion I mentioned, in which the power conferred ought not to be exercised, but it seems clear to me that they must be extraordinarily rare.

8618. Do you doubt that that was the actual intention of Parliament at the time it passed that Act?—No, but the conditions at the time the Act was passed were very new, and I think it is possible for such provisions to become obsolete in constitutional practice.

Chairman.] I am not quarrelling with your opinion, but with the reasons you gave for it.

Lord *Islington.*

8619. May I ask one further question on that point? Carrying on your view that you would remove the veto, and I think your admission that the Secretary of State will have reposed in him a very responsible power, would you agree to the opinion of the Council if it was in discord with the Secretary of State being in some form recorded, and, if necessary, made public?—Recorded, yes; made public is a solution that I do not like. If one were seeking some kind of intermediate course for giving real authority to the Council, I would rather say that the opinion of the Council should be recorded and placed before the Cabinet. I personally do not want to assert for the Council of India power to override the deliberate opinion of the Cabinet.

8620. I am assuming a case of some very important matter, the Secretary of State taking one view, his Council taking another, and the question becoming a public one in Parliament. You would leave it to the discretion of the Cabinet as to what course the Council took being made known to Parliament?—Yes, of course, if you provide a procedure under which, in cases of difference

Lord *Islington*—continued.

difference of opinion, the recorded dissent of the Council was laid before the Cabinet, it would, I take it, usually be elicited in the House of Commons that such a dissent had been recorded, and it probably would become public.

Lord *Sydenham.*

8621. In paragraph 14 of your Memorandum you say we are bound to allow for political experiment in the Government of India. Now we are going to try a tremendously important experiment in the Provinces. Might it not be wisest to wait and see how this works before going higher?—It might be wisest, and I fully admit that it is a difficult question of opinion, but it is proposed to give a non-elected majority in the Legislative Assembly, and the Government of India, therefore, may have to rely for their Legislation largely on the process of certification; I doubt the expediency of making no further concession in the conditions you are going to create.

8622. You will admit that the whole of the working of this rather complicated system must be highly problematical?—Certainly.

8623. You lay stress on the convention of non-interference by the Secretary of State. What do you mean exactly by convention in that sense?—I would like to look at the passage.

8624. It is in paragraph 14. You say: "A time will come when the convention of non-interference will be established and can be formally affirmed by rule?" I do not quite understand your meaning there?—I mean this: Supposing we start the Government of India with no constitutional change in its relations to the Legislature, but give the Legislature this elected majority. In view of that elected majority, and in view of the whole atmosphere of reform, I think that every responsible person concerned with the administration of India will feel that though no constitutional changes have been made it is necessary to defer to a much larger extent to the wishes expressed by the Legislature than has been the practice in the past. If an indefinite time were allowed for that evolution I think there would gradually come into being a group of subjects of less vital importance—matters of everyday domestic interest—in which the Secretary of State, even though charged under the Government of India Act with the duty of superintendence, direction, and control, would in practice almost invariably refrain from interference with a view recommended by the Government of India with the support of the Legislative Council. In that way, postulating that an indefinite time for evolution were allowed, I think you would arrive at a convention of non-interference.

8625. I think you will admit that that is rather vague. You really mean that a habit would arise in process of time which would be likely to become permanent?—I accept that.

8626. But might not the convention of one Secretary of State be immediately broken by his successor?—It might, but it is not always very easy to go back on past practice.

8627. You hope to build up a precedent. Now, with regard to a very large number of the very important questions which the Secretary of State would have to take, I gather you consider that a strong and well-selected Council, with recent knowledge, is essential to India?—Yes.

8628. Do you think that nine members would be sufficient, consisting of one-third non-official Indians, one-third officials, and one-third chosen for special knowledge?—I think it probably would. I would not like it to be less than nine.

8629. Do you think that a term of three years would suffice?—I do not think it would in practice for Service members. The Secretary of State wants to appoint a particular man; very likely he has to resign an appointment in India to take up the appointment at home, or perhaps he has already recently come home from India and has made his arrangements for living in England, and has to alter those arrangements. One way and another I think you will find that three years was too short a tenure to get the man you want.

Lord *Sydenham*—continued.

8630. As a principle you would like the information to be as recent as possible in the India Office?—Yes.

8631. Are you satisfied with the internal machinery of the India Office?—Well, that might be considered from two points of view—the management of the Office as distinguished from the Council of India, about which I really have nothing to say, and the manner in which work is done by the Council of India in association with the Secretary of State's permanent staff.

8632. Is there not really a sort of dualism, consisting of the Secretary of State and his permanent officials on the one hand and the Council on the other?—There is, and I cannot say that it is quite satisfactory. But it is very difficult to see how the Committee system is to continue except on some such lines as we have at present, and I attach importance to the Committee system of working.

8633. Is it not a fact that the Council does not see some important business?—Yes, the political business.

8634. Is it impossible to let the Councillors hold portfolios?—To me, personally, the holding of a portfolio would be a much more acceptable way of rendering any service in the India Office which I was asked to render, but I have never liked the idea, I think a portfolio holder is much more likely to subject Indian proposals to an intensive control and interference; whereas the effect of Committee work and discussion, I think, is to elicit a variety of view which is often valuable, especially in finance, while at the same time preventing an undue tendency to interfere with the Government of India.

8635. On the other hand, the portfolio system would define responsibility, would it not, and if all-important matters were discussed in Council, there would be no question of their being decided within two narrow limits?—If they were discussed in Council, I feel that you would be having our Committee system again.

8636. Do you think it is impossible to work the Council very much like that of the Viceroy, leaving the Council its present veto for the restricted purpose, and letting the Secretary of State over-ride it in all other matters at his discretion?—I do not like the portfolio system as a means of handling a reference from the Government of India. I suppose the two most important Committees of the India Office are the Judicial and Public Committee and the Financial. I do not belong to the former, and cannot speak with authority about it. But, as regards Finance, the work done at the India Office, in my view, is enormously more valuable, through the variety of knowledge and experience obtained by means of the Committee system, than it would be if the best of us were alone there as the portfolio holder.

Mr. *Montagu.*

8637. Is not the most hopeful way of improving the machinery of the India Office to lessen its work?—Yes. I did not get an opportunity of saying that, but it is the essential point.

8638. You help at the India Office to conduct a very large banking business?—Yes.

8639. You are aware that the Political Department is largely engaged in the administration of Mesopotamia?—Yes.

8640. And, generally speaking, if business had not to come across the sea to the India Office the situation would be much relieved?—Yes.

8641. We heard the other day, in evidence, of a very valuable proposal for the formation of a technological institute which had been vetoed by the Secretary of State, or postponed by the Secretary of State, and had never come into being. Do you see any reason why, if a Provincial Government wishes to build a technological institute, it should ask the sanction of the Government of India, provided it could get the sanction of its Legislative Assembly?—Of course, in the individual case presented in that way one is tempted to say no. On the other hand, if Parliament is to exercise control through the Secretary of State and watch over the administration of India, the Secretary of State, I think, must be made cognisant of all departures of real importance, and be given at least an opportunity of being heard on them, and in the last resort of vetoing them

Mr. *Montagu*—continued.

them. In the case of a technological institute, which might cost from first to last a very large sum of money, initial and recurring, and does represent an interesting educational departure, I hardly like to say, if any superintendence, direction, and control are to be exercised from home, that that should be excluded.

8642. You would justify control from home on the ground that the Legislative Assembly was not yet sufficiently representative?—Representative and experienced.

Chairman.

8643. Is there anything you would like to add?—No.

Chairman.] We are very much obliged to you, Sir James.

(*The Witness is directed to withdraw.*)

Die Veneris 10° *Octobris* 1919.

MEMBERS PRESENT:

Lord BRODRICK (Viscount MIDLETON).
Lord SYDENHAM.
Lord SINHA.

Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE LORD BRODRICK (VISCOUNT MIDLETON) IN THE CHAIR.

HIS HIGHNESS AGA SULTAN SIR MAHOMED SHAH, AGA KHAN, G.C.S.I., G.C.I.E., is called in; and Examined, as follows:—

Lord *Brodrick* (Viscount *Midleton*).

8644. Your Highness has been good enough to answer certain questions submitted to you, and the Committee have the advantage of knowing your views in respect of those questions?—Yes.

The following are the questions and answers:—

1, 2. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the preamble? 2. Do you think that the realisation of responsible government in the Provinces involves the establishment in provincial legislatures of a substantial elected majority (Clause 6)?—The preamble to the Bill is in my judgment appropriate and satisfactory. I accept the term "responsible government," though as an ideal my preference is for self-government either on the American federal plan or on Swiss lines, leaving ultimate power through the initiative, the referendum, and perhaps the recall. But the facts of the situation have to be recognised. Our future is linked with Great Britain and not with the United States, or Switzerland—and still less with an abstract perfect State conceived by the mind of a Plato. For a century and a half English institutions and sentiments have been moulding Indian political ideas. The very fact that this Bill is before the British Parliament shows that we must seek progress at this transitional stage in conformity with English views and English institutions. Under these circumstances "responsible government" must be our way towards evolving in the future some plan more suited to a congeries of great States, such as India will become, and I believe the way will be found in something akin to the American federal plan, plus the initiative and the referendum and possibly even the recall. Meanwhile acceptance of the formula "responsible government" postulates the necessity for making the electorate as wide as possible, as well as the establishment in the Provincial Legislatures of a substantial elected majority.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—The non-official members of the Provincial Legislatures certainly influence, but do not control, the actions and policy of the Executive. Such control should now be given in the transferred spheres; and I look forward to the day when, through the referendum and the initiative, the electors will fully supervise their representatives.

Lord *Brodrick* (Viscount *Midleton*)—continued.

4. Do you think that there are certain matters or functions of Government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—As the Joint Report points out, there are great differences in the measure of advancement in the various provinces. Of Bombay I should say that all distinctly Provincial work could be safely left to the control of the electorate; and probably to the same can be said of the two other Presidencies. But in the inland Provinces a varying measure of reservation may be necessary.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—From its nature dualism cannot be a permanent solution. But all our work is spadework at present, and it is difficult to imagine any other coherent scheme for the transitional period. Dualism will prepare the ground and make full responsible government inevitable in time.

7, 8. If you consider a dual form of government, acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest? 8. In particular, do you think (i) that Ministers should hold office "during pleasure"?—i.e., should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii) that the Governor should have power to disregard

Lord *Brodrick* (Viscount *Midleton*)—continued.

gard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) that the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) that the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—When dyarchy is established modifications must grow out of experience; but it is important to remove, on initiation, any unnecessary ground for friction and difficulty. For instance, I cannot imagine any self-respecting Minister remaining in office if he is over-ruled in his department on important issues. He should not be subject to dismissal by the Governor, for I believe that reliance can be placed on the honourable traditions which will grow up round the appointment. An adverse vote of the Legislature on the proposals of a Minister should not automatically bring about his retirement; a vote for his removal carried by a two-thirds majority should be needed. The power of the Governor to disregard the opinion of his Ministers if he considers that the proposed action would be inconsistent with the discharge of his responsibilities is desirable at present as a safeguard from the British point of view. The practical utility of such power, however, may be doubted. In my judgment the best guarantee that hasty, unfair or partial legislation will not be carried out, and also the best protection for the Governor himself, will be for a method of referendum to be added to the constitutional framework even at this initial stage. When in perplexity between the advice of his officials and the secret reports of the police on the one hand, and the behests of the Legislature on the other, the Governor could then avoid the anxieties and doubtful results of dissolution by submitting the measure in dispute to the people by referendum. This plan would politically educate the electors, keep their interest in public affairs keen and vigilant, and ultimately lead to the initiative and the regular use of the referendum in all cases of importance. This alternative method is free from the objection of complete novelty. It is successfully worked in the Swiss Confederation of free Cantons. I support the clauses which provide that the Executive Council in all Provinces should normally consist of one official European and one non-official Indian, and that the Governor should have power to dissolve the Legislature.

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—The restrictions upon the financial and legislative powers of the Legislatures embodied in Clause 9 are unnecessarily severe so far as Bombay and Bengal are concerned, however requisite they may be in some provinces. They are, on the whole, more than adequate to safeguard the responsibilities which the Government owes in the last resort to Parliament.

10. In particular, (i) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—The Legislature should certainly have power to vote supplies. I am not enamoured of the elaborate machinery of the Grand Committee for securing essential legislation refused by the Legislature. It may be necessary for the first few years; but after five or six years I would resort to the natural and constitutional solution of dissolving the House on important occasions when the whole policy of the Administration is under successful challenge. In cases where only one measure is the cause of friction I would use the referendum. Thus the people would be trained in responsibility through a general election or the referendum.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—I do not entirely accept the position of the Bill that the time has not come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislatures over the Provincial Governments. Powerful arguments have been addressed to the Joint Committee in favour of making at least a beginning of responsible government in the central sphere. I would instance two important departments, Public Works and Education, as capable of being handed over to a responsible Minister at headquarters without unduly fettering the Government of India in the discharge of its responsibilities to Parliament and the Empire.

12, 13. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)? 13. Do you accept the plan of a dicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—There should be a substantial majority of elected members in the Indian Legislative Assembly. I do not favour, in principle, the bicameral plan for the Central Government, since it may retard true federalism. But at present I see no prospect of applying the federal principle, nor of the British Parliament accepting single-chamber machinery for All-India legislation. Hence I accept a bicameral system as a *pis aller;* but the composition proposed for the second chamber is too official and inadequately representative. Though here, too, my ideal is self-government through the referendum, initiative and recall, I do not at this stage urge the establishment in the central sphere of these ultimate solutions.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—The clauses relating to the course of legislation in the Indian Legislature are unnecessarily restrictive, and seem based on distrust of the common sense of the people.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I welcome the modification of the existing statutory restrictions on appointments to the Governor-General's Executive Council. I would suggest that the two departments previously mentioned—Public Works and Education—should be made into memberships whose holders would be responsible to the Legislative Assembly and that the remaining places should be filled in equal proportions by Europeans and Indians.

16. Do you think that the development of Provincial autonomy, on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—*Modifications* of the powers of superintendence, direction and control possessed by the Secretary of State over the Indian administration and by the Governor-General in Council over the Provincial Governments are essential to the working of this legislation. The modifications required seem to me as a layman to be but vaguely implied in the Bill as it stands, and I think that in broad outline they should be given definite statutory expression. As time goes on and Indians learn in the school of responsibility

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sponsibility I look for great advances on the present implied modifications, advances which will in due time lead to true federalism.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examinations?—Unquestionably the gradual realisation of responsible government involves periodical examination of progress by independent authority. India is changing so rapidly, and the war has so keenly stimulated her material development and the political consciousness of her people, that I think ten years is too long a period between the investigations to be made by statutory commissions. I should prefer seven years, and would remind the Committee that the India of 1919 is entirely different in outlook from the India of 1912.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—The Bill leaves far too much to rules to be made hereafter. I recognise the force of the arguments of the memorandum of the Secretary of State (Cd. 175; 1919) for leaving changes to be worked out in detail in the form of rules, especially for a measure so transitional in character. But in my humble judgment the framework should be more clearly visible in the Bill and less scope should be left for the exercise of mere personal inclination or the prejudices of party outlook by successive Secretaries of State or Governors-General. Sober progressive opinion in India has strong confidence in Mr. Montagu and his reforming purposes; but it knows that political changes in England (wholly unconnected with Indian affairs) may occur at any time, leaving the personality of the head of the India Office in the critical days of inaugurating the new order an uncertain and disturbing factor. The skeleton character of the present Bill may be contrasted with the care and detailed exactitude of the measure which, in 1858, transferred the administration from a trading company to the Crown.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—The report of the Southborough Franchise Committee is seriously defective in two respects. The first is the non-admission of women to the franchise. I need not recapitulate the arguments on this subject in my book, "India in Transition." I will only say that Indian women, even though in purdah, are neither slaves nor fools. Property, often to a large amount, is found in their hands, and frequently the working of the joint family system makes a woman the practical head of the family or house. The rudiments of English Parliamentary government are being bestowed upon India; and no substantial ground has been shown for confining them to a moiety of the people. The second great defect of the Southborough scheme is that the question of Referendum is totally ignored, though there are many reasons for accepting it as a constitutional instrument specially suited to Indian conditions. In India the elected members are liable to be charged by officials and conservative observers with failing to reflect the real mind of the electors they represent. It is a country, too, where the educated leaders show an eagerness and haste for legislation bringing the social laws, touching the lives of the people at large at many points, more into conformity with Western opinion than the masses may understand or appreciate. This being so, the best safeguard of the Governor in the exercise of his discretion and of British opinion, which is still the final court of appeal, is that when doubt arises on important matters the opinion of the people should be known, not only on general policy, which can best be shown by a general election, but on the particular measure under consideration. For these reasons and to bring home to the electorate a sense of responsibility, as well as to keep their representatives in touch with the opinion of all classes of voters, a modified form of referendum is necessary even at this stage. I suggest that it should be

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applied not at the unrestricted discretion of the Governor, but only when he carries with him a high proportionate minority—say 40 per cent.—of members of the Legislature voting on the question. But with the development of responsibility time will bring the referendum and the initiative can be made the constitutional method, as in Switzerland, of settling all first-class questions on which opinion in the Legislature is sharply divided, arising between one general election and another, alike in the Provinces and in the Central Government. With these important reservations, I accept generally the proposals of the Southborough Committees as, on the whole, not unsuited to the period of transition, though there may be details capable of amendment with much advantage.

8645. I would venture to ask you in the first instance one or two points to elucidate your answers. You say that dualism cannot be a permanent solution. Now with regard to diarchy, we have had two views put before us: One is that the electorate, or the Legislative Council, should have a partial control of all matters, and the other is that they should have a complete control of certain matters. Which, in your opinion, is more desirable?—I think, given the declaration of the 20th August, that a responsible government is the final objective in view, that the second solution can be the only first step. I do not see how the first solution can possibly be a first step towards responsible government ultimately by stages. They must have complete control of some; then only will they begin to have responsibility in the full sense.

8646. Consider this point. If you give Ministers a complete control of certain subjects you would know where the responsibility lay, would you not?—Yes.

8647. Would it not be more desirable that whatever was a subject for the Legislative Council, it should be clearly understood with whom the responsibility lay?—That is the solution of giving complete responsibility on certain subjects, and then it is clearly understood where the responsibility lies.

8648. It rather depends. If you have a Cabinet, so to speak, in which we will say there are four members, two Ministers and two appointed by the Governor-General, it is possible, is it not, that the Ministers might be outvoted in the Cabinet, and the policy of the vote in regard to such subjects as the Ministers have to deal with might not be that of which the Ministers approve? Which is most desirable, that Ministers should be the arbiters, so to speak, of the policy they introduce, subject, of course, to a possible veto by the Governor at a later stage, or that they should be the spokesmen of the Government in which they might not be in the majority?—I say with the objective of responsible government in view they must have a free hand in those departments vis-a-vis the electorate and vis-a-vis the elected body; that means vis-a-vis the Legislature.

8649. You realise that would hardly be so under the Bill as it stands; you cannot have that with collective responsibility?—As you know better than I do, in politics theory and practice rarely agree after a few months of practice. We cannot foresee how it will exactly work. Nobody who tries now can see how it will exactly work in these questions of details. There will be a good deal of give and take in the Governor's own room. I rely a great deal on the good sense of the people who are made to work any scheme. I do not care what scheme you put forward, you cannot so safeguard it as to be absolutely sure that it will never work crookedly.

8650. In connection with your wish to secure real responsibility, you think the power of the Governor to disregard the opinion of his Ministers ought to be modified by a referendum?—Yes, I am a great believer in the referendum.

8651. The referendum has been usually adopted, has it not, in the case of a well educated electorate? Would you consider that in its initial stage, at all events, an Indian electorate was sufficiently advanced for a referendum?—Well, I think it is a much simpler question to put to an electorate. "Will you have this particular measure or not?" It is a much simpler question to put to an ordinary man than the many different questions which will be on each plank, and out of which he will have to work out in his own mind

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so much in favour of one and so much in favour of the other. I think the referendum is more fit for an early stage. Because, historically, in England it did not happen to work in that way does not prove that the other is a more advanced way.

8652. We are not allowed to try it in this country, but you think it might be given in India?—Yes, and even in this country, as you know better than anybody else Lord Salisbury, Mr. Chamberlain and a lot of people have wanted it in the past. They have said many measures would never have got through except for the sake of other measures which people wanted. You know that as well as I do.

8653. You recognise that a great deal in this measure will be experimental?—Yes.

8654. Does not that affect your view at all with regard to beginning by touching the position of the Central Government?—Well, I think in those particular subjects it will be very much better that it should be touched. I think it will have a vitalising effect on it.

8655. If you had Clauses 14 to 17, which affect the Central Government, would you prefer to have one Assembly or to have two—to have an Upper House, a Senate, or whatever it may be called—a Council of State?—I am an out-and-out Federalist for India. I am not very much taken up with the idea of the Government of India having two Houses. On the other hand, I realise that at this stage immediately real Federalism we are not prepared for. I will not say we are not prepared for it in India, but the people with whom the government of India ultimately lies are not ready to go in for that big scheme. Given those circumstances I would accept a Second House for the Government of India. Of course it is in the nature of a compromise between a hesitating policy on one side and an advanced policy on the other; there is no getting away from that.

8656. Which, in your opinion, would be best understood in India? It is obvious there must be cases in which both in the Provinces and in the Central Government the supreme authority will have to exercise its power. Is it best that where the supreme authority differs from the Legislative Council it should exercise its power directly or after consideration by a second body such as is proposed—a Grand Committee, or some other body? Which would you rather have? Which would be better understood in India?—I think it would be a protection for the Government to have an Upper House. I realise fully that it is a protection. They take the responsibility to a great extent. It is a shield really in a way. Personally, I think it depends very much on the measure. If it is a measure of foreign policy, or something like that, the Executive Authority could come in far more, but if it is a measure of home policy, my personal liking is entirely for the referendum. If you do not know which policy is really liked by the people, who will be the ultimate sufferers or gainers, go to them directly, and, even if they make mistakes, through those mistakes they will learn.

8657. Supposing the referendum were not adopted, do you think a direct veto by the official responsible, or a further consideration by interim bodies, would be an advantage?—Then, I think, the second House would be advantageous. I think it would be more constitutional, and more in keeping with the principles for which we are sitting here.

8658. I should like to ask you a general question about franchise: Do you think that the views of the Indian people generally will be best obtained by imitating our European system of franchise as far as it can be, or by a large use of communal representation?—I am a strong believer in communal representation. I think I was one of the active authors of getting it admitted long ago. I believe where the community is large enough, and where it wants it, it ought to get it. But that applies to minorities. If you want to protect a majority you must do it through the referendum. That is the only protection for a majority not to be misled by their representatives.

8659. I think your interests are not so much in Madras as in other parts. Therefore I will not carry you into that controversy; but, generally speaking, you think we shall get a better representation throughout India of the opinion of the people by communal representation?—I am convinced of it, and I am convinced that Indian nationality will come quicker and better and in a more wholesome way.

8660. You make a remarkable statement here in regard to the Bill being, in your opinion, too much in skeleton, and you say too much is left to rules to be made hereafter. The great object that I understand you have in view is that there should be certainty and stability?—Yes. I would not have every detail marked out, but I would go a little further than at present. The present one is very skeleton, as you see.

8661. Would you wish the powers in the Bill to be so far set out that there may be no suspicion in India that they may be modified or changed according to the feelings of any individual Secretary of State?—Yes; or I should say of any very small body of men, that it should not be possible for a handful out there, or two or three men here, practically to change it till it has no resemblance to any of the original ideas on which it was built.

8662. I think you have seen, unofficially, a good deal at the India Office, have you not? You have a good many communications with various Secretaries of State?—Yes; but my experience has not been in the general administration of the India Office.

8663. Have you noticed any want of touch with Indian opinion in the India Office?—It depends very much on the Secretary of State. I was myself a member of a Committee, as perhaps you know, that went into the question of the India Office and I unhesitatingly signed the Majority Report. By that I stand, as far as the India Office is concerned.

8664. You say it depends very much on the Secretary of State?—Yes.

8665. You find some Secretaries of State more autocratic than others. Is that what you mean?—As to the autocratic part, of course, it is very difficult for a man who is not actually inside to know what their relations are with their Council. Even if he is not autocratic in his Council Chamber, when he comes out and speaks to a man who deals with him he is the Secretary of State. We do not know what circumstances brought about his opinions.

8666. At all events you signed the Majority Report?—I did.

8667. You fully recognise that whatever form Indian opinion takes it must be represented at the India Office for the benefit of Secretaries of State in some very definite form. If you dispense with the Council of India you cannot dispense with some similar body for advising. Is that your view?—Even that Majority Report is in the nature of a compromise. We had many discussions. The whole Bill from beginning to end is a tentative attempt. It is the first step. As a temporary measure the majority came to the conclusion that our proposals were the best way out. One of your Committee was a colleague of mine there.

8668. But you recognise, do you not, that the Secretary of State, as the representative of Parliament here, must always retain a paramount power with regard to Indian affairs?—Well, I say always till responsible government is completed—till that time—till this reaches its logical end.

Mr. *Bennett.*

8669. You are, I see, a very convinced believer in the referendum?—Yes.

8670. May I say that it seems rather a hobby with you; would you admit that?—No. I have seen its working in Switzerland.

8671. Is it not one condition under which a referendum can be satisfactorily applied that the issue should be very definite and clear, and sharply cut?—Just now there is a very big question of the pay and conditions of labour in Switzerland. It is to be decided by the referendum in the next few weeks. That is a sufficiently diffuse question to be solved in that way.

8672. But if the referendum is to take the place of that second consideration which the Grand Committee or the Council of State would give, is it not a procedure that would be a little too complicated for frequent use?—Of course it would be, for frequent

use

Mr. *Bennett*—continued.

use. I do not say that side by side with the referendum you cannot have a secondary body for the minor things.

8673. But you would not regard it, therefore, as a complete substitute for that second consideration?—No. In none of the countries where it has been tried has it been made complete; it has only been made a final decision.

8674. You do not suggest it as a substitute?—No, I suggest it as the final arbiter.

8675. Not to be frequently resorted to?—The initiative depends on the number of people who ask for it, and the referendum depends on the number by which it has been defeated, or the importance of the question. Those have been the lines on which it has been tried, and I believe it has been tried in some of the American states—in South America certainly.

8676. I need not say that you are a very convinced believer in communal representation?—That is so.

8677. As applied to cases in which it is clearly necessary?—Yes.

8678. But you do not put it forward as a good thing in itself?—Good in itself, for where? In India it is good in itself.

8679. But other things being equal, you would avoid it if you possibly could, would you not?—Of course I dare say in an ideal state I would avoid it, and I would avoid it, if I were a German, in Germany.

8680. Having in view the necessity of creating a national feeling in India, you would avoid it, would you not?—No, I would bring it along, because I think it is through that that people will get confidence in order to take further steps toward national union.

8681. But the more you rely on communal representation the more you will be dependent upon it, will you not?—I do not think so. Look at the case of the Mohammedans. Mr. Gokhale, who was at first very doubtful about communal representation, ended his days by being a convinced believer in it, as far as Mohammedans were concerned. Why? Because he saw what happened in practice. He often told me that what led to it was Lord Lansdowne's first Bill. I often brought to his notice that with Lord Lansdowne's first Bill so complete was the separation of the Mohammedans from the Council that it left a feeling of grievance that led to opposition and to a certain amount of suspicion, and it was that, as he himself admitted, that led to the agitation of 1906-7-8. Since then things have worked much better.

8682. You do not agree, then, with the authors of the report, in looking forward to a time when the whole of the communities of India will be merged into one?—I think it is a pious wish. If the authors really thought that was the best they would have suggested it now.

8683. You are in favour of removing the disqualification which it is suggested should be placed upon women voting?—Yes.

8684. You are warmly in favour of that?—Yes; I would give women who have the same conditions the same advantages as men.

8685. Have you seen figures detailing the extent to which women in the Bombay Presidency have exercised the municipal vote?—I do not think, to begin with, the municipal vote is a thing to go by.

8686. No; but it is helpful so far as it goes, is it not?—Even in this country a lot of people do not use the municipal vote. You do not expect, in the first stage in India, that they should use the municipal vote on the same lines as the political vote. It is a great problem here, as you know.

8687. Take such a fact as this, for instance, that out of 1,598 women voters on the register in Bombay City 649 voted: You would regard that as an answer, so far as it goes, to the complaint that women would not exercise the vote—that the vote would be no use to women because they have not exercised it sufficiently? The percentage is 41 per cent.?—I think that is very good.

8688. Do you regard it as satisfactory?—Yes. I know European countries where, in a general election, you do not get that.

8689. It does not differ very much from the percentage of the whole of the voting in a general election in this country?—No. I had no idea it was so big as that.

Major *Ormsby-Gore.*

8690. What do you mean by Federalism in India? Does that mean a Federation of Native States as well as British India?—Ultimately, yes. Ultimately I hope we shall take in many of the neighbouring States and bring them in as a sort of Zollverein working with the British Empire throughout the world; but, of course, these are dreams.

8691. There is no practical step in the direction of Federalism which you wish to take?—Yes. I say the more independence you give to these Provinces, to their Chambers, and to their electorates, and the more you can make each of them self-supporting, except in those wider military and economic questions, the sooner you will bring about Federalism.

8692. Do you think the present proposals go far enough in relaxing the control, more particularly financial, of the Government of India over the Provinces?—Personally, I do not. Personally I would like to see it as far as possible, but on the other hand I can understand the hesitation of the Government of India at this moment at the first step letting the reins get still looser.

8693. With regard to the Council of State, we have had a good deal of evidence pointing out the very unsatisfactory proposals at present before us, whereby the Council of State derives its origin from the same sources and the same electorate as the Legislative Assembly. Have you any definite proposal that you could put before us for an alternative method of selecting the Council of State?—The only way which I have suggested in a book which I wrote is, that the Council of State should more and more represent the Provinces directly. That is a step towards Federalism. That is what was tried in Germany, and is being now tried, I believe, in the new German constitution, and on a big scale in America and South America.

8694. Do you think there would be any serious objection in Indian opinion if, in the first period, the Council of State were nominated by the Provincial Governors, so many from each of the eight Provinces?—That is the system which prevailed in Germany up to its new constitution, as you know; each of the Federal Governments sent them as plenipotentiaries; they went really as Ministers of those Governments.

8695. Do you think there would be serious objection? Admittedly they would be nominated, and not have any electoral sanction behind them. If they were nominated by the Provincial Governors, what would you say to that?—That is very much the scheme I have sketched out in my own book. Of course, as an author one has a freedom which one has not when working with other people.

8696. In addition to the referendum you add the Initiative and the Recall?—Yes, the Initiative especially. I think it is very important.

8697. The Recall is what I want to ask you about?—I am not ready at this moment for that. I say ultimately the Recall. To begin with by "Recall" is understood one thing in America and different things in France and Switzerland and Italy, but the Initiative, I say, ought to go with the referendum; the two ought to go together.

8698. Has any education about the referendum taken place in the Indian Press—is it before the Indian public in any way?—No; but it is such a simple idea that I think it appeals to the looser Indian minds. From my own experience of Indians, my own countrymen with whom I have lived, I think, it is a thing which any class will understand.

8699. I have heard it suggested, turning to another question which you have been asked, the question of women franchise, that while both Mohammedan and Hindoo women would undoubtedly exercise the franchise in Bombay and Madras, in Northern India there would be far greater difficulties. Would you admit that it might be desirable to make a distinction between different Provinces of India with regard to women's franchise?—Certainly not, on the contrary, I say the only objection in regard to Northern India would be that they would not use the power. Well, let us see whether they would or they would no. Let us give them a chance. Why should we assume that they will not before it has been tried?

8700. I have heard it stated that a greater proportion of Hindoo women would exercise the franchise than Mohammedan women. Do you think that is true?—According

Major *Ormsby-Gore*—continued.

According to communal representation that would not affect it very much. The principle of communal representation is a protection for them.

8701. That would be an answer?—That is obvious, is it not? I see in England other causes stop women's suffrage from developing in the early stages. Into those causes I need not go.

8702. With regard to the report of the Crewe Committee, where you and I were colleagues, supposing we cannot get our proposals for an advisory Committee in lieu of a Council, would you rather have the Council kept, or would you rather abolish it altogether as Professor Keith says?—In our discussions I was one of those who were for absolute abolition, as you know. I accepted that as a compromise.

8703. And if we fail to get the compromise you would rather have the Council abolished?—Yes. I signed that Report, and I stand by that. But if it is left out it is quite a different question.

8704. I merely wanted to get your view on that particular point. Your reason is, that you think the existence of the Council tends to bring to Whitehall a large number of subjects which ought to be dealt with in India?—To a certain extent; and it gives the Secretary of State a sort of false security. He thinks he is in touch with direct opinion, when he may be only in touch with the indirect opinion. It is a bad atmosphere for him.

8705. Supposing we fail to get our advisory committee as we suggest in the Majority Report, and the Council is abolished, how would the Secretary of State get his Indian opinion in England?—I have great faith in the human element. I hope the Secretary of State will be generally a man of considerable ability and experience of various affairs. He may have been out in India, he may have seen people, and the means of communication in the future will be quicker necessarily, and you do not want him to be an expert. You want him to be a judge rather than an expert.

8706. You rather agree that during the first period of ten years the Secretary of State ought to have at his elbow almost a certain number of Indians who are in touch with Indian feeling and Indian thought independent of official communication?—That is, of course, our Joint Report. That is the scheme we bring forward, because he will have both sides. But if one side is to go I do not see how he can have the other. If the Secretary of State's Council goes I do not see how he can have Indian members on his Council.

Lord *Sinha.*

8707. On the question of Franchise, would your Highness consider that it is desirable to adhere to what is called the Lucknow Compact?—I do, on the question of Hindoo and Mohammedan, certainly.

8708. And it would be unwise to disturb that?—I would not touch it, and if the Mohammedans took anything else I would strongly advise them to stick to that.

8709. On the question of transferred subjects, would your Highness be in favour of education on the whole being transferred, or only a part being transferred to the Ministry?—I want education everywhere, including the Government of India, transferred, as you see.

8710. Yes, I have seen that. With regard to the Central Government, apart from the introduction of responsibility in the form that your Highness suggests, would you consider that it would go some way towards that object if we have an increase in the addition of Indian members in the Executive Council? The Report recommends two. If we have an increase in the Indian members, and especially the means of selection from amongst the members of the Legislative Council, would that go some way towards the scheme which your Highness recommends?—If we do not get responsibility in the Government of India then certainly I would like to see half and half, and I think half and half is the minimum. Anything else would be a perpetuation of the present state of affairs.

8711. In your Highness's opinion would that give some amount of satisfaction to both Hindoo and Mohammedan public opinion in India if we fail to get any element of responsibility in the Central Government?—Yes; if you fail to get that, that is the next best.

Lord *Sydenham.*

8712. In your very interesting book "India in Transition" you wrote: "Responsible government in the narrow and technical sense in which Mr. Montagu's announcement has been interpreted in some quarters has really been successful alone in the United Kingdom, and there only up to a certain point," and then you went on to show how badly it has worked elsewhere, and you say "It would be a disaster to India to be forced into the narrow form of constitutionalism that has developed with its essential condition of two rival parties"?—Yes.

8713. Do you realise fully that it is responsible government, in that narrow technical sense, which you so strongly condemn, that has brought us into the dual system with all the many attendant evils which we all feel?—The answer to that is the preamble here. We are dealing with English people. It is they who have got the future of India in their hands. Our destiny is not our own to say: "This is the plebiscite," or "This is the system and we will take it." Given the fact that the English historical development took this line, and that we have been 150 years with them, we will have on the one hand to work that system, and on the other hand right it as it goes along. That is how constitutions have developed in other countries, too. As to the evils, for instance, in some countries, like Spain and France, to which I have referred, at this moment there are great movements in both countries to right them. I think that will come through the people as it goes along.

8714. Your general view is that India must seek progress in conformity with English views and English institutions. Now do you not agree that neither in this, nor in any civilised country in the world, would anyone dream of setting up a divided Cabinet?—There is no other country of three hundred millions governed by forty millions 5,000 miles away. You must take facts as they are. The whole thing goes together. We are here. There is no getting out of it. It is a purely problematical development. There it is. There are the facts before one. We cannot be logical and illogical.

8715. Do you think it is wise to introduce into the preamble of the Bill the term "Responsible government" in its narrow technical sense, which you have stigmatised?—Of course, if I had had the making of the declaration I would have put "self-government," but it was not I who did that. It was not my job.

8716. Would you prefer that the Bill should be amended, and point to the better government of India or something of that sort?—Well, "Better government" is a term which has been associated with so many Irish Home Rule Bills. I have seen so many of them go in and out that I would not touch that point. I have seen three of them in my own short life—"Better Government of Ireland" Bills.

8717. You have pointed out that we have made the very great mistake in the past of limiting the right of representation to the "richest and most educated" of the population, and you say it is owing to that most serious error that "national conservatism, which is necessary to the evolution of the modern state, has been artificially prevented from making its voice effectively heard." To remove that, you propose that each of the various religions and races as recorded in the census would provincially be a *milit*, to use the Turkish term, and each would have a fair share in the Assembly directly elected?—Yes.

8718. That is your view as to communal representation, with which you are heartily in sympathy?—Yes.

8719. Now, taking the case of Bombay, where there are five million Mahrattas, who have supplied us with fine fighting men during the war, and who have sent in a powerful plea for special representation, would you give it to them?—Personally, I would give it to anybody who wants it, and who are numerous enough to ask for it. If they are a majority that protection would be by the referendum as I foresee it. That is the real protection for the majority from being misled by a small handful, who might get in on a wave of enthusiam, and misrepresent their electorate.

8720. The Government of India has pointed out that the representation of the depressed classes under the Southborough Committee's Report is inadequate.

There

Lord *Sydenham*—continued.

There are 60,000,000 of these people, as you know, and they do some of the most essential work of India. Do you think they should have it?—Certainly. I would make the franchise as wide as possible.

8721. Do you consider it vital that the agriculturists and working classes should be liberally represented, having regard to the fact that they provide nearly the whole of the revenue?—Certainly. I have advocated that throughout in my books and writings.

8722. Do you think that if we are to obtain real Indian opinion those classes, and those special classes to which you have referred, should be represented as far as possible by their own people?—Yes. Of course in the case of labour people guilds and so on could be made. A great deal of that must develop as we go along.

8723. You have strongly advocated the enfranchisement of women. My information is that that would be resented by large numbers of high caste Hindoos and by orthodox Moslems. Is that wrong?—How could they resent it? The Moslems have not resented them having the right to property for 1,300 years. In Moslem countries they have the rights of citizenship.

8724. Is not that rather a different matter?—Why should they resent it? I cannot imagine that it should be an insult to a woman to give her the right to vote. It gives her that human dignity which goes with it.

8725. I do not think it is a question of an insult; but your opinion is strongly that it would not be resented?—I am certain of that. I think the other way round would be resented, and the resentment would come on England and not on anybody else. It would make a cause of dissatisfaction in the home, as far as I can see.

8726. Do you not think it is rather a delicate matter for a Government to deal with, because it really might look like an interference with the social and religious customs of India?—Then you would have to do away with all the legal system; you would have to do away with all sorts of things.

8727. You know that a very strong feeling has been aroused about the Inter-caste Marriages Bill, and the Government has been attacked merely for publishing and circulating that Bill. Do you not think it would be better, therefore, that the Government should stand aside from this Women's Franchise question and leave it entirely in the hands of the new Council?—No, I do not. The two things are not on all fours at all—the Inter-caste Marriage Bill and the other question. The difference is enormous. One is giving a woman a right to protect her property. I have heard any number of purdah women say in the past that expenses were run up by men in the municipalities, and they, the women, had to pay the taxes.

8728. You would not be satisfied to leave that question to be decided by the representatives of the people themselves?—If you immediately make a referendum in India I would not mind it, but there is no likelihood of that, so you ought to take the responsibility, if you take the responsibility of all the rest.

8729. You have spoken very strongly about the referendum. Do you know any country in approximately similar conditions to India in which the referendum has been adopted?—In Switzerland there are four different languages, and no religions hate each other so much as those which are very near to each other, like the Calvinists and some other Protestants out there. There are the Catholic French and the Protestant French. It is the most divided country in Europe. My own experience has been that the referendum is one of the things which has kept them together.

8730. But there are not 80 per cent. of uneducated people in Switzerland?—But you are not giving the vote to 80 per cent., are you?

8731. Not at first?—You do not give the referendum to them either.

8732. Have you considered the machinery and expenditure which will be required to take the referendum from 5,200,000 people scattered about all over India?—I do not know; you could do it through the Post Office, like the Savings Bank, you know.

8733. Do you think that a referendum worked through the Post Office would be free from fraud on a huge scale?—The Savings Bank system has not been full of fraud, has it?

Lord *Sydenham*—continued.

8734. There are not 5,200,000 people who are dealing with the Savings Bank, and surely there is no analogy between those two cases?—People bring letters in. I do not see the difference between putting them in and putting the other in.

8735. Now you know so well what false rumours can do in India: all the troubles in the Punjab and the very sad loss of life which accompanied them were really due to falsehoods circulated about the Rowlatt Bill——

Mr. *Montagu.*] I do not want to interrupt Lord Sydenham, but a Commission has been appointed to inquire what the causes of the Punjab troubles were, and I should very much prefer that the form of the question should be altered—if Lord Sydenham will say "it was alleged."

Lord *Sydenham.*

8736. I will say it is alleged. (To the *Witness.*) Would it not be possible by those means to vitiate what might seem to be a simple issue on a referendum?—No; I think the simpler it is the less people are liable to be led away by rumours—the simpler the question put. And as to the Punjab, I have not been there, and I want to see what the causes were.

8737. In your book I think you deprecate two Chambers in the Central Government after the short transitional period?—Yes.

8738. Have you modified that view at all?—In my book I have advocated Federalism, after which their duties will be reduced enormously. When their duties are reduced enormously, I modify my views. When it is a Federal Assembly, including Afghanistan, Persia, Thibet and Siam, I would modify my views.

8739. Do you not think that setting up two Chambers now might prejudice your ultimate Federal scheme of a single Chamber?—I think as time goes on, as the Provincial things develop, the second Chamber will gradually have less and less work to do.

8740. It will ultimately disappear of inanition?—Yes; and become a sort of Foreign Affairs Committee.

8741. What you contemplate after the transition period is federation, in which all the major States join?—Yes; the Indian States.

8742. Do you really think the chiefs of those great States would ever abandon the powers they now possess in order to enter the federation?—The powers put forward in my book they do not possess now, except in a very minor way. The Post Office, for instance, they do not possess now.

8743. You realise nobody can enter the federation without abandoning powers?—Yes; but they do not possess those.

8744. There are particular powers they do not possess now?—Yes; so I do not see where they would lose.

Lord *Brodrick* (Viscount Midleton).

8745. Are you speaking of the powers as to Foreign policy?—Yes; and the Post Office.

Lord *Sydenham.*

8746. In the future you are looking forward to a very great Eastern Federation, including Afghanistan, Persia, and a few other places?—Yes.

8747. I am sure you realise that a Federal constitution is the most difficult of all to work, and that it is only possible when the component parts are on the same level of advancement?—I do not see that.

8748. You do not think so?—No. I have known the United States. It is not on the same level all over.

Mr. *Montagu.*

8749. Have you discussed the referendum idea with any other Indians?—No.

8750. Have you ever heard it mooted from Indian sources?—I have suggested it to the late Mr. Gokhale and others, and I have told Lord Sinha about it. I have often suggested it to them.

8751. Is it really a very simple question—I mean that which the voter has to decide?—It is in Switzerland and some of the American States, and in Australia. It is the sort of thing the Indian mind, as I know it or as I imagine I know it, would understand.

8752. Do

Mr. *Montagu*—continued.

8752. Do you think it is really a simpler problem to the man who receives a referendum paper to vote for a Bill rather than to vote for a man?—I think so.

8753. Do you think the electors in this country would have found, for instance, the issues of the late strike a simple question to decide?—Would that have ever gone to a referendum?

8754. I was only asking you whether it is always a simple question which has to be decided in a referendum; that is all. The second question I wanted to put to you was this. Supposing your idea of Federalism in India were to come about, the Central Government would graduallyy have fewer and fewer powers: Would it ever disappear altogether?—No, because for foreign affairs, military, postal, possibly aerial communications, and so on, it would have to go on.

8755. Meanwhile, the Provinces would have more and more to do?—Exactly.

8756. And the scheme which is known as diarchy is only applicable, is it not, to a Government which has a considerable number of powers left to it?—Naturally, yes.

8757. Therefore, is it not true to say that diarchy may never be necessary or expedient in the Central Government?—At present the Central Government keeps so many powers at this first stage.

8758. What sort of power have you in your mind that the Central Government has still to keep that it will not keep eventually?—For instance, education: They have still a finger in that pie.

8759. Under the scheme of the Bill, and Mr. Feetham's Committee's Report, it is a very little finger, is it not?—There is a certain amount in irrigation, and so on. If that finger were abolished, my hesitation would also be diminished to that extent.

8760. With regard to women's suffrage, is it your idea that arrangements should be made for women in purdah to vote?—Special arrangements?

8761. Yes?—I do not know what in normal cases is done in the Law Courts, but I would not go further than that. I would not give them more protection than they have now in insisting on their property rights.

8762. What sort of matter which it is proposed to deal with by rule would you like to deal with in the Bill?—I meant more enfranchising powers.

8763. Supposing that on questions of that kind this Committee were to report upon the policy that ought to be embodied in the rule, and their report was accepted by both Houses of Parliament, would not that remove the vagueness of the Bill?—That would, and that is what I have put that in for as urging the very measure you suggest.

Sir *Henry Craik.*

8764. Would you apply this referendum to all-India matters as well as to Provincial matters?—At the first initial stage I would keep it to the Provinces.

8765. Perhaps the difficulties of a referendum over three millions of people might appal one?—No; it is not that, when we see how well public utility services go on over vast areas.

8766. You must recognise that the proportion of voters in the referendum in Switzerland is much larger than it would be in India?—Yes.

8767. You have only something like 1 or 2 per cent. of the population voting, and a large number even of those who vote are not literate in India?—Yes; and many perhaps would not vote.

8768. So that you would only have about 1 or 2 per cent. of the population voting in this referendum, and of that 1 per cent. about four-fifths would be illiterate?—Those are the facts of Indian life to-day.

8769. That makes a certain distinction between it and Switzerland, you admit?—If a man is intelligent enough to see all for which a candidate stands——

8770. Still, the mere fact that he is illiterate, and it would have to be explained to him, means it must go through some other person's hands?—They only put a cross in any country, either for or against.

8771. You think a question could be put so plainly that a cross would give a vote?—Well, the plank on which a man elects to stand.

Sir *Henry Craik*—continued.

8772. I understand you do not contemplate the application of it to all questions?—No. The whole Bill is tentative.

8773. Now about communal representation. While you are in favour of it, you admit the difficulties and evils which are pointed out so strongly in the Joint Report, paragraph 231?—Certainly, I would not have put those evils in that strong way.

8774. But you admit it is contrary to the general principles of popular representation? However desirable in this case it may be, it is inconsistent with that?—No; I do not think so. I cannot see the inconsistency.

8775. Then you rather differ from the Report?—On that particular point.

8776. What is your opinion as to the form which communal representation should take? Would you be disposed to accept the nomination as suggested in paragraph 232 of the Joint Report as a means of getting communal representation?—No.

8777. You are against that?—Yes; I am against nomination.

8778. Are you in favour of the principle of having a certain number of seats allotted, earmarked as it were, for each community?—For each community, yes.

8779. That they should have a number of seats, the occupants of which must belong to that community?—That is the practice of communal representation.

8780. But, of course, there is another, that instead of reserving a certain number of seats you should have special voting lists?—No; I want the seats.

8781. You want the seats; you do not want special voting lists?—No; the system of the Lucknow understanding.

8782. The form of communal representation your Highness would like is not nomination and not special electoral lists, but the reserving of a certain number of seats?—Yes. I am not in a position to say there may not be one or two small communities here and there which at first may need nomination; but it would be on such a small scale.

8783. And in every case reserved seats; in no case special lists?—That is so.

Sir *J. D. Rees.*

8784. Does the referendum which you recommend connote an increased electorate, or do you recommend it for the Southborough electorates, which you accept?—I accept the Southborough electorate, as I accept the whole Bill, as a practical compromise out of the difficulties of the present time.

8785. But in that case?—In that case I accept it for the electorate.

8786. The referendum is designed to avoid the necessity for frequent elections?—Yes; for general elections; and also people saying that a man has got in on certain planks and then used his powers for quite different and other objects. That is the great argument for it.

8787. Are the Mahrattas of Bombay generally Hindoo cultivators?—I have known Mahrattas of that class.

8788. What is the majority of them?—They would be cultivators—they must be.

8789. Are they widely different from the cultivators elsewhere. Is there any special difference attached to Mahrattas, economic or religious?—No; but the language is different, as you know.

8790. Is there any distinguishing characteristic, economic or religious?—I do not know much about the inner religious differences of Hindoos. I am not in a position to say.

8791. From your knowledge of Bombay, do you see anything distinctive about Mahrattas which would call for particular special representation?—Well, as a matter of fact, where I have lived all my life everybody is a Mahratta who is not a non-Mahratta.

8792 You do not see any particular reason?—No.

8793. Are they a particularly depressed class?—No; I should not have said so.

8794. Are they oppressed?—No; they are like all the other peasants.

8795. May I ask if, amongst the Mohammedans in India, it is at all a usual feature for the higher classes to ill-treat or oppress or treat with contempt the lower classes?—No.

8796. Are

Sir *J. D. Rees*—continued.

8796. Are the Hindoos less kindly people than the Mohammedans?—No.

8797. Do you accept the picture, which has often been placed before the Committee, of Hindoo society being of such a character that the upper classes and castes—of course, there is that distinction—oppress the lower classes and castes?—No; not oppress.

8798. You do not accept it?—Personally, I do not like the idea of classes and castes; but that is a different thing.

8799. You are in favour of communal representation. Do you approve of the reservation of a large proportion of the general seats for non-Brahmins, Brahmins being a mere small fraction of the population?—You say "non-Brahmins"; I do not know what people mean by that, because it means Mohammedans, it means Parsees, it means native Christians.

8800. I will say non-Brahmin Hindoos?—There again, as far as I can see, that would include all kinds of Hindoos. Do you mean the depressed classes or the trading people?

Lord *Sinha*] There are 155 different classes, we are told.

Sir *J. D. Rees.*

8801. I gather you would answer my question in the negative. Do you approve of the special reservation of a large proportion of the general seats provided for non-Brahmin Hindoos?—No.

8802. With regard to the enfranchisement of women, without raising the question of principle at all, I know your opinions from your book and evidence. Have you explored Mohammedan opinion? Is your opinion as representative on this point as one would be inclined to think?—I will tell you one of the things which brought me early in life to think that the municipal suffrage should be given, namely, the complaints of purdah women and other Moslem ladies about the fact that they have no way of protecting their rights with regard to taxation.

8803. I was not on the principle. I wanted to ask you how far you had explored Mohammedan and Hindoo opinion. I specially excluded the merits of it?—I thought that was an answer, because if they were not in favour of it they would not have complained.

8804. Did you receive complaints from Mohammedans and Hindoos to any great extent?—No; but such people as I have seen in the course of my life have constantly complained.

8805. An objection has been raised to female suffrage on the ground of the purdah, that it would be difficult for purdah women to record their vote. I would like to ask you whether a widespread misapprehension does not exist in this country as to the extent to which the purdah prevails in India?—Yes, I think so.

8806. Is it not the case that purdah is a Mohammedan institution which has only been adopted out of imitation, or because the Mohammedans were the ruling race, by the rich amongst the Hindoos?—I do not admit the first part that purdah is a Mohammedan institution. It is a very old and ancient one in the East generally—in China. That is why I would not answer that without putting that reservation.

8807. Subject to that?—Subject to that I say it is by no means common amongst Hindoos except in certain parts of India.

8808. Is it not exceedingly uncommon?—Yes.

8809. Most rare?—Yes, except in Rajputana I have never seen it.

Lord *Brodrick* (Viscount *Midleton*).] The Secretary of State wanted to ask one question with regard to the answers which you gave Sir Henry Craik.

Mr. *Montagu.*

8810. Perhaps I am wrong, but I am a little afraid there was some confusion between you and Sir Henry Craik. He put to you this question: Do you prefer communal representation by separate electorates or by the reservation of seats, and you replied, by the reservation of seats as in the Lucknow Compact?—Yes, by separate electorates, reserving the seats for them—the two together.

8811. Then let me repeat the question which I think Sir Henry Craik had in mind in order get it clear. There are two proposals for insuring minority representation; one is by maintaining the general electorate and reserving seats in a plural constituency?—Oh, no, the other way round. I beg your pardon; I am very much obliged to you.

Mr. *Montagu*—continued.

8812. I thought some of your Mohammedan friends in India might object?—That is my conviction. I am very sorry I misunderstood.

Mr. *Spoor.*

8813. You state here in the first paragraph of your Memorandum, "Our future is linked with Great Britain," and you refer to the fact that for the last century and a half our English institutions have been moulding Indian political ideas?—Yes.

8814. Now it has been suggested—in fact I believe it has been stated by one witness—that it is regarded as an object of the Bill that British influence and British control should be in the course of time entirely eliminated from India, or that as a matter of fact that would be the tendency if this Bill is passed, that more and more British control and British influence and British prestige, I suppose, would decline. Do you share that opinion?—Not at all. I think it would improve the prestige as I understand it for righteousness and honour and justice, and that is the only prestige I would accept.

8815. But so far as British control is concerned, I take it you would admit it is inevitable that that would lessen as time went on?—Yes. That is the Preamble of the Bill, is it not?

8816. And that in consequence of that the tendency will be for India to develop her own political institutions rather than to continue to copy ours—that is necessarily copy ours?—Yes. As they saw where your institutions did not fit in in practice they would be modified.

8817. You seem also to be of opinion that even at the start the electorates should be made as wide as possible. Are you of opinion that the proposad electorate is in any degree satisfactory, even at the beginning?—As you know, a Commission was sent out; they studied things on the spot; they suggested this as a compromise. It is very difficult for one man who has not seen all the facts and so on, to say: "Well, I do not approve of this; go so much further," or "so much less."

8818. But in your opinion it is apparently desirable that the electorates should be extended?—As wide as possible.

8819. We have had it suggested in the course of the Committee's sittings that it might be possible to include a larger number of industrial workers?—Yes.

8820. From your experience of India, do you think that that is practicable?—I should welcome it if it were practicable.

8821. What is your opinion of that proposed method by which it could be done? One method proposed was that the basis of qualification for the franchise might be the earning capacity of workers. Do you think that is a practicable and desirable scheme?—I do not know enough about how it would work. I do not know how you could do it, in order to be able to reply, "Yes" or "No," but if it can be worked it would be a very good thing.

8822. You agree as to the desirability of including as many of the workmen as possible?—Yes; and as wide a franchise as possible in the interests of all concerned.

8823. In your fourth paragraph you speak of Bombay and the other two Presidencies, and you express the opinion that all distinctively provincial work could be safely left to the control of the electorate?—Yes.

8824. Would you recommend what has already been proposed here, that complete provincial autonomy might be tried in certain cases and diarchy in others, so that the two experiments could run side by side?—In Bombay I would welcome it. In Bombay, my own Province, I would say we are perfectly fit to run our own show, but that might raise opposition in other Provinces.

8825. Do you think that as far as Bombay is concerned, and probably the other two Presidencies, it would be practicable?—In provincial matters, yes, in Bombay.

8826. With reference to Budget control, you are of opinion that the restrictions embodied in Clause 9 are unnecessarily

Mr. *Spoor*—continued.

unnecessarily severe so far as Bombay and Bengal are concerned?—Yes.

8827. Do you not think that complete Budget control throughout the Provinces is desirable if you are to have any really effective measure of self-government?—I am certain about Bombay that complete Budgetary liberty is necessary.

8828. I take it that what would apply to Bombay would apply with equal force to other Provinces that may have reached a similar standard?—Yes.

8829. With regard to the question which Lord Midleton referred to, and Mr. Montagu also, in paragraph 18 of your Memorandum, as to the lack of definiteness in the Bill, do you think that there is any degree of danger in that lack of definiteness? I mean so far as it is unsatisfying to Indian public opinion?—Mr. Montagu corrected it in suggesting that this Committee might make certain proposals to remove that lack of definiteness, and make it a little less skeleton, and if that came in the body of the Bill, that would, of course, remove that trouble.

8830. In the event of the suggestion which Mr. Montagu has made, and which some of us hope will be adopted, not being adopted, do you think there is any degree of danger in the fact that the Bill is merely a skeleton?—Yes; I think so. I think it would very much take off the advantages of the Bill.

8831. It would contribute to continued agitation in India?—Yes; it would be the cause of legitimate disapproval.

8832. There is only one last question; I hope Lord Midleton will allow it: It is with reference to your proposal for progress towards Federalism in India. You have great faith in the Federal system. In this scheme of yours would you agree to the inclusion of Burma in the present Bill? The Committee has been asked by Burma's delegates if Burma could not be included in the Bill. Having regard to your idea that in the course of time the tendency will be towards Federalism over the whole of India, do you think that at the present juncture it would be desirable that Burma should be included?—Well, of course, I am a strong believer that Burma ought to have been included from the first. Apart from Federalism, from the few occasions I have been in Burma that is the conclusion I came to long ago, that any attempt to separate Burma from India is a wrong step.

Lord *Brodrick* (Viscount Midleton.] We are very much obliged to your Highness for your evidence.

(*The Witness is directed to withdraw.*)

SIR THOMAS HOLLAND, K.C.S.I., K.C.I.E., D.SC., LL.D., F.R.S., is called; and Examined. as follows:—

Lord *Brodrick* (Viscount Midleton).

8833. You have had a long experience in India on the Geological Survey?—Yes.

8834. And also you were temporarily a member for Commerce and Industry in the Governor-General's Council in 1919?—Yes.

8835. We shall be glad if you will give us any guidance as to the extent to which you think the proposals in the Bill may affect commerce and industry in India?—I should like, with your permission, to confine my attention to one very narrow subject, and that is the question of the transfer of industries.

My remarks will be based on the assumption that the scheme outlined in the Joint Report determines the general policy of reform; and I propose to examine only one special division of the practical issues from the point of view of the kind of official that has been described aptly as an "administrative engineer."

The administration of our revised industrial policy is a question to which I have had to give special attention as President of the Industrial Commission and of the Indian Munitions Board.

Probably the only controversial question is that following the recommendation of the Committee on the division of Functions, namely, that "development of industries" be included with the "transferred" provincial subjects.

The fourth despatch of the Government of India on Constitutional Reforms, dated 16th April, 1919, summarises the essential reasons, not for refusing, but for postponing, the transfer. I should not add to their authority by repeating these reasons, but wish briefly to refer to one important consideration which the Functions Committee failed fully to realise, namely, the kind and magnitude of the foundations that have yet to be laid before any appreciable progress can be made towards the development of modern technical industries.

I am not referring to the so-called cottage and village industries; if they could be separated conveniently from the others they might respond appreciably to patriotic local effort, and it should be one of the functions of the new provincial departments of industries to invite local effort in assisting these in their competition with the products of power-driven works; they have their art value, apart from the fact that they form the livelihood of many thousands of the depressed victims of the village money-lender.

But beside these cottage industries we are faced with the urgent necessity, from an economic and even a military point of view, of pushing ahead more

Lord *Brodrick* (Viscount Midleton)—continued.

energetically with the preliminary prospecting work necessary to lay a substantial foundation for modern technical industries. The danger and the great cost of being even temporarily isolated was realised by India during the war.

It will be seen from the fourth chapter of the Industrial Commission's Report that at present in India we are unable to produce more than a small fraction of the necessary materials, and thus a much smaller fraction of the articles essential for the maintenance of ordinary civilised activities.

We make one form of ordinary structural, but none of the special, steels, or of the essential varieties of ferro-alloys; we have recently produced copper on a small scale, but we smelt no zinc, tin, aluminium or tungsten. We manufacture a small number of heavy chemicals, but on economic lines very few of the numerous varieties of medicines, drugs and dyes that are imported. We export raw rubber to the value of one and a half millions annually, and import rubber goods worth more than a million. We export raw hides and skins worth ten millions, and import leather goods worth a million.

Any technologist will realise the state of a country that makes no nails, screws, steel springs, iron chains, wire ropes, steel plates or sheets, machine tools and internal combustion engines.

This is but a small fraction of our deficiencies, but it is sufficient to form a mental conception of the kind as well as the degree of development that is urgently necessary, and it is sufficient to indicate the nature of the foundation work necessary before any appreciable progress can be made. We have yet to create and organise the technical staff, build up a body of efficient technically trained artisans, and undertake an enormous amount of research work on our raw materials, which are largely the property of the State. We have not even made a reconnaissance survey of our hydro-electric power resources.

It would not be fair to the Reform Scheme to thrust this heavy task, which is largely the result of our own sins of omission, on to untried shoulders. One of the greatest difficulties connected with the Reform Scheme in any case will be to find capable administrators, for administration is an art requiring an apprenticeship as much as carpentry or house-breaking.

Our system of education hitherto has tended more to handicap than to qualify Indians to tackle administrative puzzles in the utterly unfamiliar field of commercial technology. In other branches (with which Indian leaders are already, to some extent. familiar) it is proposed to transfer to the control of Ministers ready-made and working administrative machinery, with a trained personnel and established record

Lord *Brodrick* (Viscount *Midleton*)—continued.

record of experience. But for the programme laid down by the Industrial Commission we have, so far, no precedents, few data and little staff. To complicate an experiment by introducing two uncertain factors at once may be political, but it is not scientific.

Local patriotic effort, with abundant public funds, but without experience of technical and commercial pitfalls, will merely reproduce on a grander scale the disasters which followed the swadeshi fever of 1907.

It is wise to remember that new Ministers, for many obvious reasons, will be over-anxious to see early results, and it will require a stiff back to work without distraction at the foundations whilst the uninformed public are shouting for a sight of the completed edifice. They are already wondering why the Commission's Report has not yet been followed by the industrial millennium.

Being the victim selected to undertake the thankless task of foundation laying, I would gladly thrust some of my responsibilities on to Provincial Ministers if I could conscientiously do so. Non-interference with transferred subjects would be an evergreen excuse for slow progress, an impervious shield against critical attacks; but we are expected to assist India "well and truly," not to manufacture plausible excuses.

It is obvious that there is much spade work to be done before we can fairly saddle the new Ministers with the responsibility for the entirely novel policy of industrial development. Policy without a trained staff is as useless as strategy without an army. When we have done something more substantial to make up for past neglect than publish the Report of a Commission, we shall be able to hand over to Ministers, then more familiar with official machinery, a working organisation. I hope that will be soon.

I should like to confine my remarks to that one phase of the proposals of the Functions Committee.

Sir *J. D. Rees.*

8836. May I ask whether you see any reason to fear that the passing of this Bill will in any way prejudice the foreign capital invested in India?—Judgment on that question involves a large number of discordant considerations, but I should say on the whole, no.

8837. Has the knowledge that the Bill is on the way prejudiced them in any way? Have not shares rather maintained their position or risen of late?—There has been a distinct tendency lately towards industrial expansion in India. Shares, whether of European firms or good Indian companies, have risen in value, or rather they have risen in price, and I think generally the Bill has had no depressing effect whatever on either the industrial or the commercial outlook. At the same time one has to remember that there are certain conditions due to the war which have encouraged the outlay of money in India; possibly to some extent the economic conditions in this country have favoured the development of companies in India instead of here. But I think, in spite of those, we are quite justified in assuming that the Bill has had no depressing effect whatever on the desire of Europeans in India to extend their commercial and industrial operations.

8838. I presume, as regards gold mines in Mysore and coal mines in Hyderabad and so on, it could have no effect? There is no reason why it should have any?—No.

Mr. *Montagu.*

8839. I should like to ask you a question or two about your evidence from the point of view first of the division between Provincial subjects and all-India subjects. Leaving the question of transfer out, you would regard industrial development as being in the main a central subject, would you not?—The general policy is that the Central Government will be responsible to fill in the gaps, the obvious gaps, in the skeleton that will be left by local effort. Only certain questions will be taken up by local effort. A fewer number will be taken up by private enterprise, only those, of course, that offer immediate and certain profits. It will be the business of the Central Government to see that that skeleton is filled in.

8840. Now, supposing, therefore, that we can confine the question of transfer only to that part of industrial development which will remain under your

Mr. *Montagu*—continued.

scheme Provincial—the general policy, as you have said, is to be Central—taking only the Provincial part of it, why exactly would that be more difficult to work with a Governor and Minister than it would be with a Governor and Executive Council?—I have tried to explain in my preliminary note that the first thing is to provide the staff and the organisation. With the Executive Council and the present machinery of Government we have a staff to draw on which will be more or less accustomed to administrative methods. It will be the easier to build up a staff under their control during the next three to five years than it would be if we handed over the control of the subject to untried Ministers. I think there is one small matter that has to be taken into account, too, and that is the question of recruiting. It is not easy under any circumstances to get young men to go into a new service that has no traditions, and so far as they know is of quite doubtful permanency. It will be still more difficult to get young men to take up work of this sort if in addition to the service being absolutely new the conditions of control are entirely novel, and from the point of view of a kind that they would look upon with a certain amount of hesitation.

8841. I thought you told the Committee earlier that you hoped the time would very soon come when you could hand this over to Ministers as a going concern?—Yes.

8842. Therefore the man you recruit now will very soon have to accustom himself to work under a Minister. Is it not better for you to do it from the outset?—No; I find no difficulty in getting young men to like their work in India when they go there, but a great difficulty in getting young men to go to India. As soon as they have realised the conditions of work in India there is no difficulty in getting them to retain their interest in it.

8843. According to your idea you will be able to assure him when you recruit him that he will not have to serve under a Minister?—No; I should warn him that the subject will ultimately possibly be transferred. I think you could do nothing else.

8844. Let us assume in the alternative that your suggestion is accepted by Parliament, and the development of industries, in so far as it is a provincial subject, is put in the custody of the members of the Executive Council acting with the Governor. You have no guarantee, of course, that the gentleman in charge of the Development of Industry Portfolio will not be an Indian member of the Executive Council?—No.

8845. And you have no guarantee at all that that gentleman will ever have held any other office or have any knowledge of administration?—If he is an official he certainly will have had other experience.

8846. If he is an official; but of all the existing Executive Councillors in India I am right in saying, I think, that there is only one Indian gentleman who has been an official?—That is so, possibly—I have not gone over the list. I have not the slightest doubt, as I said in my note, that this is going to be one of our most serious difficulties, to get Indians who are really experienced in official administration, and we will have to put up with that difficulty for some years.

8847. You know that in this country any number of men find themselves at the head of departments who have never had any official experience before?—Yes.

8848. And you know they find salvation in the fact that the gentlemen employed in the department are men who have had administrative experience?—Yes; and most of the heads of departments have been through the sixth form of a Public School.

8849. That does not invariably follow either; it certainly does not apply to myself.

Lord *Sinha.*

8850. I think you expressed an opinion before, on that informal Committee on which we both sat, that in the present state of finance in India the development of all the larger industries will really depend upon the Central Government. I may be wrong, but that is the impression in my mind?—Yes; I think I made that remark, and it is possibly correct; but I cannot form any clear idea at present as to whether there will be enough money available among the local Governments, or whether, in fact, the money will be absolutely necessary. What one wants in the development of industry is not for the Government to

Lord *Sinha*—continued.

pour out money, but to be quite sure that private enterprise can be judiciously fostered. That requires, on the part of the Government that does it, something more than mere money. It sometimes, for instance, wants the Government to be in a position to place large orders continuously for a period. The Central Government can more often arrange for co-operation among the Local Governments to assist in that respect than any one Local Government can do. Also with regard to many industries it would not be judicious on the part of a Local Government to advance money, even if they had it, for industry or for the development of an industry that is of only partial value to that particular Province. And for that reason I think that many of the so-called large industries, by which I mean industries covering the interests of more than one Province, can better be assisted by the Central Government than by any Local Government.

8851. With regard to this, of course, there will be no question of reserving or transferring under the scheme of the Bill?—No.

8852. Those remain with the Central Government?—Yes.

8853. With regard to the rest of them, would you agree with the conclusion to which the informal Committee of the India Office came, viz., that the development of industries, in cases where such development by the central authority is declared by order of the Governor-General in Council to be expedient in the public interest, should be a central subject?—Yes. I would agree with that proposal.

8854. Then with regard to the others, that is to say industries other than those covered by what I have mentioned will be Provincial?—Yes.

8855. And, so far as those were concerned, would there be any objection, to your mind, to their transfer to the popular minister?—Only for the reason which I have given as a reason for postponing the transfer. I have no insuperable objection to the transfer, and I am hoping that foundation work will be done as quickly as possible to enable the conditions to be ripe for transfer. As to that, that will largely depend upon the speed with which the India Office deals with proposals from India.

8856. Of course, whether it is transferred or not transferred, the Minister or the Member of Council would have necessarily to rely largely upon expert assistance?—Yes.

8857. The Directors of Industries, or whatever you may choose to call them, and the staff, which you rightly point out, is so essential?—Yes.

8858. If the Minister or the Member of Council was inexperienced, he would be intelligent enough to know that he must rely upon expert advice, if things are to go all right—at least, one would hope so?—There is as good reason to expect they will go all right with a minister as with anyone else when he has got the right kind of staff to advise him. One is of course aware of the fact that a Minister who has to hold his position at the will of the people may have certain pressure brought to bear on him with regard to local industries in a way that would not be possible to a permanent official, but that is a matter which is purely local. It affects this country and our colonies.

8859. Therefore, it would not be an insuperable objection in the case of an Indian Province?—No.

Major *Ormsby-Gore.*

8860. Have you read the Report of the Crewe Committee about the proposal to establish an Indian High Commissioner to buy stores for the Indian Government in this country?—Yes.

8861. Does that have your support?—Yes, on the understanding that the first effort is made to buy the stores in India itself. If we have a corresponding department in India, which intercepts all demands for stores and makes a first attempt to raise those stores in India, it will be a great advantage to have some agency at home which will purchase the residue and generally advise the Spending Departments in India as to where they can make better bargains.

8862. You take the view that at the present moment the Indian Government and Provincial Governments buy a great many things in this country which could be made equally well in India, and which would help the industrial development of India?—I think that the Stores Rules of the Government of India, published in 1913, contain a good deal of pious swadeshi sentiments, but they have been of absolutely no value, for the reason that a local official wants to get his stores as safely and as easily as possible. He does not want to be responsible for the work of inspection and valuation. He is generally late in sending in his indents, as he is always overworked, and he finds it much easier to take the priced catalogue of a European firm and make out his indent from that, and send it to the India Office Stores Department. He is certainly well treated as far as quality of material is concerned, but the result of the working of those rules has been that we have had no real encouragement of Indian industries from Government. It is only during the war, when we were forced to get our materials in India, that we found, one by one, that we could get things made in India, and that we could purchase things in India which previously we had never dreamed of being able to do.

8863. Would you like to say anything to this Committee about the present position of the Indian Budget? Do you think that greater freedom—greater statutory freedom even—should be given to the Government of India in regard to its fiscal policy?—With regard to its fiscal policy, I think I can only speak with very great prejudice, because I have not considered the question from this side; but frequently one feels in India, looking at things from the point of view of Indian interests, that we want, and we are always longing for, more fiscal freedom.

8864. There is among the colleagues you have worked with who have taken an interest in India industries a strong desire for what is called fiscal autonomy?—I think so—fiscal autonomy with certain reservations. Obviously it would be unwise for India, or any other constituent of the Empire, to go ahead with a fiscal policy without control by the Secretary of State, having in view the Imperial interests of the Empire as a whole.

Mr. *Bennett.*

8865. Does your objection to the transfer of industrial development to Ministers extend also to the transfer of that subject to the Provincial Governments?—No; I am in favour of the greatest freedom of action on the part of the Provincial Governments preparing a way for the transfer.

8866 Then you do not altogether agree with the view taken by Sir John Hewett the day before yesterday, when he said that the Central Government cannot divest itself of responsibility for the industrial progress of the country. I do not know whether you have read his evidence?—No, I have not.

8867. He went on to show how in the case of the Tata Iron and Steel Company's enterprise it would have been impossible for a Local Government to have put it through. But did he not do himself a certain injustice in that, inasmuch as at the inception of the scheme and in its early years he himself, as Chief Commissioner of the Central Provinces, energetically and sympathetically helped it?—He probably did, but the Tata Iron and Steel Company's scheme has nothing now to do with the Central Provinces.

8868. No, but at its inception?—That was an idea which was given up. The scheme as finally matured developed in quite a different Province.

8869. I mentioned this as illustrating the idea that it is important that the Provincial Governments shall have large powers in regard to industrial development. You agree to that?—Yes. I do not think that what I say is wholly inconsistent with the remarks of Sir John Hewett which you have read. I still feel that the Central Government is responsible for the general industrial policy, and, as I said before, is responsible for filling up the gaps.

8870. You would leave as much initiative in these matters to the Local Governments as possible?—Yes

Lord *Brodrick* (Viscount *Midleton.*)] Thank you.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

8871. Sir

SIR MURRAY HAMMICK, K.C.S.I., is called in; and Examined.

Lord *Brodrick* (Viscount *Midleton*).

8871. Sir Murray, you served for a long time in the Madras Presidency?—Yes.

8872. And you are now on the Council of India?—Yes.

The following are the questions with the answers already submitted by the Witness:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"?—And do you generally accept the proposition contained in the Preamble?—My answers to the questions are: (a) I accept the proposition announced in Parliament. (b) I understand the expression "responsible government" to mean an Executive Government responsible to a Legislative Council, which is elected on a popular basis.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—Yes.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—(a) Yes. I think that, to a certain extent, Provincial Legislatures should control the action and policy of the Executive. (b) They have at present an undefined power in this direction, which is considerably more effective than is generally thought. I imagine that every Provincial Government at present is very anxious, as far as is possible, to meet the wishes expressed in the Legislative Council. Its power is very considerable. It can very much delay Government measures which require legislation, and it can and does draw the attention of the Government to existing grievances.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Yes. As long as the Secretary of State and Parliament are responsible for peace and order in India and its protection from attack outside, Provincial Executives must in these matters remain responsible to the Secretary of State and Parliament, and be in a position to enforce their wishes.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I see much force in the objections that have been put forward to the dual form of government; but I have been unable to find any better way of securing what is the aim of the proposed reforms. I see no other workable method by which Ministers and the Legislatures can be made responsible within certain limits for a part of the administration.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages, and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? and (ii) does it afford means of judgment (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—I have no other method to suggest.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—The practical effect of the Bill will depend to a great extent upon the rules framed under it. I have not seen any draft of the rules. I have no modification in the Bill to suggest.

8. In particular, do you think (i) that Ministers should hold office "during pleasure," *i.e.*, should be

Lord *Brodrick* (Viscount *Midleton*)—continued.

liable to removal if they are unable to support the action decided upon in their Department by the Governor, or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) That the Executive Council should in all Provinces normally consist of one official European and the Legislatre Clause 3 (1))? (ii) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—I agree as to (i), (ii) and (iv). I am doubtful whether the work of the Executive Council in Madras can be efficiently conducted by two members; but I think, to begin with, two members may be tried.

9. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—I have no suggestions to make. I consider the limitations imposed by Clause 9 generally necessary and adequate to safeguard the responsibilities which the Government owes to Parliament.

10. In particular, (i) do you think that the Legislature should have power, with whatever limitations, to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—Yes. I think the plan of Grand Committees the best that can be devised to meet the necessity which exists that the Government shall have power to secure essential legislation.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Yes. I think it is of importance that the Government of India should remain for the present without the dualism which it is proposed to introduce into the Local Governments.

12. Do you agree that it is advisable, none the less, to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes.

13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15 and 16)?—I accept the plan proposed.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—Yes.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—Yes.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33, and

Lord *Brodrick* (Viscount *Midleton*)—continued.

45 of the Government of India Act (Clause 23)?—I agree with the modifications made in the Bill as regards the sections referred to.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I agree that a periodical examination of progress by an independent authority is advisable. I am inclined to think that ten years is too short a period, and would prefer to see the time extended. Ten years is a very short period for development, and I doubt whether much will be gathered within that time.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I have no remarks to offer.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I agree generally with the conclusions of the Committees held under the Chairmanship of Lord Southborough. I am, however, of opinion that it is advisable, if possible, to provide for the better representation of the non-Brahmin castes in Madras, and am in favour of limiting the number of seats to be held by Brahmins in the Council. I am also in favour of giving larger representation than is proposed for the outcaste section. This can only be done by nomination. As regards the Committee on the Home Administration, I have expressed my views in the evidence I gave before that Committee. I am not in favour of making any radical changes at present in the constitution or powers of the Council of the Secretary of State; but I consider that when the next examination is made into Indian affairs special attention should then be given to the matter, and I think that then, probably, it will be found advisable to alter the present arrangements.

8873. You have been good enough to furnish us with some answers to our questions, and I notice you say that you see much force in the objections which have been put forward to the dual form of government, but you have been unable to find any better way of securing what is the aim of the proposed reforms. Which in your opinion is the best method? Is it better to give the Legislative Councils a partial control of the whole administration or would you prefer to give them the complete control of a certain number of subjects subject to the veto of the Governor?—I think the second is the preferable course, to give them complete control of a certain number of subjects. That is the only feasible way of obtaining the end we have in view, I think.

8874. There would be less duality if we could find some means of securing the complete responsibility of Ministers over a certain number of subjects?—Yes.

8875. You think the plan of Grand Committees the best which could be devised, but are you clear that it is desirable to have any form of Grand Committee? In your experience of India, if a popularly elected body is to be checked, would you prefer that the check came direct from the Governor or that it should be filtered through a Grand Committee in the manner proposed by the Bill?—I am strongly in favour of the Grand Committee procedure; I should not at all like to see the direct action of the Governor to overrule the Legislative Council without the intermediate body of the Grand Committee for the matter to filter through.

8876. Looking to the position of the officers under the Governor, do you think it advisable that they should have to fight the same measure in the Legislative Council and to fight it again in the Grand Committee, especially if it happens to be an unpopular measure?—I see no objection.

8877. They would be forced to sit in both?—Yes.

8878. Do you think it fair to ask them to go through both those stages before the Governor intevenes?—I think so. My own experience in India is that the more you can allow people to argue and talk the better.

8879. As regards the Governor himself, it is contemplated under the Bill that he may be Chairman of the Legislative Council, or that he should designate somebody else for that post; do you think it desirable that the Governor who is to be the umpire should have to preside over the Legislative Council?—I am inclined to think that under the new scheme the Governor had better not preside over the Legislative Council. I do not feel certain about it, but I have seen occasions on which I think it would have been better, even in my time, if the Governor had not been in the chair, and I think in future there will be more occasions of that kind, and therefore I should think it would be better that he should not be there.

8880. You think ten years too short a period; what period would you suggest?—I should think fifteen would be better.

8881. If a considerable advance was made now, you think it would require some fifteen years for the electors fully to realise all their responsibilities?—I think so.

8882. From your experience would you say that anything in the nature of a referendum to the electorate would be understood at the present time?—Most certainly not—I do not think so at all.

8883. The electorates are in embryo, and should be educated; is that your point?—Yes.

8884. I see that you are in favour of a better representation of the non-Brahmin castes in Madras and of limiting the number of seats to be held by Brahmins on the Council. I gather that you concur with the non-Brahmins that, despite their great numbers, they would not be able to hold their own with the Brahmins; is that your view?—I do not think at first they will; I am very strongly of that opinion.

8885. Having migrated to the India Office I should like to ask you this question: Do you find the India Office procedure as faulty and as tardy as many people in India have represented it to be and believe it to be?—No; I do not think so at all. I am not of that opinion. I do not think when I was in India we ever complained of the slowness of the India Office; our complaint was very often of the slowness of the Government of India, and I do not think myself the accusation was often made when I was in India that the India Office was slow in getting measures through.

8886. Do you think that if the points on which the India Office, especially as regards finance, have to exercise a detailed control were reduced and the procedure was somewhat simplified the India Office might be purged of any difficulties which have beset it up to now?—Yes.

8887. As to the manner in which the questions are discussed and presented, you regard that favourably?—Yes.

Mr. *Montagu.*

8888. How long do you think it will be before the Brahmins in Madras will be asking for communal representation because they cannot get a fair representation in competition with the non-Brahmins?—Very many years hence, I think.

8889-90. In other words, how long do you think exceptional arrangements for securing the representation of non-Brahmins will be necessary?—I should say certainly until the next revisionary body goes out to examine the question.

8891. When you felt in India that the Government of India was slow, of course you had no means of knowing whether they were referring home or not, and waiting for decisions at home?—No.

8892. Is it not, therefore, fair to say that the only way of getting speedier administration in India is to minimise the references home on the one hand and from the Provinces to the Government of India on the other?—Oh, yes; I quite agree with that.

Sir *Henry Craik.*

8893. To what do you attribute the slowness of the Indian Government, which is a constant complaint?—I think one reason is that they have to consult so many bodies in India. I mean the number of Provincial Governments is so large and the variety of opinions they receive is so great that it naturally takes time in arriving at any conclusion.

8894. The general complaint now is rather of the slowness of the Government of India than of the slowness of the India Office?—Quite so; I think the Government of India did not do their work expeditiously for one reason, that although I am speaking without much

Sir *Henry Craik*—continued.

much knowledge of the procedure of the Government of India, they did too much through their large Council. I think the individual members might have more authority than they have.

8895. It is done too much by Minute?—Too much by Minute.

8896. Instead of meeting and settling the thing?—Yes.

8897. The system of written Minutes exists, I suppose, very much more largely in India than in the ordinary public work administration here?—Very much more.

8898. That is to a certain extent necessary, because they are not so immediately in touch with one another, they cannot go and see one another and talk to one another?—No; and another reason for Minuting in India is that it is more necessary there to leave a record; officers are perpetually changing, and it is very necessary to leave a full record of discussions which occur on Government matters.

8899. You think, with regard to communal representation, the soundest method of obtaining it would be by nomination?—I think it the only sound method as regards the outcast population; but I do not think as regards the non-Brahmin castes the best way would be by nomination. I am inclined to think the best way would be by some kind of communal representation.

8900. Probably by proportional representation, or something of that kind?—Yes; you might make it proportional.

8901. Not assigning certain seats which must be filled necessarily my non-Brahmins?—Yes; I am almost inclined to think that. I think it will not be safe unless you insist upon a certain number of seats being reserved and held by non-Brahmins.

Sir *J. D. Rees.*

8902. Sir Murray, may I ask you this: You say in your Memorandum, on the first page, that the power of the Legislative Council is very considerable, and that it can very much delay Government measures which require legislation. Can it not now prevent Government legislation?—Oh, yes.

8903. It can actually prevent it?—Yes.

8904. Further on, on the next page, you say, "The practical effect of the Bill will depend, to a great extent, upon the rules framed under it; I have not seen any draft of the rules." You have not seen those?—No, I have not seen them.

8905. You say at the end of your Paper that you think "It is advisable, if possible, to provide for the better representation of the non-Brahmin castes in Madras," and upon that I should like to ask this: Is it because you think that the Brahmins in office on the Councils have been unjust to the other castes, or oppressive, that you have that opinion?—No.

8906. How exactly does it arise?—I do not say that they have been oppressive, but I say that the Brahmins have a control at present which is entirely out of proportion to their numbers.

8907. Are they not the head of the Hindoo system?—They are.

8908. And are not all the people they control in the Hindoo system?—Yes, no doubt.

8909. Is it unnatural that the leaders of the Hindoo system should have the chief control of the Hindoo system?—It is quite natural that they should desire it, but I think it very undesirable that they should continue to have the control that they have now.

8910. You think it is too much?—Yes.

8911. Even for the natural leaders of the people?—Yes, I think so.

8912. At any rate your opinion is not founded, I understand, on the alleged fact that they habitually ill-treat the lower castes?—No.

8913. Or have any hostility to them?—I think they have hostility to them; they are out for their own benefit. I cannot bring instances of individual injustice, but I know from personal experience that their superiority and their attitude in the districts make them extremely unpopular with the great number of non-Brahmins.

8914. Are they more unpopular, for instance, than any superior class, like the landlords in Ireland, or any other particular class you may instance?—Perhaps they are not so unpopular as landlords in Ireland.

Sir *J. D. Rees*—continued.

8915. What I want to get at is this: Does this being out for their own interests, as you say, amount to any more than the usual self-interest motive which is common to all human beings? As the case is put here it has been rather distinctly put upon the basis that the other castes require protection against the Brahmins. Would you put it in that form on your Madras experience?—Yes, I should almost put it in that form. What has happened is, I imagine, that in times past they were content to be ruled by the Brahmins; then we came in, and they have looked to us to keep the balance more equalised between the people there. They have come to look upon us now as the great power—and now certainly I am speaking only for Madras—to which they can always appeal to obtain fair treatment by the Brahmins. What I feel is that under the new system they will lose that confidence that they have got now; they will find they have not got it, and a state of feeling will arise which will be extremely dangerous to public safety and public comfort.

8916. Have not our chief agents, we being in the position you describe, been Brahmins?—Very often; but they have had over them always the very careful eye of a European.

8917. Do you think there has been also, to take the other side of the question, a corporate collective anti-Brahmin feeling in the country—in Madras for instance?—I think it has developed since I left; it did not exist when I left, I think, but as far as I can gather from the present state of things there is a very strong feeling which is spreading rapidly.

8918. It is new?—I think it is new.

8919. Would you attribute that to the exploitation of this natural jealousy on behalf of political ends?—Partly.

8920. To any great extent?—No, I do not think so; I think it is attributable to the fact that they have suspected that under these coming reforms they are going to lose the security they have now in the autocratic administration they have got under us, and they are afraid that when that power has gone which we have now their chance will be less. That has brought together a number of non-Brahmins to take up the attitude which they are doing now.

8921. You think that the Brahmin representation should be limited politically in the same way that it is administratively in the Madras Presidency, where you provide against the complete——?—I think so to a certain extent.

8922. And for very much the same reasons?—Yes.

8923. With regard to the slowness to which my Right Honourable colleague on my left referred, is it not the fact that the Government of India, the Local Governments in India, make the most extraordinarily careful enquiries before they take any serious legislative or administrative step?—Yes, certainly.

8924. Does not that necessarily take a very long time?—Yes, it does.

8925. Is it desirable that it should be altogether curtailed?—No, I do not think it is.

8926. Would you say that the charge of dilatory procedure was really established then against the administration of the Governments in India?—I think it is very much exaggerated.

8927. Do you see any objection to transferring all industrial development to the Provincial Governments?—No.

8928. Has not the Madras Government been very generally extremely interested and anxious to forward that?—Very much so for many years past. It has been ahead of most of the Local Governments in that matter for several years past, I think.

8929. But the checks have proceeded from above?—Rather—not only from India, but from the India Office.

8930. You are one of the members of the Secretary of State's Council, and expressed in the beginning a general approval of the reforms?—Yes

8931. Therefore, you are not in sympathy, I presume, with the attitude of the Madras Government which was expressed?—No.

Sir *J. D. Rees*—continued.

8932. I should like to ask you on that, as one who was a member of the Madras Government, when an opinion is invited from a local administration on an important measure such as this, is it usual in such cases for the opinion sent up to consist merely of the personal opinions of the ministers of the Government, or do they take into account, and, if so, to what extent, public opinion, educated or otherwise?—In a matter of this sort, of course, they must have referred to and consulted many officers under them, but then it was for the Governor and the three members of Council to make up their own minds, and I suppose they were unanimous in sending on their views. I mean because a certain number of the public objected to this there was no reason for the Madras Government to say so; they had made up their own minds and they stated their opinion.

8933. In such a case, if you were a member, would the Government at the same time indicate that in arriving at this conclusion they were not satisfied that they were quite in accord with educated public opinion, or words to that effect? Would you do it?—I think I should have done, certainly.

Mr. *Spoor.*

8934. Sir Murray, we have had, I think, abundant evidence here as to the demand in India for these reforms; do you think this Bill will satisfy in any real degree this Indian demand?—I am afraid not.

8935. Do you think it is desirable that the Bill should be in any particular way strengthened in order to meet that demand in the interests of peace?—No.

8936. For example, you say here in answer to Question 11 that you think it is of importance that the Government of India should remain for the present without the dualism which it is proposed to introduce into the Local Governments. Do you not think an increase of any representation in the Central Government would not only be in harmony with the pronouncement, but would be desirable from every point of view?—No, I do not think so; I do not think it will stop future agitation, and I do not think it is a good thing in itself.

8937. Do you think the promise of the pronouncement will be in any way fulfilled without increase of representation to the Central Government?—Yes, quite, I think.

8938. As regards this Question 17, you think the period of ten years is too short for this periodical examination of progress. I do not know whether you are aware that we had a distinguished Indian here this morning, who suggested that, as a matter of fact, ten years was much too long?—No, I did not know it, and I entirely disagree with him. What I mean is that I think it will take two or three years for any considerable mass of the people to understand anything about these reforms at all; certainly, speaking of Madras, the people of the country will not realise in the slightest bit until they have had two or three years' experience of them what is being done, and after that it will take certainly another eight or ten years for them to realise what an election means and what issues are at stake in the election. At present, even in the Madras City Corporation, each election shows that the policy of the candidate has nothing whatever to do with his chance of getting votes; it is purely personal, and it will be the same throughout the country for two or three elections at least. I have not the slightest doubt that some time you may develop a public feeling of the kind you have in this country, but it does not exist at present, and it will take much more than ten years to cultivate it.

8939. Is it not the fact that there has been extraordinary political development in the country during the last ten years, and more particularly during the last five years?—Yes, no doubt, but I think it is only skin deep, and I do not think it has reached the people in any sense of the word, as I understand by "people."

8940. Having regard to the likelihood, that not only in India but in world politics we are likely to have changes very rapidly, and I think the pace is being accelerated all round, would it not be wiser to fix a shorter period? Ten years, after all, is a long time today?—I am afraid I do not look upon ten years as a long time at all; I look upon ten years in the development of a big change, such as this is, as a remarkably short time, and I think ten years——

8941. You prefer a conservative estimate?—Yes.

8942. Just one more question with regard to this representation of the non-Brahmins. You seemed to suggest in your answer to Sir John Rees that there exists in India a real fear of the Brahmin tyranny: Is that so?—Yes, I think so.

8943. You think that, whatever may have obtained in the past, that fear—if I may so put it—is not diminishing?—I think it is an increasing one. I think it is increasing at the present moment.

Mr. *Bennett.*

8944. Sir Murray Hammick, have you found in India, in your own service, instances of anti-Brahmin obsession; men with a sustained bias against the Brahmin and a fear of the Brahmin, alleged or real?—Yes, I think I have.

8945. These men are rather given to exaggerate the power of the Brahmin and his capacity to oppress, are they not?—Well, I think they are given to exaggerate his desire or wish to oppress; but I do not think they exaggerate his power, because I think his power is enormous.

8946. You would think it right that anyone seeking to arrive at a just conclusion with regard to this problem should be on his guard against this extravagant antipathy to the Brahmins?—Yes.

8947. When you expressed your belief in the necessity of communal representation in order to safeguard the interests of the non-Brahmin communities, had you in mind the recent election to the Madras Council, in which five non-Brahmins captured seats? You had not forgotten that?—No; I had not forgotten that.

8948. Has that conditioned or in any degree modified your views?—No.

8949. As to the ten years. Was it considerably less than ten years after the introduction of the Morley-Minto reforms that the Government of India and the Secretary of State at home recognised that another and an important step forward should be taken?—Yes.

8950. It was considerably less?—I think it was.

8951. I think one might fairly say that at the end of five years it was held that a new step would be necessary?—I did not think myself at the end of five years it would be necessary; but it was certainly less than ten.

8952. The feeling began to prevail at that time; it was seriously recognised?—Yes.

8953. Under those circumstances, do you not think that ten years will be a sufficient interval to elapse before the inquiry is made into the working of these reforms?—I speak with considerable hesitation on the subject; but I really think that to give these reforms a fair chance this is a much greater leap in the dark than the Morley-Minto reforms were; a much greater change in the condition of things, and it should be well understood in India that for ten years, or fifteen years, no change would be possible. I think fifteen years is a sufficient period, and after fifteen years the matter would be inquired into. I think the shorter you make the period the greater the agitation you will get for change.

Major *Ormsby-Gore.*

8954. What is your present proposal with regard to non-Brahmin representation? What percentage of seats would you give them? I understand you would guarantee them a certain percentage of seats in the Legislative Council?—Yes. I have not really studied the matter. You would not guarantee the Brahmins a fixed number, but you would guarantee the rest.

8955. I mean that you would guarantee to the non-Brahmins a certain number of seats; what proportion?—I should think something like 33 per cent.

8956. One-third of the Hindoo general constituencies?—Yes.

8957. You think that would satisfy the reasonable demands of the non-Brahmins?—I do not think it would satisfy anybody, because I do not think anything you do will satisfy anybody out there. You will have complaints from all sides, but I think that ought to satisfy them.

8958. Nothing

Major *Ormsby-Gore*—continued.

8958. Nothing short of communal representation for the Brahmins would satisfy the non-Brahmins in Madras—or rather the anti-Brahmins?—The anti-Brahmins I do not think would be satisfied with anything except exclusive representation. They will not be satisfied at seeing a Brahmin get a chance at all, which is absurd. Their attitude is, I admit, most unreasonable at the present time.

8959. Now, I see, you say in answer to Question 19, "I am in favour of giving larger representation than is proposed for the outcast section. This can only be done by nomination." Do the outcasts have caste panchayats of their own?—Yes.

8960. Would it not be possible to use these panchayats as a means of selection?—No; I do not think so. The caste panchayats of the outcasts are panchayats of the most absolutely ignorant class amongst them, and I think no amount of teaching would make them understand what you were driving at at all; I think the only chance of getting the outcasts in is by nomination; because, after all, the number of educated outcasts is extraordinarily small.

8961. Have these caste panchayats got any knowledge at all beyond their own village?—Absolutely none.

8962. So they would not know a more educated outcast man in another village?—Probably not.

8963. In Madras there are outcasts in each village?—Yes.

8964. Or are there whole villages of them?—Yes; there are whole villages consisting of outcasts; there are complete pariah villages, and every village has a pariah quarter, and into that pariah quarter no Brahmin can enter without befoulment.

8965. How do you think nomination will bring in a caste of that sort? How will they be in any sense representative of the outcasts?—They would speak for them in the Council.

8966. You think there would be no difficulty in the Council owing to the presence of nominated pariahs?—I do not think so—not the educated class; there are a certain number of educated outcasts whose presence will not be objected to in the Council.

8967. I turn for a moment to the Committee on Home Administration; you favour Sir James Brunyate's proposals as against the proposals of the majority of the Committee?—Yes; I do.

8968. Do you support his actual concrete proposals?—No; not altogether.

8969. Is there any important particular you would like to bring to our attention in which you differ from him?—I do not think so; on the main proposals he has made I am in agreement with him certainly

Lord *Sinha*.

8970. Sir Murray Hammick, with regard to this dual system of government, do you agree that it is advisable that the two sections should be in as close association as possible for the purposes of consultation?—Yes, certainly.

8971. That each should if necessary only decide by vote amongst themselves over its own subjects, but ordinarily all subjects should be jointly deliberated upon; is that your view?—Certainly.

8972. May I take it that your view is also that the purse ought to be joint?—Yes.

8973. It ought to be a joint purse, the funds being allocated yearly, or, if necessary, for a longer time between the two sections of the Government?—Yes.

8974. As regards this question of communal representation in Madras, the non-Brahmin caste Hindoos are divided amongst themselves into a very large number of castes, are they not?—Yes.

8975. Would it be possible to form these into one electorate?—I think so.

8976. We have been told that there is as much difference between them, *inter se*, on the one hand as between them and the Brahmins on the other?—Well, there is as much difference between them in one sense of the word, but there is not the same antagonism between them as there is between them and the Brahmins.

8977. With regard to the present elections, in which the non-Brahmins seemed to have carried the day, why do you say that does not affect your opinion? I thought it would?—It may have been done from a

Lord *Sinha*—continued.

reasoned desire to show the Brahmins did not wish to come to the front on this occasion, which I am told is the case; I do not know whether it is true or not.

8978. Supposing it is not an engineered election, and supposing the Brahmins are not keeping back purposely in order to show that the non-Brahmins can get in, assuming that it was done in the usual natural way, then it would affect your opinion?—It would.

8979. That would show that there was now greater organisation amongst the non-Brahmins?—It would.

8980. And if there was greater organisation, I suppose they would be able to get their proper place in the Council?—I doubt it very much, until you have got to a stage at which the elector will be more influenced by political considerations and policy and so on than he is by personal considerations of the candidate.

8981. Of course, hitherto there has been no question of policy as between candidates?—No.

8982. Because candidates who want to become members of the Legislature have nothing to do with policy?—No.

8983. Therefore up to now there could not be anything but personal questions taken into acount?—I would not go so far as to say that—for instance, in my own district there were several crying grievances which men had which they might have asked their members to voice for them, but it never occurred to them to do that; it was only whether So-and-so was a more respectable man than the other man.

8984. I quite admit that that was the only question of importance, but is not that due to the fact that the decision has hitherto lain with the Government?—To a certain extent, no doubt it has.

8985. Now, with regard to the Central Government, I understood you to say to Mr. Spoor that you were not in favour of any advance in the Central Government?—Yes.

8986. Do you mean that in the direction of diarchy, or generally?—No; I only meant in the direction of diarchy. I am in favour of increasing the number of members in the Legislative Council, for instance; but I am entirely against the diarchial principle being introduced at present in the Government.

8987. You know, do you not, that it has been a very constant, at least a very loudly expressed demand on the part of the Indian political classes that there should be a position of equal partnership between Englishmen and Indians and between India and England?—Yes.

8988. And that as a corrollary to that they have always asked that the Executive Government should consist of half Indians and half Europeans?—Yes.

8989. Would you object to that so far as the Central Government is concerned, without dividing the subjects? We have this morning had that view advocated before us?—I would not object to that on any ground, except that I think it would be difficult at the present time to find a sufficient number of efficient Indians to take up the posts.

8990. You would have the whole of India to choose from; you remember that?—Yes.

8991. And you would also have this, that every five years there would be a number of men being trained in the work of high administration in the Provinces?—Exactly. I think it is quite possible if you were increasing the number of Indian Civil Servants, as you are doing now, that in a very short time you might find a sufficient number of Indians of sufficient capacity to be members of the Executive Council of India.

8992. Having regard to the desire and the sense of self-respect which prompts that desire, would you agree to an increase beyond two of the Central Council? You know the Montagu-Chelmsford Report recommends that there should be two members instead of one, as there is now in the Viceroy's Executive Council?—Yes.

8993. Would you agree that if the addition of another satisfies Indian political opinion it would be expedient to make that concession?—If you could find a man of sufficient capacity to take it I would, yes.

Lord *Brodrick* (Viscount *Midleton*).

8994. I want to ask you one question: I think there has been some impression that in recent years the practice of the Secretary of State relying on his Council or consulting them has been reduced, and that the Council is less consulted than it used to be: has anything of that kind come under your notice?—No; certainly not during the time I have been on the Council.

8995. Besides the Council meetings, do you find that the Council take as full a share as has always been customary in the business of the office?—I have no experience of what happened, except what has happened during the past three years while I have been on the Council; but I should say the Council were consulted quite sufficiently by the Secretary of State. There is no complaint of that sort at present.

Lord *Brodrick* (Viscount *Midleton*)—continued.

Lord *Brodrick* (Viscount *Midleton*).] We are much obliged to you for your evidence.

(*The Witness is directed to withdraw.*)

(*The Committee sits in camera for a short time.*)

Die Lunæ, 13° *Octobris* 1919.

MEMBERS PRESENT:—

Duke of NORTHUMBERLAND.
Earl of SELBORNE.
Lord BRODRICK (Viscount Midleton).
Lord ISLINGTON.
Lord SYDENHAM.
Lord SINHA.
Mr. F. D. ACLAND.
Mr. BENNETT.
Sir HENRY CRAIK.
Mr. MONTAGU.
Major ORMSBY-GORE.
Sir J. D. REES.
Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

Lieutenant-Colonel R. H. ELLIOT, I.M.S., is called in; and Examined, as follows:—

Chairman.

8996. I think you were a member of the Indian Medical Service?—Yes.

8997. For how many years?—Twenty-three.

8998. When did you retire?—In 1915. I was invalided.

8999. What was the last post you held in India?—I was Superintendent of the Ophthalmic Hospital and Professor of Ophthalmology in Madras.

9000. I believe, like every other great public service, the position of the Indian Medical Service has been under review lately?—Yes.

9001. And you have hopes of a settlement?—I think that there is every hope of a settlement.

9002. You are generally aware of the proposals of the Montagu-Chelmsford Report and of this Bill, which it is our duty to consider?—Yes.

9003. Perhaps you have followed the recommendations of what is called the Functions Committee, of which Mr. Feetham was Chairman in India?—I know something of them.

9004. And one of those recommendations was that some of the Medical Services in India should be what are called transferred subjects?—Yes.

9005. The Committee would be glad if, speaking on behalf of the Indian Medical Service and knowing their views, you would tell us of the effect on the work of that department and on its recruitment which these proposals will be likely to have?—May I first say that I am speaking simply as a retired officer and not as a representative of the British Medical Association, with which I am generally associated, being a Chairman of one of their committees; but I am not speaking as Chairman of the Naval and Military Committee, the British Medical Association. I have had no opportunity of consulting the Association, and I am merely giving my own views, which are founded on a very large numbers of letters which have been written to me by officers in India, both in the Medical Service and outside the Medical Service. The point that I make is that this step will be extremely unpopular and that it will lead to a large number of retirements to begin with among senior officers, and also if that occurs it will most certainly make recruiting of European officers in this country increasingly difficult. If I may venture to say so, I think it would be very unfortunate at a time when, thanks to the continued efforts and kindness of the Secretary of State for India, we have almost reached a settlement. It has been very difficult. We have had four years of uphill work to get to a settlement, and I am afraid that if this is done—I go on the letters which men have written me from India, both men in the I.M.S. and men out of it—I am afraid that if this is done it will make the Service extremely unpopular.

Chairman—continued.

9006. Will you kindly explain exactly what the objection is?—You know that Europeans do not like serving under Indians, and they do not feel the confidence that there will be the same support and the same progress in the Service under an Indian Minister that they feel they will get and are getting under British Ministers.

9007. You have spoken in very general terms. I imagine you mean it to apply to the position of a medical officer in a district?—All civil medical officers throughout India, yes, certainly. All the medical officers in civil employment would be affected by it.

9008. Do you wish to give any illustration or to develop that a little more?—I could, but I would rather not. One could only illustrate it by personalities, and I prefer not to.

Major *Ormsby-Gore.*

9009. Is there an increasing number of Indians entering the Service?—There is a very large number of Indians entering the Service now.

9010. Is their capacity, both administrative and scientific, showing signs of progress?—Yes, certainly, progress, and there will be great progress if you give them time; but I do not think that their services are of the same value to the country at the present moment as the services of the Indian medical officer from Britain of the type you have. At the present time it is a question of progess and of training, and the whole work of the Indian Medical Service has to bring out the best that is in the Indians, and will do so; but it is a question of making alterations at a time when the country is ripe for them. My own belief is that it is not at the present time ripe for any large change.

9011. You have spoken of the effect on the Service of a possible transfer. What do you think will be the effect upon the progress of public health and sanitation of the handing that over to the care of an Indian Minister?—I do not think it will be for the good of India at the present time.

9012. Why?—Because I do not believe you will get the same sympathy and the same energy for sanitation from an Indian Minister that you will get from the British Minister at the present time.

9013. Do

Major *Ormsby-Gore*—continued.

9013. Do you think that the possible withdrawal of senior officers will be due more to present conditions of service and a sense of grievance that they feel or due to apprehensions as to what may happen in the future?—both are operative; there is no question that both are operative; but, so far as the first is concerned, very strenuous efforts have been made to get that matter settled, and as the result of long work it looks as if we were on the eve of a settlement.

9014. Is the Medical Service at present mostly a provincial service—that is to say, is it mostly under the direction of the Local Governments or does it deal very largely and mainly with the Government of India direct?—Each Local Government controls its own Medical Service to a very large extent indeed. The officers are responsible to the Surgeon-General, and the Surgeon-General is responsible to the Local Government. The administration is done by the Local Government.

9015. As the result of that is it largely the case that Medical Officers remain in one Province throughout their career in India or do they move about India?—In my time they were always tied to a Province, but now they move about more; but even now they stay a good deal in one Province. I have left the country six years.

9016. From the letters you have received is it your experience that there is a different feeling, a different attitude, in different Provinces, or do you speak almost entirely for Madras?—Oh, no; I get men to see me from every Province, and I receive a large number of letters from all over India.

9017. And the opinion is the same from every Province?—The opinion is absolutely the same throughout.

Mr. *Acland.*

9018. You state that there are Indians in the Service at present, and that they will no doubt receive promotion and move up in the Service as they are fit for it. That means that in the course of time, probably fairly soon, possibly even already, you have got to a stage where Europeans are serving under Indians. Is that so?—Yes, it must be so to some extent.

9019. Do you feel that there is an objection to that, which is a process already begun and certain to go on and continue, and very likely to expand, or that there is no objection to it, but that there would be grave objection to serving under an Indian Minister as distinguished from an Indian superior officer?—I do not think that European officers like serving under Indian officers.

9020. In any case?—In any case; but I do not think that they regard it as as serious a matter as having the last appeal to an Indian officer, which they would have in the case of an Indian Minister.

9021. Can you say from your own knowledge that any grave harm has been done to the Service from your point of view, looking at it from the point of view of the recruitment of British members, by the fact that there are Indian members in the Service under whom British officers are required to serve?—It will certainly take away from the popularity of the Service.

9022. It has taken away already?—It certainly has taken away from the popularity of the Service.

9023. Do you regard this possibility which is now opening up as likely to go further in the same direction?—Much further.

9024. When you say that the British Medical Association is not prepared to recommend young medical men to enter the Service——?—Excuse me; I have said I have no brief for the British Medical Association.

Lord *Islington.*

9025. Is there a feeling of dissatisfaction as regards the pay in the Service?—Very great.

9026. Has that been going for some years?—It has been increasing, of course. If I may answer it in this way, the outlook for a medical man in the last few years in England and elsewhere has gone up considerably, while in India the expenses for all alike have gone up. The consequence is that men have more and more felt the difficulty of living on their pay, and, in addition to that, in the old days an Indian medical officer in civil employ recruited his pay very largely by private practice. During the war a large number of them have had to leave private practice; they had to go out and serve on military duty on considerably lower pay, and a very large number of officers in the Medical Service at the present moment write to me that they are actually in debt, men who were well off a few years ago. So that naturally the question of pay is pressing very hardly at the present moment. But, as I said before, every effort has been made to meet that question, and we are in hopes that it is going to be met.

Lord *Islington*—continued.

9027. Would you say it is an important factor in what you allege to be the deterioration of the Service?—The question of pay?

9028. Yes?—It is undoubtedly an important factor in the deterioration of the Service.

9029. Were you in India when the Public Services Commission were there?—I gave evidence before them.

9030. Have you read the report of the Public Services Commission?—I have read it through.

9031. It was published in 1915, was it not?—It was.

9032. Has anything been done that you know of to give effect to that report with a view to improving the conditions of the Service, both from the British and Indian point of view?—We did not think that the Public Services Commission helped us very much. We were utterly disappointed with their recommendations, but the Secretary of State for India has helped us very materially since then.

9033. Would not you have said that it would have helped you if one recommendation had been given effect to, namely, the increase of 12½ per cent. on all the salaries. Would not you characterise that as a certain amount of assistance?—If it had been given at the time straight away I think it would have been welcomed. The time came when men would not look at 12½ per cent. They felt that it was far too little to give them.

9034. What have they received in increase since then?—Thirty per cent. on their grade pay.

9035. When did that come into operation?—I am extremely bad at dates. I think it was very early this year, if I remember rightly. It was made retrospective.

Lord *Sinha.*

9036. The objection that you mentioned with regard to European officers in the Indian Medical Service working under the control of an Indian Minister is a purely racial one?—I do not know quite what you mean by purely racial.

9037. Is it a racial objection at all—the disinclination or unwillingness of an Englishman, or European, to serve under an Indian? Do you call that a racial objection?—I do not think it is a question of race. I think it is a question that they feel that if they served under an Indian Minister they would not get the same sympathy and the same support that they would get if they served under a British Minister. If that is racial then it *is* racial.

9038. But apart from that is there any objection on the part of English officials to serve under Indian officials on the ground that they are Indians?—I think there is some, but I do not think that it weighs in comparison with the point which I have mentioned. I mean I think that there are many Indians that Europeans would be glad to serve under.

9039. On the other hand, I take it that your point of view is that most of them would be unwilling to serve under most Indians?—I am afraid so.

9040. Now is the want of support and sympathy that is apprehended based upon any definite grounds?—It is based upon their experience of India and living in India, and having to do with Indian as well as British officials.

9041. In what way is an Indian Minister likely to be wanting in support of what may be proposed for the improvement of sanitation?—I do not think you will get the same enthusiasm and the same support from an Indian Minister that you would from a British Minister, taking most cases.

9042. We have heard from other witnesses that there is probably too zealous an enthusiasm on the part of Indians in the matter of sanitation. Do you agree with that at all?—I do not.

9043. And that they are likely to be carried away by their zeal to initiate measures for which they have not got the finance. I suppose you do not agree with that either?—I regret to say that what I had to do with Indian Ministers of the Government did not lead me to believe that at all.

9044. With regard to Indians who are already in the Indian Medical Service, do I understand you to say that their inclusion is a grievance so far as English

Lord *Sinha*—continued.

members of the Indian Medical Service are concerned?—I do not think it is quite a grievance. I think it is recognised that Indians must come into the Service. They do not like it, of course, but it is recognised, and I think they work very loyally with them—both the Indians and the Europeans work very loyally together.

9045. The more Indians are included therefore in the Indian Medical Service the greater will be their dislike, necessarily?—The less popular the Service will become for purely European officers, unquestionably, and the harder will it be to persuade European officers to go out in that Service.

9046. Would you therefore suggest as a remedy that the Indian Medical Service should be exclusively reserved for Europeans?—I would rather not make any recommendation, for one reason among others that the matter has been dealt with, I understand, by a Commission or a Committee with Sir Verney Lovatt at its head, and with the Director-General of the Indian Medical Service, and other I.M.S. officers as members, and I think it would be presumptuous of me to make recommendations on the matter. I do not feel competent to do so. It is too difficult a question.

Mr. *Montagu.*

9047. As regards the Committee to which you refer, the proceedings and deliberations, I believe, were opened by Sir Sankaran Nair, were they not?—I refer to the Committee that went round India with the Director-General as its Chairman. I think they were opened by Sir Sankaran Nair.

9049. As at present organised in India, so far as I understand it, sanitation and public health are in the portfolio, curiously enough, of education. The Indian Medical Service and the welfare of the officers of the Service are under the Home Department, are they not?—I believe so.

9050. Suppose it happened that the member in charge of the education portfolio and the Home member were both Indians, you would find that the destiny of the Indian Medical Service under the present constitution would be in the hands of the Indian members, without any alteration of the law, would you not?—Yes.

9051. Do you think what is proposed now makes much difference?—If they found that every service that the Indian Medical Service had to do was under Indian Ministers I think it would greatly detract from the popularity and make recruiting extraordinarily difficult.

9052. Are you aware at all of the enormous interest and eagerness with which the prevention of malaria is treated in Indian newspapers and among Indian politicians in Bengal?—No, I am afraid I am not.

9053. Would you not be rather surprised if you found there was a lack of interest among Indians in measures to be taken against these terrible diseases which from time to time devastate India? Is it not rather unnatural that you should anticipate that they should lack desire and eagerness and energy to cope with that?—The masses of the Indian people.

9054. No, the leaders of educated Indians?—The mass of Indian people take no interest in it at all.

9055. In malaria?—They take no interest in sanitation of any sort or kind, the mass of the people.

9056. But if your relations lived in villages or districts which were continually being decimated by disease, would it not be very remarkable if you did not take a great interest in it yourself as an educated man?—Even as an educated man. No! not if you put it down to the will of God and are resigned to it. I am speaking of the mass of the people.

9057. There are conspicuous instances, are there not, of hospitals in India and in the war area in Mesopotamia, controlled or presided over by Indian Medical officers with great success, although the majority of their subordinate officers are English?—I know they have done splendidly, some of them.

Lord *Brodrick* (Viscount *Midleton*).

9058. Do you think that the vesting of the headship of the Indian Medical Service in the Home Department has been altogether satisfactory?—I do not know; I am not in a position to give an opinion.

Lord *Brodrick* (Viscount *Midleton*)—continued.

9059. You are aware that in this country a Minister of Health has just been appointed?—Yes.

9060. Would you say that the problems in regard to health to be dealt with in India were equivalent or greater as compared with those in this country?—I do not think that any Government in India has begun to wake up to the work they ought to do for health. There are 600,000 totally blind people lying in the villages with nobody to care about them, many of whom might be rescued if the Government would take and send out, like they have done in Egypt, travelling hospitals. Those people do not know there is help to be got. They are a nuisance to their people, nobody bothers about them, and they die there, 600,000 of them. I am speaking of one thing alone, blindness; the amount of blindness that might be prevented, the amount of blindness that might be cured is colossal. No! I do not think that the Indian Government has begun to realise its medical responsibilities. Before the war Professor Krusius, from Berlin, visited my hospital without telling me why he came. He came to me, and after having seen it, he said, "Yes, this is all I have heard of it. The Berlin Government want to know whether you will take young Germans, three or four at a time, and train them here." I said I would. That was at a time when conditions were very different. At that very time I was asking the Local Government, through the Surgeon-General, with his support, to send their own medical officers from the districts down to be trained at my hospital, and they did not do so. I do not think the Government of India have begun to understand their responsibilities with regard to health.

9061. In your opinion there would be a strong case for making the head of the Indian Medical Service a member of the Governor-General's Council?—I have always said so, and the whole Service feels that.

9062. In the future, do you think that if the whole question of sanitation was a transferred service and was dealt with provincially, differently in each Province, that would be a satisfactory arrangement?—I really do not feel competent to give an opinion about that.

9063. You spoke just now, in reply to Mr. Montagu, of the manner in which Indian medical officers had administered military hospitals. Have you found Indian officers efficient with regard to sanitation?—Some of them are efficient, but I do not think they reach the same rank of efficiency that Europeans do If you take the whole lot right through, I do not think the Indian officers reached the same height of administrative capacity, of research work, of enterprise in medical work, or of enterprise in sanitary work; I do not think taking them right through they reach anything like the same average that British officers have done.

9064. Mr. Montagu suggested to you that the question of sanitation is of great interest, and he left the impression, I think, that the prevention and treatment of malaria would be popular: is that your impression?—That any widespread treatment of malaria would be popular among the masses of the people?

9065. That all the necessary precautions which should be taken in order to stop malaria would be popular?—It would provoke riots.

9066. Certain sources of water prohibited, and so on?—If you interfere with them, or if you bring on sanitation rapidly in matters of that kind without very great care, you would certainly provoke a great deal of ill-feeling.

9067. Do you anticipate that a Legislative Council in which there would be a strong popular majority would deal drastically with matters of that kind?—I should not have thought so. I am open to correction, but I should not have thought so. Perhaps I ought to say that I am not competent to speak about that. I should not have thought so.

9068. Is it your view that the experience of the past shows that without a strong infusion of the European element and a determination to face great unpopularity, the sanitary measures which ought to be taken will not be taken?—That is absolutely the case.

9069. And, whether or not this Bill goes through, you think that there ought to be a very marked movement forward as regards sanitation and other matters which

Lord *Brodrick* (Viscount *Midleton*)—continued.

which you mentioned to us a few moments ago?—I think the whole question of medical work in India requires to be looked at in a bigger, broader spirit than it has yet been. I think we are far behind what we might have done in that country, as a nation. Still, what has hitherto been done, has been done, as you said just now, very largely by the initiative of British officers.

9070. In any case you think a strong impetus would be required from the centre, the Government of India?—To get more done? I am afraid so.

Sir *Henry Craik.*

9071. You said that in one respect this change might influence unfavourably the position of the Indian Medical Service, and you added especially those in civil employ. Now will you explain that?—Because, as I understand it—I may be mistaken about that—the officers in military employ will not be under the Minister, they will be under the military head of the Medical Department, who again will be under the Commander-in-Chief. Their head will be a military head, not a civil Minister.

9072. How is this involved in the changes proposed in the Bill? How is that question affected?—I did not mean to imply it was. I was asked whether being put under a civil Minister would affect the whole Indian Medical Service, and, if I remember rightly, I said it would affect those in civil employ; or at all events that is what I meant, because, so far as I know, those in military employ would be responsible to the Commander-in-Chief as before, and would not be affected.

9073. Could you explain what you mean by civil employment?—When an officer goes out to India—when he goes out first of all—primarily his function is that of a military officer to be called to do military work with the troops, and to be called up in case of war emergency, even when he leaves his military work. A certain number of officers are taken from the Indian Medical Service and employed by the Local Governments, or by the Government of India in civil employ apart from their military duties altogether. As I understand it, those are the officers who are going to be placed under an Indian Minister, and the officers in military employ would not be affected thereby, as I understand it.

9074. Do you think, purely from a professional point of view, that the association of British and Indian Officers in matters of advanced scientific treatment, would have a bad effect?—I do, most unquestionably.

9075. Have you any proof to adduce of the confidence placed in a British officer?—Yes: I wish to say once again I am not speaking as representing the British Medical Association.

9076. I am not speaking of the Association at all; do not let us bring in any question of the British Medical Association?—I must bring it in to answer you. In my capacity as chairman of the British Medical Associations' Naval and Military Committee I receive a very large number of letters from medical officers, and, though I do not speak for the Association to-day, I have gained a large part of the information I give you from these medical officers; and, in addition to that, knowing I had taken a great interest in the Indian Medical Service—it has been purely altruistic work as far as I am concerned—a number of civilians and men in the Public Works, Police, and other services, have written to me and called upon me to put forward their view of the case, and this view has been put to me consistently and very strongly indeed, that this measure will be very unpopular in the Services. That has come not only from Service men but from men outside, and what has been said over and over again is: "If anything is going to occur to knock off the supply of British medical men, if these men are going to retire en bloc, as they say they are going to do, and if fresh British medical men are not coming in, we are going to get out of the Service, and we are not going to recommend any young man to go into the I.C.S., the P.W.D., or the Police, or in anything else." That is a point brought before me by a large number of men from other services than my own.

9077. I want you to look at it as an experienced

Sir *Henry Craik*—continued.

medical officer, what is for the advantage of India, and setting aside all questions of popularity, can you tell me if your medical experience leads you to think that the substitution of Indian officers, to a very large extent, would mean the substitution of inferior scientific medical knowledge? Now do leave the question of popularity alone. Do you think it would?—At the present moment to substitute Indian medical officers in large numbers for British medical officers would be, to my mind, to set back the clock and to stop the progress that is being made. But it is quite another thing if you ask: ought there to be a gradual substitution of one for the other. That is an entirely different question and one on which I should have a different opinion altogether. When you ask me whether I think that it would be a bad thing to withdraw the enthusiasm, the research, the initative that the British medical officer has contributed to medicine, and to the question of sanitation in India, I say most emphatically that it is acting absolutely against the interest of India to do that at the present time or to take any step that will be calculated to make the young medical men in this country say it is not good enough to go into the Indian Medical Service.

9078. Do you think that this great knowledge of a high scientific standard which is brought in by the British would not in time be brought in by the Indian?—My point is, it will be brought in in time, but a long time.

9079. You have had experience of India. Can you say whether the Indians themselves, those in high position, and who choose their medical officers, generally resort to British medical officers or to Indians?—When I was out there they unquestionably resorted to British medical officers.

9080. You are quite sure?—Absolutely.

Sir *J. D. Rees.*

9081. In your answer just now you said that the British Government in India had only touched the fringe of the subject of sanitation?—And medical relief generally.

9082. Then this enthusiasm of the British officers for sanitation, to which you referred, has not yet been fruitful in its results?—It has been fruitful. A great deal has been done, but nothing like enough has been done. Everything that has been done has been due to British enthusiasm in the Indian hospitals, and the whole work of the I.M.S. has been due to British enthusiasm. But that is quite a different thing to saying whether enough has been done. Certainly not enough has been done, to my mind.

9083. You are in the Indian Medical Service?—I was.

9084. It is a military service?—Primarily, yes.

9085. But it is a military service, is it not?—It is *primarily* a military service.

9086. But the officers belonging to it who work as civil surgeons are liable, as you yourself just said, to be recalled if there is any war?—True.

9087. That would leave the districts denuded of civil surgeons?—It has done so during the recent war.

9088. Is it not therefore desirable to consider this problem from the point of view of making the Service popular, not only with the British officer but with the people, so as to get trained native Indian medical officers to fill it and prevent that catastrophe?—There are two or three points which I challenge in what you say. You first of all implied that the Service is not popular with the people. It is very popular with them. The Indian Medical Service officer can go anywhere and get a welcome from the people wherever he goes. His work is known everywhere.

9089. I did not assert the contrary?—I thought you implied it.

9090. No, I asked whether it is not desirable to make the Service popular, in the sense of being popular with the people, so as to induce Indian youths to join it and qualify themselves so as to become Civil surgeons?—I would reply first of all that it *is* popular with the people, and, secondly, that you could fill the Service with Indian youths to-morrow if you wished to do so. They are already only too anxious to enter it.

9091. Being a military Service, do you think that nevertheless there will be large resignations *en bloc* on account of these changes if they come into force?

Sir *J. D. Rees*—continued.

Will military officers do that?—Well, my information from one Presidency alone, where friends write to me—where I have many personal friends—is that practically every senior officer in the Presidency town has signified his desire to retire from the Service at the earliest possible date. We are hoping that that will be stopped.

9092. Do you know that they have applied to retire in large numbers, or is it an impression?—They write to me and say they have applied to retire.

9093. But you have no specific knowledge?—I have very specific knowledge. My friends write to me and tell me they have applied to retire. If that is not specific knowledge I do not know what is. I would trust my friends in a matter of that kind.

9094. I do not dispute that. You said the British Medical Association would not recommend officers to go out in the P.W.D.?—I beg your pardon; I must have been misunderstood by you. I would like to say once again that I cannot speak for the British Medical Association. I have no brief for them. I did not know what questions were going to be asked me, and I came at your order simply as a retired officer to give you the experience I have got. But to think that the British Medical Association would in any way interfere with the P.W.D. would be absurd. The British Medical Association have nothing to do with other services at all. They have merely to do with their own medical men.

9095. Was I wrong in supposing that you said that they would advise officers in their Service, including the P.W.D., not to go out to India?—I have been most careful to avoid saying that the British Medical Association would take any step whatever, because I am not in a position to know what steps they would take. What I did say was that officers in the Civil Service, in the P.W.D., in the police and others, who had come home, had called upon me to say that if Europeans ceased to enter the Service *they* would not recommend young men to go out in the Service they had themselves served in.

9096. In reply to Lord Sinha you said that Europeans would not like serving under Indians. You served a long time in Madras, and, I think, in the Madras General Hospital?—No, I was only six months in the Madras General Hospital. I was Superintendent of the Ophthalmic Hospital a large part of my time.

9097. Is it within your knowledge that in the Madras Medical Service the appointment of a Durbar physician in Travancore is highly desired by the members of that Service and regarded as an enviable appointment?—It used to be at one time, because a very large civil practice was made there, but latterly I do not think it was much desired.

9098. Do you know the Durbar physician in Travancore is immediately under the orders of the Dewan, who is invariably an Indian gentleman?—I say I do not think it was a much desired appointment latterly at all, and very largely for that reason, and also for the reason that the civil practice in the place had fallen off very considerably.

9099. You say that the objection to serve under an Indian gentleman is not racial?—If I may be forgiven, it is one of the subjects on which I should like to say as little as I possibly can.

9100. It was merely to lead to my question. Is your position on that point that you would choose your chief amongst the Indian gentlemen—that this military service, the members of it, must choose their chief?—Military officers never choose their chief unless they are mutineers, do they?

9101. In the event of an Indian gentleman having this portfolio at headquarters would there not be an officer of the Indian Medical Service at Headquarters, an officer of high rank, immediately in charge of it?—Yes, but the Indian Minister could overrule him every time.

9102. He could do so?—He might make his recommendations, but the decision would lie with the Minister.

9103. You fear lest the creation of a Minister and placing this Department under him would impair the future of sanitation with the masses of India. Have you reflected at all what it would cost to scientifically sanitate 260 millions? Might not a Minister be wise in not plunging too far?—I have seen that attitude taken up till I am absolutely tired of it. I have the greatest sympathy with Indians; I have the greatest sympathy with making their work good. I have been told that I could not have a miserable 10,000 rupees to make a school efficient for the training of Indian medical men to serve India at a time when the Government was returning lakhs of rupees of unexpended balance.

9104. I will not dwell upon finance. You said the sanitation now carried on by the Indian Government was unsatisfactory, and instanced the case of the blind?—I beg your pardon—not unsatisfactory? I said insufficient.

9105. May I ask you whether some of the ablest ophthalmists in Europe have not come out of the Madras General Hospital, and whether it is not an admitted matter amongst doctors that more operations for conjunctivitis have been successfully conducted in the Madras General Hospital than in any other place in the world?—I was in the Ophthalmic Hospital in Madras for eight years and I never operated for conjunctivitis. I have never heard of such an operation.

9106. What was Colonel Brockman's speciality?—Colonel Brockman operated for cataract.

9107. That may be my ignorance; perhaps I should have said cataract——

Mr. *Spoor.*

9108. You have just indicated a rather deplorable state of affairs in India owing apparently to inaction so far as the Medical Service is concerned. Whom do you regard as responsible for that state of affairs?—It is not a question of inaction; it is a question of not sufficient action.

9109. Who is responsible for the insufficiency of the action?—I think the whole ideas of the British race are. They are not sufficiently alive to sanitation; as a nation I do not think they are alive to medical progress. They do not encourage research in this country.

9110. You suggest the Government of India has been rather sadly lacking in its duty to the country as far as medical service is concerned?—I think the Government of India might have done much more if they could have woke up to what was to be done.

9111. And yet you are of opinion that so far as the Indians themselves are concerned, if they are given a larger measure of control and responsibility things are likely to go back?—I am of opinion that had the thing been in the hands of Indians, instead of British Ministers all this time, not one hundredth part would have been done of what has been done. A great deal has been done, but not nearly enough has been done

Lord *Sydenham.*

9112. May we take it that it is a fact that the whole impetus towards the establishment of hospitals and the initiative in sanitation, so far as they have gone, has come entirely from Government, and has been administered by your service?—I can think of no exception to that; I cannot think of anything that has been done that has not come from Government, and has not come through the Indian Medical Service.

9113. Has not medical research been entirely inspired, and mostly directed, by the European officers?—I should say it has been absolutely entirely inspired and mostly directed, but I think that the time will come, I think the time is coming, when Indians will take part in research.

9114. Have not all sanitary measures at times been opposed by Indian opinion?—Absolutely.

9115. Therefore, these sanitary measures, so far as they have gone, have been dependent entirely for their execution on the efforts of Government?—Yes, and there have been riots in carrying them through very often.

9116. Are you aware that in Bombay educated Indians strongly oppose the covering of their wells, after they have been proved to be the centres of malarial infection?—I do not know that, but I do know that in Madras interference with the wells was most bitterly resented, and by educated Indians too, and that there was a danger to the people who had to carry it out at one time. I cannot quote chapter and verse, but it was some years ago that it happened.

9117. Are

Lord *Sydenham*—continued.

9117. Are you aware of the insanitary state of some of the temple tanks in the cities?—I am indeed.

9118. You are also aware that it would be quite impossible to try to make them healthful?—I am.

9119. Do you remember the great efforts we had to make to overcome objections to inoculation against plague?—Yes. Of course, there were very great difficulties. It is understandable.

9120. But for the efforts of the British officials, do you think that any inoculation process would ever have been carried out?—I was one of the first to inoculate in my own Presidency, and the only reason I could get the people to agree was because the British officials were inoculated in their presence first. It was the British officials who saw it through the whole time.

9121. You know the difficulties the Veterinary Department had to encounter in inoculating cattle against disease?—Yes.

9122. You have said a vast amount of medical and sanitary work remains to be done, and that the hospital and dispensary requirements are still deficient in many places. That is a grave defect, and that has been due to the non-recognition in India, as in this and other countries, of the immense importance of sanitation and of sanitary research?—Yes, certainly.

9123. With some notable exceptions have not Indian medical graduates as a whole rather failed to show special aptitudes, and to build up practices among their countrymen?—With exceptions, yes. I think their difficulties are great. I have the greatest sympathy with Indian medical men. I have seen many of them do most splendid work, but I do think that what you have suggested is the case. Taking the bulk of them, the large number of men who have been at work, I think the result of their work has in the past been disappointing on the whole; but I do not know that that is any reason against their doing more work, in fact I look forward with confidence to their doing very, very much more work in the future.

9124. That means that up to the present time they have not quite shown the qualities of the Japanese, either in surgery or in research, but you have every hope that in time to come they will show equal qualities?—The Japanese are a very extraordinary people. They have got a spirit of enterprise in many ways that we might copy. I do not think you can compare the Indians with them in enterprise at all.

9125. Do not Indians go very long distances for treatment by English doctors?—Enormous distances—perfectly enormous. They travel to the eye hospital in Madras from every part of India.

9126. Are you aware that some Indian doctors who graduate in our colleges are ready to practise either the Western or the Ayurvedic system?—I am sorry to say that some of them do, but I should hope the number is very few. I have personal knowledge that some of them do.

9127. Is there not an immense amount of suffering and mortality due to treatment by hakims and vaids, even in very simple cases?—If I may answer that by an illustration; in the big hospitals in the Madras Presidency in operating for cataract we get between 90 and 96 per cent. of good results, whereas an examination of 750 cases operated upon by the hakims showed that they got less than 30 per cent. of good results. A very large number of their patients simply had their eyes destroyed totally by the operation, owing to the filthy septic manner in which it was conducted.

9128. You know the appalling treatment of women in childbirth by the native dais?—It is dreadful.

Lord *Sydenham*—continued.

9129. Does not that lead to a very high mortality, both of women and children?—Colonel Giffard, who had the Maternity Hospital at Madras, told me of the use of a stone roller for a woman who was in childbirth to try to help her, which simply burst her uterus. I believe the treatment of women in childbirth is too dreadful for words.

9130. Are we not making great efforts to train midwives on Western lines?—Yes. They are making efforts, undoubtedly.

9131. If there were a breakdown of the Indian Medical Service, and the transfer of medical services and sanitation under the diarchical system, would there not be a danger of a serious collapse in all health questions throughout India?—I am perfectly confident there would be.

9132. In the native States, where hospitals have been provided, are they not copied from Western models due to the Indian Medical Service?—Yes, they are, undoubtedly.

9133. May it not be fairly said that all the progress in medical science and sanitation which has been so far made in India is due to British rule and to the administration of British officers?—I should say that practically all has been. I would not like to exclude a certain number of Indian officers who have done good research work and good original work. To use the word "all" would be to exclude them, which I do not think would be fair. But, with that proviso, I would answer in the affirmative.

9134. Those Indian officers, of course, have been trained under your service?—Yes.

9135. Mr. Montagu pointed out to you that, as matters stand, the Medical Services might come under the Home Office without the operation of this Bill at all. Is not that quite a different matter to the control of all medical work by an Indian Minister in a Provincial Government?—I should have thought it would have been entirely different. In a Presidency like Madras one has so much to do with a Minister. Whenever one has any difficulties one goes to the Minister to get his assistance, and one has such a lot to do with him that I do think the substitution of an Indian Minister for a British Minister will not tend to efficiency or to popularity.

9136. When you answered Lord Sinha about the reluctance of British officers to serve under Indians I take it you did not mean that racial feeling was in the least concerned, but that the real difficulty was the reluctance of scientific men to serve under Indians who know nothing of science and may be opposed to Western medical methods?—There are so many elements in it of which that is a strong one.

9137. But you think that in time Indians will be sufficiently trained to be able to administer the Medical Services?—I think, if you are going to keep up the standard you have got, if you are going to deal with questions of medical relief for India as they should be dealt with, the substitution should be extremely gradual, and that any sudden change of that kind would be not in the interests of the people of India.

9138. In your view it is really a question of time whether this great change will be made or not?—I should think even in time it would be a good thing to have a leavening of first-class surgeons and physicians in India; but I think there will in time be a very large substitution.

Chairman.] Thank you. We are much obliged to you.

(*The Witness is directed to withdraw.*)

Mr. L. CURTIS is called in; and Examined, as follows:—

Chairman.

9139. You have been good enough to answer the questions we put to you fully?—Yes.

The following are the questions and answers:—

Chairman—continued.

In order to save the Committee's time I will try to put everything I have to say into this statement. I am, of course, prepared to answer any further questions

Chairman—continued.

tions which may be put in oral examinaton. My answers to those circulated are as follows:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India; and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I accept the pronouncement of policy by the Imperial Government made on August 20, 1917, with a single qualification. The time and measure of each advance can, in the last instance be determined only on the authority of the Imperial Parliament and of no one else; and it should be so stated. The Government of India is the adviser and agent of the Imperial Government, and not, as the words of the Pronouncement suggest, a collateral authority.

By "responsible government" I mean the administration of public functions by an executive which may be dismissed from office by a vote of an electorate or of their representatives.

The only other subject dealt with in the preamble is decentralisation. On this point I hold that in India, as in all great countries, nothing should be done by the Central Government which can, with equal efficiency, be done by any more localised authority. The line between functions assigned to provincial governments and those reserved to the Central Government should be the clearest which can be drawn in practice, to the intent that the public may be able to recognise which authority is to be held responsible in each case. I think it of even greater importance that the same principle of clear demarcation should be applied to the administration of functions transferred to Ministers responsible to electorates, as distinguished from those reserved to executive councils responsible to Parliament.

By the foregoing answers I mean it to be understood that, in accepting the Pronouncement of August 20, 1917, I really look forward to a time, however remote, when Indian affairs, as distinguished from those general to the British Commonwealth as a whole, will be as fully and finally determined by Indian electorates as those of the self-governing Dominions now are by Dominion electorates. Any change in this measure suggested in this statement is conceived with an eye to the earliest possible attainment of that goal. This, to me, is the final criterion of all questions at issue before the Committee, and I ask that my evidence may be tested thereby.

It was this which Lord Carmichael evidently had in mind when he said "Care should be taken not to take away responsibility from the British Parliament. It seems to me that in that responsibility we have the surest guarantee that progress will be real (page 319, q. 17). Strongly agreeing, as I do, with Lord Carmichael on this point, I regard as of vital importance the second part of the Pronouncement, which says that "The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

I hope the Joint Committee will realise the danger of including only the first part of the Pronouncement in the preamble, while omitting the second.

In December, 1917, before the secession of the moderates the Indian National Congress whilst approving that part of the formula which accepted responsible government as the goal, hastened to "repudiate the claim of others to decide for India the time and measure of the stages by which it should be achieved, as a negation of the recognised principle of self-determination." We have here a direct challenge to the authority of Parliament in India, and delegates have been sent to repeat that

Chairman—continued.

challenge. They have repeated it to this Joint Committee—that is to say, in the ears of Parliament itself (Appendix C, page 2). Their spokesman, Mr. Patel, went on to say (q. 1739) that the "Indian National Congress does not regard those phrases as part of His Majesty's announcement." So, too, Mrs. Besant urges that "having started India on the road to Home Rule it should be left to her representative councils to regulate her advances to complete responsible government" (page 73, q. 17).

It is most unfortunate that this epoch-making pronouncement of Imperial policy should in the first instance have been made merely as an answer by the Secretary of State to a question put by a private member, and then never endorsed in terms by Parliament itself. If, as is now proposed in the preamble, Parliament affirms the first part of the Pronouncement and omits all reference to the second, it will most assuredly be argued in India that Parliament has consciously refrained from affirming the second part in deference to the views of the Indian National Congress. The emphatic contradiction given by the Chairman of this Committee to Mr. Patel will be buried in the mass of its proceedings and will scarcely penetrate to India. Or, if it does, it will be argued that the statement was supported neither by the Secretary of State nor the Committee. This attempt to represent the second half of the Pronouncement as expressing only the personal views of Mr. Montagu is a timely warning. By including in the preamble all the words of the Pronouncement which are of permanent application, Parliament can close a distracting controversy once for all. It is worth noting that an experienced official like Sir Alexander Cardew complained that the preamble differs from the Pronouncement (q. 6141). Appended to this statement is the preamble amended to a form which would remove all doubts in the matter.

Another of the claims which tend to obscure the real path to responsible government will be closed thereby. A demand is constantly made for a definite date to be fixed at which complete responsible government will be granted. This demand, as Mr. Madhav-Rao says (q. 2074) arises from distrust in our good intentions, which undoubtedly exists, though its causes cannot be here discussed. But the claim cannot be reconciled with the spirit of the Pronouncement when affirmed as a whole. India ought to have responsible government the moment she is able to assume it. It behoves Parliament not only to see that she has it as soon as she is able, but also that nothing is left undone which will help Indian electorates to develop the qualities necessary to the complete management of their own affairs. Parliament is pledged to give them the widest field for the exercise of those qualities compatible with the maintenance of order, without which the development of genuine electorates cannot begin. For the rest, the rate of progress will depend on the use made of that field by the electorates and those they elect. The Pronouncement affirms this. But the thing is true apart from the Pronouncement. It is easy enough to bring anarchy to India; but we can only bring self-government to Indians in so far as they make themselves able to accept it. Granted that Parliament is faithful to the spirit and letter of the Pronouncement, the development of conditions essential to responsible governments will depend on Indians themselves. No gift of prophecy can tell us how fast that development will be. Experience alone can determine it, and if the members assembled in Parliament to-day were to say that India will be ready for full responsible government at any given date, they would be presuming to settle a question which can by nature be settled only by those who come after them. This demand will be answered and set at rest by affirming the second part of the Pronouncement once for all.

It is worth suggesting that the fitness of India for complete responsible government is suceptible of a definite test. Mrs. Besant remarks (q. 1379) that that will be when India can assume control of home defence. To be more precise, I should say it will be whenever it is found possible to withdraw Imperial troops except those required to defend the

frontiers

Chairman—continued.

frontiers of India, as part of the British Commonwealth, from foreign aggression. Whenever the Imperial Government has to form an opinion whether India is ripe for full responsible government, every member of it can ask himself whether he is prepared to accept the office of Governor-General subject to the condition that he, in his personal capacity, will not be able to call upon British troops to suppress such disorders as lately broke out in the Punjab.

The tendency to question or belittle the authority of Parliament is not, however, confined to extremists in India, but is present in the minds of many of our own countrymen there. It tinges even the views of the head of a province when criticising the proposal that Parliament should test the progress of India towards responsible government by periodic commissions appointed by and responsible to itself (vide Cmd. 123, p. 215, q. 9). At this parting of the ways it is of vital importance, especially to India, that Parliament should assert its paramount authority in terms which admit of no further question, whether by Indians or Europeans.

The authority of Parliament must be asserted when questioned; but authority cannot rest on assertion alone. In India its moral foundation depends on how far the word of Parliament proves to be binding on itself no less than on them. Our record in India will bear comparison with that of any other rulers similarly placed. Yet even so in the matter of pledges we are not wholly free from arrears. Hence it is that the one phrase in the Pronouncement which has captured the imagination of Indians most completely is contained in the four words "as soon as possible." Parliament, therefore, should be studious that no delay in the performance of its promises is chargeable to itself. So far as this Pronouncement is concerned there are as yet no arrears to work off. There was no delay in the Secretary of State's visit to India, in the conduct of the inquiry, nor in the production of the report. The scheme had scarcely been published a couple of months before the Imperial Government found time to despatch the Southborough Committees to complete it, and all this in the stress of war. Their work was done with the utmost expedition, and now, with the Bill, lies before Parliament and this Committee. The completion of this measure in the present session will, I believe, establish for many generations in India that faith in the pledges of Parliament which, with Lord Carmichael, I regard as most essential to its future progress in the art of controlling its own affairs. It was this, I conceive, which Sir Verney Lovett had in his mind when urging the Committee not to depart from the main outlines of the Bill in favour of the alternative proposals of some of the provincial governments (page 359, qq. 5 and 6). He did not disguise his preference for those proposals on their merits. But he takes the situation as it now is, and sees the cardinal importance not only of avoiding any reasonable charge of delay, but also of giving something which is demonstrably an instalment of genuine responsible government. I take leave to recommend this weighty warning to the special attention of the Committee, coming, as it does, from the lips of so cautious, so conservative and so experienced an official. I hope the Committee will advise certain amendments. But, none the less, I would urge them to disregard any amendment I suggest, if, in their judgment as Parliamentarians, its proposal would endanger the prospect of the measure passing into law in the course of the present session. Everything I have to say is subject to that proviso. The scheme is, in my judgment, strategically sound. If, through tactical defects, it should come to grief, those defects are capable of amendment, though, of course, at a cost. But the cost will be infinitely smaller than that involved in a measure strategically wrong; for such measures lead only to a precipice, from the brink or perhaps from the bottom of which you have to go back and begin all over again. In my opinion the Minto-Morley reforms and the alternative scheme by provincial governments belong to that category. The searching analysis to which the Committee have now submitted them proves no less.

Chairman—continued.

To summarise this part of my evidence I submit that while Parliament is bound to give effect to the spirit as well as the letter of the Pronouncement, it is bound no less to exercise its own unfettered judgment as to the methods it adopts. The final decisions must be those not of the Secretary of State, nor of the Viceroy, nor of the Government of India, nor of any section of Indians, nor even of all these added together, but of Parliament itself, and if what Parliament does is, in its wisdom, calculated to accelerate the progress of India towards responsible government, there can be no question of "whittling down." My own recommendations are all such as in my opinion will hasten the advent of responsible government, and I therefore ignore that too freely repeated phrase.

2. Do you think that the realisation of responsible government in the provinces involves the establishment in provincial legislatures of a substantial elected majority? (Clause 6.) 3. Do you think that the non-official members of the provincial legislatures should possess power to control the actions and policy of the executive? Do you think they possess such power at present? 4. Do you think that there are certain matters or functions of government in the provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—My answer to these questions is as follows:—

There are two principles underlying all schemes which look to the realisation of self-government in India. One is the principle embodied in the Minto-Morley reforms, the Congress League Scheme, and that of certain provincial governments. The other is the principle of dyarchy adopted in the Bill. It is highly elastic, and can be applied in many different ways.

As to the Minto-Morley principle, my views are on record in Chapters IV., V. and VI. of a book called "Letters to the People of India on Responsible Government." This book was published in India and was before the Secretary of State and Viceroy when they dealt with this subject. In words borrowed from Chapter VII. of their report, I regard this policy as "fatal to good government," "wrong in theory," "the worst possible education for responsible government," "unworkable in practice," and "the negation of responsible government." A candid examination of this policy must lead to its rejection by any body of men with actual experience of government or knowledge of history. In the light of their own analysis the authors of the report could only reject it. And so as a matter of common sense they were thrown back on the only alternative principle. They decided, therefore, that Indian ministers removable by and therefore answerable to Indian electorates and those they elect, must be made responsible to certain definite functions which may be increased or diminished as experience may warrant, the officials answerable to Parliament in England continuing to administer all other functions until such time as Indian electorates might be qualified to assume them.

From these views, with which I agree, it follows that in the Legislatures to which ministers are answerable there must be a substantial elected majority. And I go so far as to say that there should be no official voters.

In the Councils which deal with reserved subjects the non-official members should be able to exercise the utmost influence on the executive; but control, that is to say the final power of decision, must rest in fact as well as in name with the executive. Otherwise it cannot discharge the trust for which it is in the last instance answerable to Parliament, and Parliament alone.

I do not consider that most provincial executives exercise such power at present, especially in Bengal. Had they done so I do not believe that criminal conspiracy in Bengal would ever have been suffered to reach such lengths and spread until it had to be dealt with by the Indian Legislature as an all-Indian subject. The want of power in provincial governments to maintain local order without bringing such

Chairman—continued.

ing such questions onto the all-Indian stage and so spreading the controversy to the whole country is the prime cause of the troubles which have culminated in riots against the Rowlatt Act. Lord Carmichael hinted as much (q. 5927).

To question 4, whether I think that there are certain matters or functions of government in the provinces in which at present the provincial executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes, my answer is emphatically Yes! I do not think there is any serious dispute on the subject. Complete responsible government in the major provinces is, in my opinion, incompatible with anything but complete responsible government in the government of India. I have given my reasons elsewhere ("Letters to the People of India on Responsible Government," Chapter X.).

5. If you accept the propositions stated under questions 1 to 4 do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view? 6. If you have any other method to suggest, does it (1) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way? (Clause 2, 3, etc.), and (2) does it afford means of judgment, (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress, of the success or failure in results of the control exercised by the Legislature and those who represent it in the executive? 7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—In the Joint Address signed by 64 Europeans and 90 Indians, appended to the book to which I have referred, is a scheme for applying the principle of dyarchy, which is, I think, on its merits preferable to that set forth in the Bill. A brief account of its genesis will show why I think so. In 1915 and 1916 I was associated with several friends, who had lifelong experience of Indian government, in producing a paper on the subject for circulation amongst the study groups connected with the Round Table. In the course of our discussions we were led to the conclusion that responsible government ought to be announced as the goal of our policy in India, but that no real progress towards it could be made along the lines of the Minto-Morley reforms. The method of devolving specific functions on Ministers responsible to elected bodies was then suggested as the obvious alternative. We always spoke of it as "specific devolution." With a view to considering how the idea would work as applied to Indian conditions, one member of the circle who had served in Bengal drafted a scheme in terms of that province. The draft was the basis of a series of discussions before it was put into final shape by its author. Lord Chelmsford, who had heard of these studies, asked to see the results, and copies of the draft were sent to him in India about June, 1916. On the eve of Mr. Montagu's arrival, some 15 months later, the paper was reprinted by the Government of India and circulated to Provincial Governments with other papers attached to the instructions sent them to prepare their views for submission to him. A copy of this paper is handed in herewith.

In October, 1916, I arrived in India to pursue these studies of the problem on the spot. My mind was then still open on the subject of specific devolution, but after studying Indian conditions for six months I could see no other key to the problem. So in answering a letter to my friend, Mr. Bhupendra Nath Basu, I propounded for his criticism a scheme of "dyarchy," the name which had been given to the principle by a member of the Government of India. The scheme was worked out in terms of the United Provinces, of which province I had made a particular study. I was greatly assisted in preparing it by friends in the Civil Service who, without offering any opinion on the principle itself, thought that it ought to be studied more closely. The letter

Chairman—continued.

was afterwards printed in interleaved copies and circulated for criticism to all those, both Indians and Europeans, who had helped me with information. A mass of valuable criticisms was sent me. I printed a selection of these, which, together with the paper to which they relate, I now hand in.

Even more valuable, however, were the criticisms I received in verbal discussions with Indians and officials who had read the pamphlet. It was in the course of these discussions that I came to believe that a province, like that dealt with in the scheme, which contains about 48,000,000 souls, was far too large for the purposes of real provincial self-government, and that India's progress towards responsible government would be gravely retarded unless or until such colossal units were sub-divided. My views as modified by these investigations were afterwards embodied in the Joint Address which, when published in November, 1917, first gave wide publicity to the principle of "dyarchy." The principle then began to be recognised as the one alternative to the Minto-Morley principle, which had been carried to its logical expression in the Congress League Scheme.

Except for the points of difference upon which I shall dwell in the course of this evidence, the scheme embodied in the Joint Report and the Bill is the same as that contained in the letter to Mr. Bhupendra Nath Basu of April 6th, 1917. With these important exceptions the investigations of the Secretary of State and Viceroy had led them to the same point to which I myself had been brought by April, 1917. But those investigations did not lead them to the conclusions I had formed six months later as the result of further inquiries. They did not adopt the view set forth in the Joint Address that Indians should be asked to make their first experiment in responsible government in areas really adapted to the task, and suited side by side with the native States, to form self-governing provinces in a future United States of India beneath the British flag. My own views on the subject are set forth at length in Chapter VIII. of "Letters to the People of India." The reasons for rejecting them are contained in para. 246 of the Joint Report. A glance at this section will show that the operative reason was unwillingness to face opposition to a scheme of partition.

That such opposition existed is true. It is no less true that opposition to the whole principle of dyarchy was equally emphatic, and very naturally so. For a year the Congress League scheme had held the field as the only concrete proposal for reforms. Its authors had every excuse for believing that it must be accepted in substance. As their own child it was naturally and properly dear to them. Under these circumstances the alternative policy embodied in the Joint Address could scarcely hope to be considered on its merits at the first blush. Naturally the authors of the Congress League scheme attacked it, and, equally naturally, they selected the point upon which attack was likely to prove most formidable in the public mind, still inflamed by memories of the Partition of Bengal.

I do not presume to say that the eminent authors of the Joint Report, weighted as they were by their heavy responsibilities, should have squarely faced this opposition. Speaking as one unhampered by official responsibility, I can only say that I think that in their position I should have done so, believing as I do that the institution of responsible government in provincial areas of appropriate size and based on racial and linguistic units will bring India nearer to the final goal by many generations. I will give my reasons for saying so. The principle of dyarchy itself was denounced, especially by many of the witnesses who have now appeared to support it before this Committee. This evidence that Indian leaders can revise their opinions, and do not shrink from admitting that they have done so, of itself augurs well for the progress of India towards self-government. In spite of all prejudices and passions, the reasons for things, if they are valid, do sink into the minds of Indians when explained in a spirit of sympathy such as that adopted in the Joint Report. But more especially is this so when they are presented

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sented with the high authority of men in the position of its authors. The readiness of Indians to listen to rulers whom they feel to be in sympathy with their aims is one of the great hopes of the future. It is, I may add, one of the most urgent reasons why their present rulers should be men who can sympathise with aims learned from a study of our own civilisation.

How equally potent is a lead in the wrong direction is shown by the history of reform from 1909 to the Indian National Congress of 1917. India had been started on a course which, as the authors of the Joint Report recognised, everyone must see on closer examination must lead to anarchy. They have rendered an unexampled service to India by making that examination for themselves and placing it on record in Chapter VII. of their report.

As to the areas, I think that a great opportunity was lost. But that loss is a definite fact in the situation which has to be recognised. Even if I were so fortunate as to convince the Secretary of State of my views at the eleventh hour, I would not advise him now to substitute the Joint Address for the Joint Report as the basis of the Bill; for it could not then pass in the present session, and the genuine intention of Parliament to give effect to the Pronouncement "as soon as possible" would be held in question throughout India. In my answer to Question 6 I want to be perfectly clear on this point. I do not now suggest the scheme set forth in the Joint Address as one for substitution for the scheme in the Bill.

I do think, however, there are certain flagrant cases which demand the special attention of this Committee, the cases of Sind, of Orissa, and of the two detached areas in Assam. I hope that members will consider these cases with a large map of India before them. Look at Sind. The Maratha country, the stronghold of Hinduism, is the heart of Bombay. From this country Sind is separated by native states thrust into the middle of which are certain districts inhabited by Gujeratis under British rule. Even from the northern point of these isolated districts Sind is divided by 100 miles. But from Maratha territory, which forms the heart of the Bombay Province, Sind is divided by 260 miles, including, besides the patchwork of British and native territories, Rajputana and an arm of the sea. Geographically, Sind is the estuary of the Indus, which connects it closely with the Punjab. In race and language it has no affinities with the rest of Bombay. In religion it is almost entirely Mohammedan, which counts most of all in India. That its conquest was effected from Bombay is a chronological accident, due to the fact that it took place before British rule was established in the Punjab. Napier's conquest of Sind was an act difficult to justify. Had it not been hastened by an impetuous soldier, we should have come into touch with its emirs later on by way of the Punjab down the Indus valley, and it is pardonable to hope that Sind would then have been treated on the same lines as Rajputana.

The incorporation of Finland with Prussia in one province of the German Empire would be less absurd. So long as a Government contains no real element of popular control, such forced and unnatural unions are of small account. A Director of Education who is a European by race, a Christian by religion, and an Englishman by speech is just as acceptable to Mohammedan Sindis as to the Marathas three or four hundred miles away. But the moment you substitute a minister responsible to an overwhelming majority of Hindus the case is entirely altered. Does Parliament really propose to hand over the control of education in this Moslem country to a Hindu majority living in a country hundreds of miles distant, with no more racial and linguistic affinity to Sind than Prussia has to the people of Finland?

In Appendix V., page 2, of your proceedings the statement is made that Sir Francis Younghusband urged the necessity of giving Sind an administration of its own, and I venture to suggest that his views on the subject might be elicited.

A glance at the map as re-drawn since 1911 is sufficient to establish the case for Orissa. In that year Government decided to reconstitute Bengal on racial and linguistic lines as opposed to religious

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divisions. In pursuance of the same policy the claims to a separate administration of the Hindu-speaking people of Behar were recognised, and a province was instituted centring on the middle plains of the Ganges Valley, with its northern boundaries resting against the Himalayan ranges of Nepal. Under the thin pretence of giving this province a seaboard, Orissa was thrown in with Behar in cynical disregard of the very principles upon which the whole rearrangement was justified. But as the map shows, the British territories of Orissa are separated from Behar by a wide and mountainous tract of native territories, at its narrowest point 60 miles wide. No attempt was made to restore the Ooriyas included in the Central Provinces and the north-eastern corner of Madras to unity with their kindsmen in Orissa. So much was done as would satisfy demands which were vocal at the moment, and no more.

The Ooriyas came to Calcutta to lay their case before the Secretary of State and the Viceroy, but the only public reference to the fact that I can find is contained in a note on page 72 of my own book. In the passage to which that note is appended I tried to show how vital to the whole policy set forth in the Pronouncement is the question of language. In India the official and political classes both incline to talk as though the progress of India towards responsible government depended on training Indians to the work of ministers, legislators and officials. From first to last I say it depends upon training electorates to a real understanding of the question at issue, and to a habit of recording conscious decisions upon them. Such training will not begin in any real sense except in so far as provincial business is transacted and discussed in a language the people at large understand. So far as I can find, the Joint Report devotes less than five lines to the whole topic (q. 246, p. 200). I venture to say that the question is of infinitely greater importance than the issue between the Brahmins and Non-Brahmins upon which pages of evidence have been given. The key to that lesser problem will in fact be found in the answer to the greater one. The only real treatment of the subject that appears in these proceedings is the able memorandum of the Andra conference contained in Appendix V. As the Committee found themselves unable to hear the spokesman of this conference in evidence, I hope they will give the closest attention to that paper. To one who has watched the recent proceedings in Paris the scanty thought bestowed on the whole question of race and language in the treatment of India is amazing and disquieting. It is vital for the Committee to remember that all the evidence they have listened to comes from witnesses who have full command of the English tongue. But the vast mass of the people to whom you are giving the vote are strangers to this tongue. That changes should be, so far as possible, gradual and tentative I recognise. But there are limits to the degree to which you can safely graduate changes, for new wine cannot always be put with safety into old skins, least of all when these vessels are a veritable patchwork full of holes and with gaping seams.

Provision for the future adjustment of areas is made in clause 12 of the Bill. The effect of a measure like this will be determined by the policy of those who administer it, and their minds will be largely influenced by the terms of the report upon which it is based, except in so far as Parliament may pronounce a definite and different opinion. So much is left to executive regulation that this cannot be done merely by amending the terms of the Bill. On matters of policy upon which Parliament after considering the advice of this Committee hold the Report to be wrong, there should I submit be specific instructions laid down. The Report, moreover, contains some equivocal phrases, seed beds of controversy, which can all be forestalled by a few words of plain definition superimposed by this Committee.

The dictum in para. 246, page 200 of the Report to the effect that redistributions of provincial areas should only be effected "by process of consent," is a case in point. From whom is consent required? The question is as vital to the whole issue as the

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question whether the Poles in Silesia can be reunited to their countrymen without the consent of the whole of Prussia. To bring matters to a fine point is the future claim of Sind to autonomy to depend on a vote of the Bombay Legislature in which the Marathas will have an overwhelming majority. I would earnestly recommend the Committee to advise Parliament that any clear request by the members representing a distinctive racial and linguistic territorial unit for its constitution as a sub-province may be taken as a *primâ-facie case*, on the strength of which the Secretary of State may appoint a commission of inquiry. Such a declaration will at once answer the queries raised by Mr. Sastri (q. 3923).

The Secretary of State, whose courtesy and patience in eliciting every point of view, including my own, I must gratefully record, will allow me to repeat a remark which I often made to him in India. Having once fixed upon the basic principle of policy, it was, I submitted, a mistake to think that it must be embodied in one hard and fast plan, applicable to all the provinces alike. One great merit of dyarchy lies in its elasticity, its capacity for adaptation to the many and different races of a vast and highly diversified country. I suggested that when you had formulated the right plan for Bengal it was likely, from the nature of the case to be the wrong plan for Bombay. I urged, moreover, that variety in the schemes applied to different provinces would furnish invaluable guidance to the Commission ten years hence. When all the resources of previous inquiry and discussion are exhausted my own opinion of any proposals, including my own, is largely held in suspense until they have been tested in practice. An ounce of actual experience is worth tons of intelligent reasoning exercised in advance. That is why I so regret that the Report and the Bill have not provided for the trial of sub-provinces, at any rate in Madras with its four distinctive races and languages, while applying the proposals of the Report to Bengal. It is too late to do that now. I would not, as I have said, attempt it at the stage things have reached, if the decision were now laid on myself. But if members will open the map of Assam opposite to page 291 of the blue book Cmd. 123, they will see that here is the case of a minor province crying out for treatment on the lines of the Joint Address. The Government has reported that the greater part of the area shown in red consists of mountainous tracts peopled by primitive tribes which ought to be reserved from the operation of the scheme. The reforms they say are at present applicable only to two valleys completely separated by a high plateau from 40 miles to over 200 miles in width. And yet it is proposed to clamp these two areas together under one system of elective government, for the sole reason that "the future constitution of Assam must follow the general lines of the Constitutions of the other seven provinces" (para. 5, page 291). I commend this sentence as an example of the tendency which ought most jealously to be watched by Parliament when inaugurating the new régime. This iron uniformity is the natural product of a highly centralised autocracy imposed on a vast country from without. It is equally natural that officers who have spent their lives in administering it should come to regard mere uniformity as an end in itself, and this in spite of the fact that they are constantly insisting on the multifarious diversity of conditions in India.

I think the Committee might well consider whether this is not a case for devolution by the Provincial Government of Assam of the transferred powers to two sub-provinces with executives and elective councils of their own. I should say that the conditions stated in para. 5, page 291, of the Chief Commissioner's report are substantially met by the kind of scheme outlined in the Joint Address.

While members of the Committee have their eyes on this map submitted by the Chief Commissioner of Assam, I would draw their attention to one question of policy which has, I feel, received no treatment in the Joint Report adequate to its future importance. I refer more especially to the narrow red strip dividing the province from the wild tribes to the north of

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the Indian frontier. The Report recognises the necessity of reserving the permanent control of territories bordering on the north-west frontier to the Government of India. I am sorry it did not go on to say that such territories must always remain under the control of an authority responsible to the Imperial Government itself. It is much better to say now, before any question is raised, that territories bordering on frontiers which may involve the whole British Commonwealth in war can never be ceded to a future Dominion Government in India responsible only to an Indian electorate. I will here insert what I said on page 61, the book to which I have already referred:

"India, we have said, must come to control affairs which are purely Indian. She is, however, to remain an integral part of the British Commonwealth. Her foreign affairs are those of the whole Commonwealth. She can never therefore control them apart. They form an integral part of the foreign affairs of the whole Commonwealth, in the control of which she must come to share. The Indian frontier is a large item in foreign affairs. Live wires run from it throughout the whole of Asia and Europe, the mismanagement of which at this end may involve the whole Commonwealth in war and set the whole of the world on fire. Here is the one critical frontier in any part of the British Dominions, and if India were now inhabited by a people already as fitted and practised in self-government as those of England herself, it would not be possible, so long as they remain part of the British Commonwealth, to place the Indian frontier under the control of a Government responsible only to the people of India. That frontier must remain under the sole, unfettered control of the Imperial Government charged with the conduct of foreign affairs. The principle ought to be enunciated and implemented now, and effect can only be given to it by reserving from the outset a strip, however narrow, from sea to sea, which would isolate a self-governing India from any contact with foreign frontiers. The proposal means no more than completing the policy inaugurated by Lord Curzon when he separated the North-West Frontier Province from the Punjab. That province has simply to be extended down the right bank of the Indus to the Arabian Sea, and eastwards along the foothills of the mountain barrier, taking a narrow strip not more than a few miles wide along the frontiers of Nepal, to the point where the boundaries of India and Burma meet on the confines of Tibet. The self-governing India of the future would then be as well isolated from complications with foreign powers as Australia herself. The future destination of the frontier province would be signalised by removing it to the personal control of the Viceroy from the jurisdiction of the Governor-General in Council, the members of which are destined to become hereafter the Ministers of a cabinet responsible to an Indian Parliament. This arrangement would be closely analogous to that under which the Governor-General of South Africa is, in that capacity, the legal head of the Union Government, while, as High Commissioner, he is responsible, to the Secretary of State for the Colonies, as de facto ruler of all British South African Territories not included in the Union.

"If once it were understood that India were to be separated from foreign complications by a province destined to remain subject to the Imperial Government as absolutely and as finally as Malta or Gibraltar, the whole project of developing India as a self-governing Dominion will begin to assume a different aspect. A large factor in the alarm, with which the cautious Englishman views that prospect, arises from the half-conscious dread in the back of his mind as to what would happen to the peace of the whole Commonwealth if this, its one critical frontier, were relegated to the charge of a Dominion Ministry. Such a thing would be utterly wrong in principle. Imperial control of the frontier ought to be established from the outset, and, when once that has been definitely settled, the Imperial Government can embark on steps for establishing India on the same footing as the self-governing Dominions with a lighter heart and a clearer mind."

My case is that this policy should be applied to all the northern marches of India, so that the

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Imperial Government will for ever control the extremities of all the lives wires which connect Europe and Asia with these frontiers. I myself saw a house, right in the centre of these marches, at a point where an obscure trade route from Tibet debouches on the Plains, which for years was inhabited by an enemy alien with no ostensible employment, who was immediately interned at the outbreak of war. I learned from the natives that he was in constant communication with the traders who came through from Central Asia. Frontier questions, moreover, arise from matters of local police administration, which, small as grains of dust, are yet capable of developing dangerous friction wherever the surfaces of great political bodies are in contact. If this reasoning is sound, I submit that the northern strip projected by the Chief Commissioner of Assam should be drawn now as a fence along all the marches of India. It ought to be continued to separate Bhutan Sikim and Nepal from the jurisdiction of elective authorities in India, which will presently control the local police.

The case is especially strong for cutting out the mountainous tongue of Bengal in which Darjeeling lies, inhabited as it is by primitive Mongolians of the Bhuddist faith. The mountainous area of Kumaon, west of Nepal, is a single division, absolutely distinct in its geographical features and the language and race of its people from the plains which strike the mountain wall like the sands of a shore at the foot of a cliff. A strip reserved to cut off the mountain area would include Sialkot and the great British cantonments of Rawal Pindi. The thing can be done now with a stroke of the pen. A generation hence it may only be done at the cost of a violent controversy. Effect can be given to this policy by inserting in Clause 12, subsection 2, line 2, the words "or frontier" between the words "Backward" and "tract."

8. In particular, do you think—(i) that Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature? (Clause 3 (1))?—On the question whether Ministers should hold office "during pleasure," I recorded my views in a memorandum on the Report, which, about this time last year, I was invited to prepare for the Departmental Committee presided over by Mr. Charles Roberts. As I have not altered my views on this subject, I here propose to repeat what I then said:—

"The problem is to graduate the transition from pure autocracy to responsible government. Two ways of doing this, and two only, have been suggested. The one suggestion is to make executives responsible for the same things, partly to the Secretary of State and partly to electorates. The other is to create executives responsible for some things to electorates, while leaving the old executives responsible for all other things to the Secretary of State. The argument against the first principle is conclusively stated in Chapter VII. of the Report. It is there demonstrated that you cannot make one executive responsible to two authorities without destroying responsibility and bringing government to a standstill. The authors of the Report, therefore, fall back on the only alternative of dividing the functions of government and assigning them to two different executives, the one responsible to the Secretary of State, the other to electors. But in their anxiety to conciliate criticism, they try to mitigate the process by resort to the first principle. Hence the extraordinary complications of a scheme the first requirement of which was simplicity. In their anxiety to graduate the process they plead that, to begin with, Ministers, though selected from members elected to the Legislative Council, are not, for the first five years at least, to be responsible to that body. They are to be responsible to the Governor, and yet they are not to be so altogether, for they are also to be responsible to the constituencies. This duplication of responsibility is to be procured by the fact that their reappointment will depend on their re-election. When the time comes to make them responsible to the Legislative Council the change is to be effected of the simple process of transferring to the council

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the right to withhold their salaries, which, for the first five years, is to be included in the reserved subjects.

"To begin with, a good deal is made of the idea that Ministers are to be responsible, not to the Legislative Councils, but to their constituents. Then, by an easy, but false, transation, the Report slips into talking as though Ministers were responsible 'to the Indian electorate.'* As a matter of fact, they will only be responsible to three out of, say, thirty constituencies, or about one-tenth of the electorate. The proposal is bad in principle because it encourages Ministers from the outset to study the interests of their own constituents, instead of feeling that as Ministers they are concerned with the interests of the electorate as a whole. The evil will be aggravated where a Minister is elected by a communal electorate. A Moslem Minister may be felt to have given undue preference to his co-religionists. But he cannot be called in question at the next election, because every one of his constituents will be Moslems.

"I do not, however, lay great stress on this point, because the intentions of the Report will scarcely be realised in practice. The Report repeatedly lays stress on the fact that there must be a means of harmonising the action of Executive and Legislature. In the last resort the executive must be able to overrule the Legislature, or else the Legislature must be able to change the executive. In the latter case, this is done by a vote of want of confidence, or, in the last resort, by withdrawing supply. And the power to withhold supply for transferred services is granted. The Legislature can render the position of ministers untenable whenever the Budget comes up to be voted.

"The proposal that after five years Ministers may be rendered responsible to the Legislature by having their salaries included in the transferred subjects, surely betrays some confusion of thought. The idea is, I suspect, a false analogy from the proposal made in section 294, that the salary of the Secretary of State should in future be voted by Parliament. The object is simply to secure discussion of Indian affairs before the fag-end of the Session, when members are jaded and anxious to be off. The Secretary of State will scarcely suggest that he is not now, as a member of the Ministry, responsible to Parliament, or that the voting of his salary will make him more so. If Irish secretaries are changed more freely than those of India, it is only because Parliament is more nearly interested in Ireland. Nor am I aware that the positions of Mr. Wyndham and Mr. Birrell were rendered untenable by Parliament refusing to vote their salaries. Both resigned because the Ministries to which they belonged would have fallen if they had not.

"The real truth is that a Minister is responsible to the Ministry of which he is a member. He is only responsible to Parliament as a part of the Ministry. If he feels that his duty to his colleagues is no longer compatible with his duty to Parliament and the electorate, he must resign office. So, too, the Ministry may ask a colleague to resign because his views or conduct are not compatible with the policy for which they are answerable to the Legislature. The executive is a unit, and its existence as such is threatened by one discordant or unacceptable member. A motion to reduce a Minister's salary is a common device for raising a debate on some administrative question. Its adoption by Parliament is often the signal for a whole Ministry to resign, or dissolve, as in the famous case of the cordite vote which put the Liberal Cabinet out of office for ten years. Parliament seldom, if ever, requires to exercise its right to refuse supply. The knowledge that it can do so in the last resort is enough to force Ministers to resign the moment they see that the Legislature no longer supports them in office.

"This power the legislative Council is to have, so far as the estimates submitted by Ministers are concerned.† Now, is it intended that during the first five years Ministers should retain office if the legislative

* Report, par. 222.

† Report, par. 256.

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legislative Council rejects their estimates? If so, the scheme is exposed to the main objection which in Chapter VII. the Report urges with unanswerable force against the Congress-League scheme. To use their own words: 'There is in these proposals no connecting-rod between the executive and the legislative wheels of the machine which will ensure that they will work in unison.'* And again, 'If the executive attempted to overcome the Legislature there would be conflict and agitation; if it gave way, then it would become merely the agent of the Legislature and might as well be chosen from and by the Legislature at once.'† Can anyone doubt that the latter alternative would prevail? In that case the so-called transitional stage when Ministers are responsible to three of the constituencies and the Legislature cannot withhold their personal salaries, will prove an illusion.

"In practice, therefore, the legislative Council will from the outset of the experiment be able to make the position of all or any of the Ministers impossible by withholding supply. But what advantage is gained by encouraging the idea at any stage that Ministers are individually and not collectively responsible to the Legislature? The whole experience of the British and American Commonwealths, in every part of them, points to the prniciple of unity in the executive. The Report refers to it as one of the lessons in the past in India.‡ Why ask India, then, to learn the difficult art of self-government in a temporary machine which violates that principle? What harm is done if Indian Ministers are encouraged from the outset to realise that there must be unity in all executives to which they belong? And in this respect it matters not whether those executives are responsible to the Secretary of State or to an electorate. On the contrary, there is everything to be gained by training them in the habit of loyalty to each other, and in making each Minister feel that, so long as he remains in office, he stands or falls with his colleagues. At this juncture we are seeking to found constitutional traditions in India. It is surely, therefore, of vital importance to be studiously careful in the language used in an authoritative Report like this."

I am glad to see that in Clause 3 (1) of the Bill the confusing proposal to make Ministers responsible to electors but not to those they elect is abandoned, and that they will hold office "at pleasure" from the outset. In passing I note that Mr. Welby did not seem to have grasped this fact (p. 262, q5).

The point, however, has been taken by the Drafting Committee. But, strangely enough, while the Bill provides that Ministers should hold office during pleasure, the Governor is saddled with the duty of fixing salaries. This surely is exactly the kind of power which ought to be transferred to the Legislative Councils from the outset. Can anyone argue that public order or the interests of the depressed classes are jeopardised if Ministers are left to propose the scale of their own salaries, or if the elected Councils are left to sanction them? I submit that it is not only better for the Councils to have this duty to discharge, but that they can discharge it better than the Governor. One great difficulty in transferring authority in India from the British to Indian administrators is the financial transition. The pay necessary to enable an Englishman to live in tropical exile is of necessity far higher than that needed by the Indian administrator in his own country. I think there is a strong case for paying Indian officials who have to live in London more than their European colleagues. But is India to be saddled with the tradition that her own Ministers are always to be paid on the scale necessary for Europeans in India? If you put this responsibility on the British Governor, he can do nothing else than give European salaries to the Minister. It would be more honest to put it in the Bill straight away. The money will be deducted from the fund available for education and other transferred subjects. Then why withhold from the Legislative Councils the responsibility of deciding what this deduction for emoluments payable to their own Ministers ought to be?

Personally I do not share Sir James Meston's hope that Ministers will always be whole-time men (Q. 7219). I should be very sorry to think that a partner in Messrs. Tata's firm or the owner of a cotton mill could not become Minister of Education without retiring from business. That India has in the past been governed by professional civil servants is no reason why in the future she should be exclusively governed by professional politicians. This is one of the transitions which the institution of sub-provinces would have made much easier.

I recommend the Committee in Clause (1), line 36, to substitute the words "Legislative Council" for "Governor."

The proposal that Ministers should be responsible not to the Legislature, but only to their own constituencies, though now dropped, has left serious confusion in its train. It seems to have prevented the authors of the Report, and also the Government of India, from thinking out the all-important question of *the corporate responsibility of the Ministry.* Such corporate responsibility is precluded by Clause 3 (3) of the Bill. In a perfectly clear question (Q. 1331) Sir John Rees raised the point; but in his replies the witness confused the whole subject with the question whether the Executive Council and the Ministry should be jointly responsible for the acts of both bodies. Another attempt was made by Lord Sinha with a different witness in Questions 1345 and 1346 with the same result. With Mr. Aiyar, however, Lord Sinha succeeded better, and in Question 1589 that witness gave a clear and decided opinion in favour of the corporate responsibility of the Ministry.

The confusion which continues to pervade this whole subject has its source in paragraphs 216, 221, 222 and 223 of the Report. Nor do I see how it can be disentangled without first making a clear, unequivocal definition of the relations which are to exist between the Executive Council and the Ministers. Then and then only is it possible to grapple with the no less important task of defining the relation of Ministers to each other and to the Governor. I must therefore begin by repeating what I wrote to the Drafting Committee on this subject last year:—

"To entrust electorates with real powers in certain specific departments, leaving the rest to the existing administrations, is the only way out of the vicious circle, within which India now moves. It means the co-existence of two authorities in the same area, each actuated by different mainsprings, the one responsible for specific functions to Indian electorates, the other responsible to Parliament in England. . . . To men used only to a highly centralised bureaucracy, the idea of two authorities with separate mainsprings co-existing in one area seemed patently absurd. The term 'dyarchy' was applied to mark that absurdity. But the demonstration is unconvincing to those who have lived under the system and seen it in operation. The argument proves too much, for, if it is sound, then the system which actually exists in Switzerland, America, Canada, Australia, South Africa and a large number of other countries would be logically and practically impossible. In any given part of these States we know as a matter of fact that two authorities do co-exist. Each of those authorities responds to a different electorate—that is to say, a separate mainspring. Not uncommonly those two mainsprings are in actual opposition to each other. In practice the conflict is minimised by the fact that so far as is possible each authority is dealing with different subjects. That is the essence of dyarchy. The separation is always imperfect, and some friction is the natural result. I have yet to hear of a system of government whose various organs work without it. In the federal systems to which I have referred the separate mainsprings are in the last resort harmonised by the constitution, in which there exists a superior authority to which both are amenable, if once it is called into play.

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* Report, par. 167.
† Report, par. 174.
‡ Report, par. 34.

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"There are practical difficulties inherent in dyarchy as there are in applying all principles to practice. No skill can eliminate friction. The artificer's task is so to contrive that the heat generated will not be sufficient to melt the bearings and bring the machine to a standstill. No motor will ever be invented which will leave airmen free of anxiety. The records of any federal country will show the difficulties inherent in dyarchy. That the system will present even greater difficulties when applied to the highly centralised mechanism of India is obvious. But they have to be faced for the simple reason that we are pledged to approach responsible government by stages, and we cannot do so except by specific devolution, which means dyarchy. Dyarchy is inherent in the policy enunciated on the 20th August, 1917. The difficulties are greatest at the outset. They arise mainly from the system which treats all administrative and many judicial departments as auxiliary to one general administrative corps, which has its representative at the head of each district and division. The local officers of the Public Works, Forestry, Medical or Educational Departments may not be actually subject to the district officers. But often, if not usually, the heads of these departments are drawn from the I.C.S. In any case they all take their orders from a Government in which no officer of the technical departments ever finds a place. Members of the I.C.S. are the controlling factor in all the provincial governments. This arrangement is, I believe, on the whole the best which could have been devised for India so long as no intention existed of guiding its people towards responsible government. It is the natural development of a system in which every officer is finally responsible to an authority absolutely detached from the people he administers. But to many of these officers this system in which they have spent their whole working lives is as part of the order of nature itself. Administrative changes such as dyarchy involves appear to them almost as proposals to reverse natural laws. . . .

"To objections of this character the Report replies with unanswerable force in the following passage:—

"'No doubt we shall be told—indeed, we have often been told already—that the business of government is one and indivisible, and that the attempt to divide it into two spheres controlled by different authorities, who are inspired by different principles and amenable to different sanctions, even with the unifying provisions which we have described, is doomed to encounter such confusion and friction as will make the arrangement unworkable. We feel the force of these objections. We have considered them very anxiously, and have sought out every possible means of meeting them. But to those critics who press them to the point of condemning our scheme we would reply that we have examined many alternative plans, and found that they led either to deadlock or to more frequent or greater potentialities of friction. Such destructive arguments, as far as we can discover, are directed not so much against our particular plan, but against any plan that attempts to define the stages between the existing position and complete responsible government. The announcement of August 20th postulated that such stages could be found; indeed, unless we can find them, it is evident that there is no other course open than at some date or other to take a precipitate plunge forward from total irresponsibility to complete responsibility.'*

"As an answer to the critics of dualism these words are complete. Why, then, run away from a criticism which will not hold water, and pretend that the plan adopted does not erect two governments side by side? Why try to veil the dualism with a thin disguise which can only entangle the feet of those who wear it, and trip them up? We are told that powers are to be transferred to ministers answerable to the legislature and electorate. The rest are to be reserved to executive councils responsible to the Secretary of State. What, then, is the sense of saying that one government is not to 'be regarded as official, and one as Indian'? Why ask us to assume 'that the machine of government must, as far as possible, be single and not dual, both in its legislative and executive aspects'?* Or that 'It is highly desirable that the executive should cultivate the habit of associated deliberation and essential that it should present a united front to the outside'?† In all this there is too much faith in the power of words. The signatories of the Report tell us that 'by entrusting the transferred portfolios to the ministers we have limited responsibility to the Indian electorate to those subjects in which we desire to give responsibility first. We have done this without now or at any time depriving the Indian element in the Government of responsibility for the reserved subjects.' And presently they add, 'It is our intention that the decisions of the Government should be loyally defended by the entire Government, but that the Ministers should feel responsibility for conforming to the wishes of their constituents.' But in years to come the feelings of Ministers will be determined by the facts before them, and not by the intentions of the Secretary of State and of the Viceroy recorded in the year 1918. Suppose that the Executive Council decide that internments are necesary to 'the peace and tranquillity of the province,' we can say with certainty that in nine cases out of ten, Ministers, legislators and electorates will object. Ministers will oppose the internment in council, and is it in the nature of things that they should defend them in the Legislature and constituencies. And if they do, what then of the responsibility which they are asked to fill for conforming to the wishes of their constituents? Responsible government is not merely a question of feeling. It means that at the next election the constituents can deprive Ministers of their seats. It also means that, by withholding supply, legislators can render their tenure of office impossible. I venture to predict that the phrases of this Report will not prevail with Ministers faced by such situations. They will not defend the action of the Executive Council in the Legislature, but attack it. Why should they defend acts they have strenuously opposed in private, over which the law denies them authority?

"The position of executive councillors is equally difficult. Let us take a case which may easily and constantly occur. Suppose that the Ministry includes two Hindus and one Moslem, and the Executive Council one European and one Moslem. Let us also suppose that some Moslem master or inspector may become the target of a Press agitation, and Ministers may decide to remove him from his post. The Executive Council, believing the removal to be a grave act of injustice, may vainly endeavour to dissuade Ministers. In virtue of the powers transferred to them, Ministers persist and the man is removed. The Government is attacked in the Legislature by the Moslem minority. The Moslem who has been outvoted by his Hindu colleagues has then to decide whether to defend them or resign—a perfectly regular position—because the Hindu Ministers have to reckon with the chance of destroying their own Ministry, and take the risk. The Executive Council, however, are called upon by the standing instructions of the Secretary of State 'loyally to defend' a decision made by the votes of two Hindu Ministers, to which they object and over which they have no control. Cases will occur in which the members of the executive will feel that it is due to their own self-respect to resign, and no self-respecting successors will be found to take their place. This will be the least objectionable alternative. For if, in practice, executive councillors are found to be willing to retain office and defend in public each and every decision which Ministers may make, they will thereby destroy any efficacy the system might have as a training in responsible government. The Governor can only use his power to overrule Ministers in extreme cases; otherwise the representatives of the Secretary of State are to stand by them and justify in public every mistake and injustice against which they have vainly remonstrated in private.

"The whole object of this system should be that electors and legislators should learn to form right judgments of the acts for which Ministers are answerable to them, and that Ministers should feel that

* Report, par. 241, p. 196.

* Report, par. 216.
† Report, par. 221.

Chairman—continued.

that they are called upon to justify their own acts, and so to learn the lesson which, of all others, needs to be learned in India—that of taking responsibility. This device of ordering British officials, against their reason and conscience, to defend each and every act of the Ministers, is one which undermines the Ministers' sense of responsibility and throws dust in the eyes of electors. Debate has got to be something more than the art of keeping Ministers in office by sophistries. When it loses all efficacy as a means for teaching men to discriminate between right and wrong, the spirit of freedom will perish. You will never nourish its faint beginnings into life by methods like these.

"It is no defence against these criticisms to say that I have taken out and quoted together the passages which insist on the unity of the Government, without reference to qualifying phrases scattered about these paragraphs. 'It is quite true that our plan involves some weakening of the unity of the executive. . . . It would be impossible to attain our object by a composite Government so composed that all its members should be equally responsible for all subjects.' * And, again, 'We are driven . . . to devising some dualism in the executive.' † The matter is not mended by phrases like these. A circle cannot be squared by saying that we are going to make it a little rectangular. You can stand with either foot on opposite principles only while they remain on paper. The moment they are brought into operation the rider will find himself either clinging to one of them, or else on the ground. 'The principle of unity within the Indian executives,' which the authors of the Report recognised as established in 1894 ‡, is just as vital to their own proposals. As there must be unity in the executives responsible to the Secretary of State, so there must be unity in the Ministries responsible to the electorates. You cannot by any process of smudging or blurring these responsibilities create any unity worth having between the two. In so far as you divide responsibility you destroy it. The whole secret of organisation consists in making it clear what each agent is answerable for and to whom. For this reason it is of the utmost importance that the forms employed should answer to the facts. In government every act should wear a label showing by whom it is taken and in obedience to whom. The acts of the executive council should show that they are taken in obedience to the Secretary of State, and those of Ministers, that they are done in pursuance of the charge laid on them by electorates. Indian electors cannot be expected to carry the schedule of transferred powers in their heads. If the scheme is to have educational value, no pains should be spared to remind them which are the acts of Government which issue from Ministers responsible to themselves. They should issue as the acts of the Governor taken on his Ministers' advice; while those of the Executive Council should issue as the acts of the Governor-in-Council. Under this scheme, for no intelligible reason, they are all to issue as the acts of the Governor-in-Council. The form is to be used deliberately to conceal from the elector acts done by his own agent from those done by agents responsible to the Secretary of State. This expedient is calculated to defeat the main object with which the scheme is designed.

"Personally, I have no fear of its ever coming into operation. The pretence of unity between these two organs of government is too thin to deceive anyone, and I cannot believe that Executive Councillors or Ministers would be found to submit to a position so false.

"In its attempts to reconcile dualism with unity the language of the Report reminds one of the Athanasian Creed. But here we are dealing not with methaphysics but with practical affairs. The mask of unity does not hide the dualism behind. It has only prevented its artificers from seeing how the dangers of dualism could be overcome if they looked them in the face. Such dangers there are unquestionably. The authors of every federal constitution

* Report, par. 222.
† Report, par. 223.
‡ Report, par. 34.

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have had to face them. In such areas as New York, Ontario, Victoria or the Transvaal they have had to provide for the co-existence of separate authorities side by side. But instead of masking the dualism, they emphasised it.

"They never pretended that two governments answerable to different authorities could be one. All their care was spent in making it clear as possible to each and all, which were the functions, resources and agents assigned to each. In a word, their systems are designed to show who is answerable for doing whatever is done, and to whom each is answerable. When the introduction of the dual language crept into the schools of Ontario, it was not possible for anyone to suggest that the federal government was in fault. The situation would have been far more dangerous if it had been. The whole responsibility clearly rested with the Government of Ontario.

"The difficulty of drawing a clear line between the spheres of the two authorities is, of course, no slight one. A perfect demarcation is impossible. The authors of the Canadian constitution were not sufficiently careful in the matter, and were satisfied to leave a certain amount of overlapping. Forty years later Canadian experience was summed up in the one word of advice tersely given by Sir Wilfred Laurier to the South African Convention: 'Beware the pitfall of concurrent jurisdiction.'"

The Feetham Committee faces this question of concurrent jurisdiction under the title of mixed subjects in par. 60, p. 36 of their Report. In that section a procedure appropriate to those subjects is carefully thought out. This procedure appears to assume that the Executive Council and the Ministers will normally deliberate apart on matters which unquestionably belong to their respective spheres. I greatly hope that this will be so, and also that their decisions when promulgated will bear distinctive marks. On this subject, Section viii., p. 4 of the Memorandum of the Secretary of State on the Bill, speaks will tantalising vagueness: "The new Provincial Governments are to be of a composite character, and to contain both an official and a non-official, or popular element. On the official side they will be modelled on the existing Governments of the Presidencies, which have 'Council Governments.' Under this system the Government is carried on by a Governor assisted by an Executive Council, and official acts are performed in the name of the 'Governor in Council.' On the popular side the new Governments will consist of the Governor and of Ministers. . . . For the purpose of allotting to each section of this dual government its own sphere of duty the work of the Provincial Government will be divided into two parts: certain subjects, to be called 'Transferred subjects,' will be administered by the Governor acting with the Ministers in charge of the subject, while other subjects, to be called 'reserved subjects,' will remain in charge of the Governor-in-Council."

The Committee will note that inverted commas are used to indicate the words "Governor-in-Council" as a formula. But when we come to the words *the Governor acting with the Minister in charge of the subject* no inverted commas are inserted to indicate that this phrase is to be used to distinguish acts done by Ministers under transferred powers, from those done by the Governor-in-Council. We are left to conjecture whether the dominating motive is not to be an attempt to mask the dualism inherent in the scheme, by representing the acts of Ministers under the same label as those of the executive council, thus leaving electors to think that executive councillors are responsible for acts of their own Ministers. The dominating motive should be to leave the elector in no doubt whatever as to where the separate responsibility of every separate act rests. I hope the Committee will insist that all acts done in pursuance of transferred powers will be styled, "The Governor on the advice of his Ministers."

In this context I would urge that the Legislature should sit under a different name, and, if possible, in a different building, when dealing with the two different branches. I would keep the name "legislative council" for reserved subjects and call it "the

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" the provincial assembly " when dealing with transferred subjects. And I am strongly in favour of allowing the assembly to elect its own speaker. I would call him by that name. Do let us make up our minds whether we are in for dualism or not. If we are then let the forms advertise the dualism instead of being used to mask it. Throughout I am thinking how to help the electorates forward on the road to self-government.

It is only when the position of the executive council is accurately defined that we can properly consider the relations of Ministers to each other and the Governor. The untenable proposal in the Report that ministers should be treated as responsible not to the Legislature but to their several constituencies, was obviously fatal to the principle of corporate responsibility. That proposal is now dropped. But clause 3 (3) still forbids corporate responsibility in terms. This prohibition is based, I believe, on reasons which have not come before the Committee. It is held by constitutional authorities that between Crown Colony and responsible government in the Colonies, each Minister was held separately responsible to the Governor and Legislature. Therefore it is argued that India must of necessity tread the same path. But that path was a course of experiment by which men had still to discover the mechanism whereby responsible government can be worked. They had to learn by making mistakes, by testing contrivances which proved unworkable in practice. Responsible government was achieved by discarding them. What service do we render to India by forcing her by statute to make the same mistakes, to retry all the discarded contrivances, when the reasons why they failed are now so clear in the light of actual experience? We are in great danger of worshipping mere precedent, of reading the letter of history instead of understanding its spirit. Precedents are useful as a guide only in so far as we take the pains to understand the natural principles they reveal. The principle of corporate responsibility was a discovery we owe to a breakdown in practice of separate responsibility. In every executive there must be unity as the Report in its earlier and really luminous passages shows.

To this it may be answered, " You have argued that dualism is possible by the careful separation of functions allocated to two different authorities. Does not the argument also apply to the separate portfolios of the Ministers? " Now from first to last I have never minimised the difficulties of dualism. I felt those difficulties in the scheme outlined in my letter to Mr. Bhupendra Nath Basu. When I was led to the conclusion that the existing provinces were too bulky for the purpose of a United States of India, I substituted the simple and well-tried process of specific devolution by a financial Government to several authorities with small areas. But I felt it a great additional advantage that the difficulty of two parallel Governments with coincident areas was avoided thereby. But in spite of the difficulty, I felt and feel that the experiment of two Governments for one great area is not unworkable and worth trying. But to complicate the experiment of dualism by imposing quadruplicity in one area seems to me madness. For that is what it means if ministers are to have a responsibility which is not only separate from that of the executive council but separate one from the other.

I ask the Committee to consider how the plan will operate in practice. On reserved subjects the executive council are normally to deliberate together. Their decisions are those of the majority. They are jointly responsible to the Governor, and if one is overruled by the others in matters belonging to his own Department and will not submit, he must go.

But are not Ministers also normally to deliberate together? Whatever you may say in acts of Parliament you may take it that they will. I add that they ought to do so, and the result will inevitably be that, on occasion, two Ministers will differ from the view held by the third on some point strictly within the scope of his own Department. Suppose, for instance, that the Minister of Education in Madras

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refuses to throw open all schools to the depressed classes and his colleagues supported by a majority in the legislative council, are against him. The Governor supports the majority and the Minister resigns. His successor must be someone in harmony with the majority, and will in practice be the choice of his colleagues. Or suppose the reverse, that the Minister of Education wishes to open the schools and his colleagues supported by a majority are averse to it. If the Governor dismisses the Minister of Education his successor will be practically chosen by his colleagues. But if the Governor will not dismiss the Minister of Education and insists in accordance with Clause 3 (3) in giving effect to his views, his colleagues will both resign and the Governor will be faced with an impasse. He cannot constitute a Ministry which has the support of the Legislature. The thing will not work. It is just one of those ill-designed safeguards which gets into the wheels, breaks the machine and brings it to a standstill.

I do not see how in actual working the Governor can from the outset avoid the ordinary and well-tried practice of sending for one man and asking him to choose his colleagues. And when that man resigns the whole Ministry should be *ipso facto* out of office. In practice one Minister must be Premier, and I don't believe the system will work unless he has at least two colleagues. That is why I should regret to see the office of Minister made incompatible with the holder pursuing his ordinary occupation.

I recommend that in Clause 3 (3) the words " his Ministers " be substituted for the words " the Minister in charge " in line 41, and that in line 2 over the page " the Minister " be changed to " Ministers."

8 (ii.). Do you think that the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsbilities (Clause 3 (3))?—The answer to this question entirely depends upon the real nature of the responsibilities imposed on the Governor. Reserved subjects are not in question. The manner in which mixed subjects should be handled is dealt with in paragraph 60 of the Feetham Report. There are also particular points coming within the scope of transferred subjects, notably in education, in which it may be necessary to reserve to the Governor the power of overruling his Ministers (see Feetham Report, paragraph 67). Apart from these specific reservations, I hold very strongly that the Governor should not interfere with decisions of Ministers, except by dismissing the whole Ministry. In doing so he must consider whether another Government can be formed which the Legislature will support, or, if not, whether to dissolve the Legislature. And if an election returns a House pledged to support the dismissed Ministry he is then face to face with the question whether his Executive Council must resume the whole of the transferred powers together.

I am decisively against the Governor rejecting the decisions of his Ministers except on points specified in his instructions, which points are, in fact, specifically withdrawn from the final responsibility of Ministers. For transferred subjects Ministers should be held responsible from first to last so long as they are left in their hands. Otherwise the Legislature and electorate will never know where the real responsibility rests; and such knowledge is, I maintain, vital to the educational efficacy of the scheme upon which its success or failure will depend. If the Governor thinks that a majority in the Legislature is not really behind Ministers, let him dismiss the Ministers. If he thinks that Ministers and Legislature are combining to override the real wishes of the electorate, let him form a new Ministry, if necessary from leaders outside the Legislature, and then test the matter by a dissolution. His function *qua* constitutional Governor is to hold a final power of attorney for the electorate, which enables him to refer matters to their decision in the last resort.

I go so far as to say that I would not treat questions of law and order as removing transferred subjects to the category of mixed subjects. If the Governor believes that some policy upon which

Ministers

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Ministers are resolved will lead to civil disorders, let him record a solemn warning to the effect that, if his fears are justified, the Executive Council will have to resume the entire administration. Whenever such resumption takes place, let the Secretary of State appoint a Commission of Inquiry to advise whether it was justified and how long it should be continued. Let the Governor advise his Ministers, and in serious matters let him record his advice. But so far as final decisions are concerned I am altogether against any interference with the exercise by Ministers of transferred powers. But I say this assuming that Parliament means, if these powers are so exercised as to bring about a deadlock or civil disorder, that the power of recall is to be used without hesitation. I say this because I know that official circles in India cannot really conceive its use. The Civil Service contains men with more than the average strength of character. Their training is such as to develop that strength, so far at any rate as the details of administration are concerned. But collectively they are amazingly weak. The greatest danger to India and the most formidable obstacle in the path to responsible government is the inherent weakness of the government it now has. And this is simply because the weakest form of government is one which, however autocratic its powers on paper, has not behind it the will of an electorate regularly ascertained. The Civil Service do not believe in the possibility of resuming powers once transferred, because they do not believe that Parliament really believes in it. I am weighing my words when I say that many of them do not believe that Parliament really means to see them through in the discharge of the grave responsibilities which it leaves on their shoulders. I think they are wrong, but, if I am correct, it is of vital importance that Parliament should leave its agents in no doubt on the matter, and that is why I venture to say this.

The Nationalists genuinely believe that, if the power of recall is felt to be real, reactionary officials will create deadlocks and even disorders to bring it about. I am sure that they are wrong. But that is why I advise that any case of resumption of powers by the Governor should at once be made the subject of inquiry by a Commission appointed by the Secretary of State, the chairman of which should always be someone taken from outside India. If such a Commission should find that any official has been guilty of such conduct as the Nationalists fear, the offence should be visited by summary dismissal. That man will have been unfaithful to the best traditions of his Service.

I would make it clear that a Governor will be recalled if he is found to have abused his powers of resumption, or to have failed in anything which might have avoided their use. But I hope that the Committee will be just as emphatic in pronouncing that a Governor ought to be recalled who has shrunk from using those powers where they were necessary. Government is the indispensable basis of self-government. You will never found it on anything else.

I am against interference with the administration of transferred powers, because it blurs the responsibility. I am all in favour of making these powers as wide as possible, and therefore I rejoice to see that Mr. Feetham's Committee has advised the transfer of Higher Education.

I am in favour of making the power of recall a reality, because if Parliament is prepared to recall, where failure to the trust is proved, Parliament will also be much more ready to transfer further powers on the least sign that such transfer is justified. The belief that recall will be really used will beget a far deeper sense of responsibility in Ministers from the outset. They will think twice before they embark on courses which may lead to either deadlock or disorder. The principle goes right down to the root of these proposals, which rest on the well-tried method of experiment, upon which the constitutional achievements of the British Commonwealth are all based. Experiment means that where failure is proved you are prepared to go back and begin over again, as you are now doing with the Minto-Morley reforms. Unless the authors of this measure really

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intend that, it is throwing dust in the eyes of the public to profess that they mean to be guided by experience.

In question 1338, at the bottom of the second column on page 74, Mrs. Besant quotes Mr. Montagu as having said: "So far as transferred subjects are concerned, we shall have parted with our trusteeship and surrendered it to the representatives of the people of India." The words will be quoted as proving that Parliament has renounced its powers of recall. I think, therefore, that the matter should be settled by a definite pronouncement from this Committee. It is vital that India should not be allowed to think that promises have been made, which have not in fact been made. In all pronouncements on Indian policy it is of crucial importance to avoid language which admits of subtle inferences. The Pronouncement made by the Secretary of State on August 20, 1917, is a model to be imitated.

8. (iii). Do you think that the executive council should in all provinces normally consist of one official European and one non-official Indian?—I think that every Executive Council should contain at least one official European and one non-official Indian. I think that there should be a majority of European votes including the Governor's casting vote. Beyond this I have no opinion worth offering.

8. (iv). Do you think that the Governor should have power to dissolve his Legislative Council?—My answer is, Yes.

9. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (clause 9)? 10. In particular, (i) do you think that the Legislature should have power with whatever limitations to vote supplies (clause 9 (2)). (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—Sir Harry Stephen found himself unable to distinguish between influence and control (q. 5327). I ask the Committee to recognise the reality of the distinction and also of its practical importance. At this moment the Imperial Government is consciously exposing itself to the influence brought to bear on it through this Committee by spokesmen of the various Indian sections. The minds of Ministers and Members will be affected by that influence. Can any Member who has sat on this Committee after hearing all these witnesses from India doubt that he can now handle it with much greater knowledge? But you are not sharing with these witnesses the faculty of decision. That rests with Parliament and with no one else, and with it the final responsibility undivided and undiminished. It is just failure to recognise and implement the vital importance of this distinction which has thrown the whole course of Indian reform awry since 1909. That is why, as the earlier chapters of the Joint Report demonstrate, you cannot now build on the foundations then laid.

Now, personally, I want to see Ministers and elected members exposed at every point to the advice —that is to say, the influence—of the Governor and of his official advisers. But having experienced the effect of that influence, I want Ministers and the Legislature to feel that the final decision is theirs without reserve, and the final responsibility for its results theirs without qualification. Accordingly, their power of making such decisions must be put as much beyond question as is the power of a provincial government in Canada. The powers of Ministers and of the Legislature to which they are answerable must be fully commensurate to the functions imposed on them

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them. And my ultimate reason for all this is that the electorate may know for what they are responsible, and also for what they are not. It is only so that electorates can be strengthened for the bearing of heavier burdens.

The reason why I think that to begin with certain, and indeed most, functions should be reserved to the existing Government, is that if all these functions were at once imposed on electorates too small and too unexercised in the practice of self-government, the burden would break them down, chaos would ensue and the realisation of responsible government would be postponed. Therefore I urged so long ago as 1917 that all functions not specifically transferred should remain in the hands of officials responsible for discharging them to Parliament through the Secretary of State. I urged that in their exercise officials ought to be exposed as far as possible to the influence of Indian opinion. By that I mean that the system should be so devised as to ensure that officials before making decisions should have to hear the opinions of every section of Indians affected thereby. But having weighed those opinions, I mean that the final decision on matters for which officials are held responsible to Parliament must be made by those officials subject to Parliament and its mouthpiece, the Secretary of State; and therefore their power to make those decisions must lie beyond question. It is not merely that Parliament cannot hold them responsible unless the powers it confers are commensurate to the duties it imposes. It is also that the electorates must know what are the matters for which their own representatives are not responsible. Otherwise, as Colonel Pugh pointed out, with true political insight, Ministers will be judged, called to office and dismissed from office by reason of their conduct in respect of reserved powers, which involve questions even more contentious than those involved in the powers transferred. They will not be judged, as they should be, solely by reason of their conduct in respect of the powers transferred to their control (q. 6194).

It is necessary to speak plainly. The source of all this controversy lies in the fact that the Joint Report speaks with two voices on the main issue at stake. I will here repeat what I wrote on the subject to the Drafting Committee last year:—

"Parliament is responsible from first to last for the government of India in all its aspects. The Pronouncement of the 20th August affirms this principle, and the Report, by a series of illuminating quotations, (*) shows how careful the Supreme Government has been to assert it, whenever the Government of India or any provincial government, has attempted to call it in question. The details of legislation were, for the most part, left to legislatures constituted for this purpose in India. But till 1909 it was made clear that these legislatures must, in the last resort, accept the instructions of the Indian Executives, which were in turn bound by those of the Secretary of State as the agent and mouthpiece of Parliament. As a further consequence, it was laid down that no member of an executive might publicly question these restrictions. "The policy adopted is the policy of the Government as a whole, and as such must be accepted and promoted by all who decide to remain members of that Government." In these words "the principle of unity within the Indian Executives" was asserted. The authors of the Report endorse these views. They assert that "the official Government which is still responsible to Parliament" must be able to discharge its responsibility properly. (†) To that end provision must be made, if a provincial executive is to be held responsible for the government of the province. (‡) It must be able to get through its legislation on reserved subjects. (§) The Provincial Legislature must, in the last resort, have the means of passing whatever laws or voting whatever supplies they deem to be necessary for discharging the duties imposed upon them by Parliament. No less is implied in the quotations made in paragraphs 34, 67 and 68. The argument of Chapter VII. against the Congress League scheme involves that conclusion . . .

* Report, par. 34.
† Report, par. 240.
‡ Report, par. 247.
§ Report, par. 252.

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"In paragraph 34 the Report quotes from a despatch written to Lord Mayo from the Secretary of State in Mr. Gladstone's Government the following passage:—

"'The Imperial Government cannot, indeed, insist on all the members of the Governor-General's Council, when assembled for legislative purposes, voting for any measure which may be proposed, because on such occasions some members are present who are not members of the Government and not official servants of the Crown. But the Act which added these members to the Council for a particular purpose made no change in the relations which subsist between the Imperial Government and its own executive officers. That Government must hold in its hands the ultimate power of requiring the Governor-General to introduce a measure, and of requiring also all the members of his Government to vote for it.'

"In these words is affirmed the self-evident proposition that no Executive can continue to discharge its functions unless it can in the last instance secure the legislation without which such functions cannot be discharged. In sections 67 and 68 we are told that the same truth was recognised by Lord Dufferin's Committee. 'No matter to what degree the liberalisation of the Councils may now take place, it will be necessary to leave in the hands of each Provincial Government the ultimate decision upon all important questions and the paramount control of its own policy.'

"The authors of the Report frankly endorse these conclusions:—

"'Upon this point we defer to the experience of history, and we draw from it the plain conclusion that if the Government is to be carried on, Legislature and Executive must in essentials be in harmony. Legislation is a necessary attribute of government, because it is the means by which Government secures fresh powers when it feels the need of them for attaining its end. But in the hands of the Assembly it may become a weapon to paralyse the Government. Whenever the Legislature distrusts the Executive it can always restrain or control its activities by specific provisions inserted in an Act. There is no clear line between administrative and executive functions, and it would be perfectly open to an Assembly which distrusted its Executive practically to assume charge of the Administration, and, as Lord Bryce says, to reduce its Government to the position of a bank staff *vis-a-vis* the directors. That is a position into which no Parliamentary Government ever allows itself to be forced; and it would be an impossible position for a nominated Government in India. An Executive which is independent of its Legislature, as the Indian Executive have hitherto been, can carry on the Government in virtue of authority derived from without; a party Executive can govern because it interprets the will of the people as represented by the Assembly; but wherever, as in Canada or Malta, attempts have been made to set up an irremovable Executive and a popular Assembly, acute conflict has ensued and has resulted in either an advance to popular government or a return to autocracy. Parliamentary government avoids deadlocks by making the Executive responsible to the Legislature. Presidential government limits deadlocks because all the organs of the State must ultimately submit League scheme in their earlier chapters, are nailed But a Legislature elected by the people, coupled with a Governor appointed by a distant power, is a contrivance of fomenting dissensions and making them perpetual. We believe that in India, where the two sides are divided by race and also by differences of standpoint, the discord would be much more serious than it has ever been in the Empire's history. (Report, par. 167, pp. 138-9.)

"Again and again this position is reaffirmed:—

"'If responsible government cannot be conceded at once, as, indeed, the scheme implies, and if some measure of responsibility is yet to be given, then means must be found of dividing the sphere of administration into two portions, and for each of these there must be a part of the Executive which can in the last resort secure its way from a legislative

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lative organ which is in harmony with it; and there must also be means of securing that both halves of the machine work together.' (Report, par. 174, p. 144.)

"'Our aim must be to secure to the official Executive the power of protecting effectually whatever functions are still reserved to it and to the Government of India, of intervening in all cases in which the action of the non-official Executive or Council affects them to their serious prejudice. For otherwise the official Government which is still responsible to Parliament may be unable to discharge its responsibility properly.' (Report, par. 240, p. 195.)

"'We now turn to a consideration of the work of the Legislative Councils. Assuming that they have been reconstituted with elective majorities, and that the reserved and transferred subjects have been demarcated in the way suggested, let us consider how the Executive Government is to be enabled to secure the passing of such legislation or such supplies as it considers absolutely necessary in respect of the reserved services. For we must make some such provision if we are going to hold it responsible for the government of the province.' (Report, par. 247, pp. 200-1.)

"With such statements of principle before him, the reader naturally looks with some confidence to the practical proposals of the authors for giving effect to them. But what do we find? The Executive's ultimate power to pass the legislation it requires depends upon a Committee upon which the Governor is 'to nominate a bare majority exclusive of himself.'(*) This can only mean majority of one, exclusive of the Governor's casting vote, in any case a desperately narrow margin of safety considering the vicissitudes of health in India. I have seen a Provincial Government beaten on a motion owing to the illness of one official. But the Governor is bound by further restrictions. 'Of the members so nominated no more than two-thirds should be officials.' In plain words, a clear majority on the Committee are to be members in no way amenable to the Governor's authority. A Bill may present a number of contentious points all vital to the Government's position.

"We must hold in mind that the measures to which the procedure applies are such as the Governor has certified as 'essential to the discharge of his responsibility for the peace or tranquillity of the province or of any part thereof, or for the discharge of his responsibility for the reserved subjects.' The measure is first discussed by the Legislative Council. The discussion may make it clear either that a majority or else that the whole of the Indian members are opposed to the measure. It is then to be referred to the Grand Committee, which is not a Standing Committee, but a body chosen *ad hoc*. The Report mentions a Committee of 40. Its composition would then be as follows:—

19 members elected by the elected members by proportional representation.
14 officials.
6 non-officials nominated by the Governor.
1 the Governor himself.

—
40

It is, in plain words, to be a body packed by the Governor from the minority to overrule the opinion of the majority on the Legislative Council. Where opinion is divided amongst the elected members of the Legislative Council, the Governor can nominate unofficial members rom the minority with some hope of their support. The transferable vote may operate further to strengthen his minority on the Grand Committee. But even so it is hard to conceive a procedure likely to prove more exasperating in practice.

"There are, however, plenty of cases on record in which every Indian member has voted against the Government. In these cases (and they are certain to recur), where is the Governor to find the six unofficial members required to pass his measure? It is not, moreover, as though the passage of a Bill depended on a single division. Dozens of amendments can be introduced, any one of which may destroy the utility of the measure. The absence or

* Report, par. 252.

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defection of one or two unofficial nominees at any one of a number of divisons may lead to a breakdown. The authors of the Report are themselves driven to admit the weakness of their own proposal:—

"'It may be objected that such a Grand Committee so composed offers the official Executive no absolute guarantee that its measure will get through. We agree that this is the case; but there is no such guarantee at present. In a Grand Committee of 40 members there could be 14 officials, and we consider that no great harm will ensue if Government defers legislative projects which are opposed by the whole elected element and for which it cannot secure the support of six out of the seven members whom the Governor has it in his power to select from the whole body of the non-official members of the Council.' (Report, par. 252, p. 204.)

"A lamer conclusion I have never read. We are told again and again in emphatic language that every executive must in the last resort be able to secure the legislation it requires. In the face of all this, we are now told 'that no great harm will ensue if Government *defers* legislative projects,' when the opposition of the legislators they do not control is too strong for them. And why speak of *deferring* these projects? Another election is scarcely likely to weaken the Legislative Council's opposition, and then no remedy remains but an ordinance by the Government of India, or else an act of the Imperial Government. Meanwhile, the Governor must continue to govern without powers which he solemnly certified to be 'essential to the discharge of his responsibility.' He will forfeit his own self-respect and deserve to lose that of the public unless he resigns.

"In Section 277 we are told that in provincial matters the affirmative power of the Executive can be less decisively used than in Indian matters, and the reason given is that provincial matters are less important and the Government's responsibility to Parliament not so close. I venture to question both these statements. During the period of transition the Governor is to remain responsible for order. That responsibility is second in importance to no other, and therefore, in terms of the Report, it is to be reserved to the Governor. Whenever it can be transferred to Ministers, the province will be ripe for full responsible Government. So long as it is reserved, the Governor is responsible to Parliament for maintaining order. The fact that he takes instructions from the Viceroy and the Secretary of State, and not from the Cabinet or Parliament direct, does not affect the position. He is responsible to the British Government for the maintenance of internal order in his province. For the discharge of that all-important function laid upon him, he needs powers no less decisive than those vested in the Government of India for the powers reserved to them."

The opening chapters of this Report in their fearless analysis of history and principle deserve to stand with those of Durham. But, unlike Durham and his great executant Elgin, the authors shrink from the application of their own principles to practice. They follow the argument of Durham and also Professor Lowell in his masterly verification of Durham's teaching from subsequent experience. The principles of the Minto-Morley reform, as carried to their logical conclusion in the Congress League scheme in their earlier chapters, is nailed to the counter for all time. Then, breaking new ground of their own, they elect for the principle of specific devolution. Scheduled powers are to be transferred to Ministers responsible to elected councils and their electors. All other powers are to be reserved to the official Governments responsible to the Secretary of State. But when the highly elaborated mechanism through which these powers are to be exercised, with its wheels turning this way, and its wheels turning that way, comes to be examined it proves to be nothing but an ingenious contrivance for re-introducing in the sphere of reserved subjects the whole principle underlying the Minto-Morley and Congress League schemes. Behind a screen of Grand Committees and a Council of State the

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the clear principles enunciated in the earlier chapters of the Report are quietly jettisoned.

The whole answer to these questions you have put to me depends upon whether you really mean to give your agents the power of decision upon matters in which you make them responsible to yourselves. I speak to the Committee as the mouthpiece and ear of Parliament in this matter. In reserved subjects where do you mean the power of decision to lie? Do you, in the words of the Joint Report, "consider that no great harm will ensue if Government defers legislative projects which are opposed by the whole elected element," when upon such projects may depend the peace of a province and therefore the peace of India? Why, then, did the Secretary of State and the Viceroy carry their measures the other day in the teeth of every elected member? They cannot plead that the attitude of those members would have differed if they had represented the full franchise projected by the Southborough Committee. The answer is that they believed that they could not discharge the trust laid on them by Parliament unless the elected members were overruled. Why ask, then, that future Governors should be placed in a position which they themselves are not willing to accept? It is not proposed that elected members should be asked to take on themselves the responsibilities of the Governor when they deny him the power to govern. This contrivance means that the power of final decision is to rest nowhere, and that government is in the last analysis to cease. Nor does it help matters to say that in the last instance you have to fall back upon the Governor-General's power to enact an ordinance. When the friction of deadlock has raised public feeling to the flash-point, the exercise of the Viceroy's last residuary powers is simply equivalent to proclaiming a state of siege, to suspension of the constitution itself, because your constitution has broken down. It is a plain admission that revolution is afoot and can only be met by martial law. The functions of the Viceroy are merged thereby into those of the Commander-in-Chief. I am asking you to give India a constitution which will not break down, because it is one through which Government can govern without resort to arms. I urge it because any resort to arms in India disturbs for the time being and for long afterwards the atmosphere in which alone the delicate plant of self-government can grow. You have the warning of Ireland at your doors.

The issue has been put squarely in the evidence before you. Lord Islington asked Mr. Banerjea: "I suppose you would qualify the word 'bare' by making it an effective majority?" (q. 1175). The answer was "No. That is to say, it ought not to be such a majority as would in any case give the Governor a majority. It would be a bare majority *which would enable the Governor to pass only such measures as were acceptable.*" Then on page 234, column 1, Mr. Sastri remarks: "In the Grand Committee under the Joint Report the elected members and the nominated non-official members together would still be in a very considerable majority over the official members, and, therefore, there is preserved this right—it may be academic to a large extent—but a legal right of *refusing Government measures* as presented to us in the Grand Committee." But whether this legal right is really academic may be judged from the answer given by Mr. Samarth to Mr. Bennett (q. 2596): "Is it still the case in India that legislators who have been nominated by the Government are under the impression, many of them, that it is their duty to go with the Government always and vote with them?" Mr. Samarth's answer was "No."

I leave aside the opinion of British officials on this subject and turn to the evidence of Lord Carmichael, the most popular Governor who has ever ruled an Indian Province. When Mr. Montagu asked him (q. 5795): "Do you think that in a province it is wise or necessary to give to the Governor an absolute right to pass a law, which not even one of the non-official members of his Legislative Council will support?" Lord Carmichael replied:

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"Yes, I think it is, because if he is a man who would do it wrongly, he ought not to be there."

Here Lord Carmichael touches on a point which deserves the careful attention of this Committee. In another part of his evidence he argues that all Governors of major provinces should be brought from outside. I agree with him. I also agree with him in thinking that the success or failure of this great experiment will largely depend upon the quality of the Governors who can be found to serve. To me it seems that a man so qualified would have the political insight to say to a Secretary of State: "If you ask me to make myself responsible to you for the reserved functions, I must be the final judge, until you recall me, of the legislation required to give me the power to discharge them." I think he would say with Lord Carmichael: "If you do not think me a fit judge of those powers don't appoint me. At any rate, I will not accept the appointment without them." On similar grounds Cornwallis refused the appintment of Governor-General in 1786, and Parliament had to give him the necessary powers before he would accept office. He had the insight to see that the root of Hastings' trouble was not an excess of power, but the fact that he was driven to intrigue by division of authority. As Lord Carmichael says of the Grand Committee: "I do not like it altogether, and one of the reasons why I do not like it is that I think it will help to increase the risk of political intrigue" (q. 5921).

The one clear solution of the whole difficulty is clearly indicated in the able evidence given by Mr. Aiyar. Independent testimony coming from this quarter is so important that I propose to quote it at length. On page 88, col. 1, in answer to question 10, Mr. Aiyar says:—

"I would oppose the institution of Grand Committees, especially in view of the suggestions made by the Government of India, which proceed on the erroneous basis of the absence of independent political thought, and on the assumption that every elected member must vote against the Government. The disadvantage of the official *bloc* has been perpetuated, and smaller bodies than even the present Councils are brought into existence. It has been argued that the Grand Committee affords scope for persuasion on the part of the elected member, but this process can take place in the Council itself without a reduplication of machinery. The Grand Committee may be abolished, and the Governor may assume responsibility for cases needing affirmative legislation, subject to sanction on the part of the Government of India or of the Secretary of State, and the inevitable review of policy by the Select Committee and Commission."

The Committee will note that Mr. Aiyar was speaking as Vice-President of the All-India Home Rule League and that he says this in his written answer to replies. In oral examination he steadily and repeatedly reinforced this view. On page 91, cols. 1 and 2, he says:—

"If the Governor has made up his mind that a particular course is possible, there is no necessity for creating a chamber which is merely bringing into operation what his idea is, and it seems to me that the only argument which was advanced in regard to this matter—namely, the utility of a full discussion before the Council, would apply equally well when I say that the conditions of the case may be met by the discussion in the Legislative Council and the Governor taking action after such discussion. Why import a second chamber, especially of the composition suggested by the Government of India, if all that it means is that the Government must have its way? Let the Governor say so and have done with it."

When Mr. Bennett asked him (q. 1554): "Would a Grand Committee reduce the disfavour with which the action of the Government was received?" Mr. Aiyar replied: "I am afraid not, as it is sought to be constituted. On the other hand, it will give rise to factious spirits in the Council tending to create two sets of people, one of whom would be termed the favoured of the Government, who are in favour of its policy, and the other being the constituent opponents."

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Tackled once more on the subject next day by Lord Sinha and Lord Midleton, he resolutely maintained his position. Mr. Banerjea also says that if Indian members are not given the power to control legislation on reserved subjects he would prefer the responsibility to rest with the Governor outright (q. 1105-6). In para. 34 of his minute of dissent, dated March 5, 1919, Sir Sankaran Nair endorses the spirit of this view.

The views of Mr. Aiyar are confirmed by the great authority of Lord Carmichael. In question 5689, the Chairman said to him: "I think this is a most important point. With your experience will you tell us how you see the position of the Governor under the proposed scheme?"

To which Lord Carmichael replied:—

"I think it would be a much more difficult position, I admit, and I think he would have to exercise his own responsibility more than he does at present. He would not rely as much on his advisers, because after all the Governor has very great powers at the present time if necessary, and I think he would have to exercise his powers more in future than he does at present. I am not at all enamoured of the system as proposed of the Grand Committee; I am inclined to think that, if not at once, very soon, Indians will begin to think they see through it. It is rather taking a responsibility off the Governor and putting it on other people, who are not perhaps as fitted to take the responsibility as the Governor is. I do think that in India—and, mind you, I have been a Governor in Australia also—though you may say the things are perfectly different—I do think that in India, just because the Indians have not had so much responsibility themselves, they are prepared to see a Governor doing what they do not like and to think that very likely he is right to an extent which certainly the Australians would not be."

Of the Grand Committee he says (q. 5692) that "the Governor is not the least certain of the nominated members. It seems to me it is just on the most dangerous occasions when the Governor would be in his weakest position there." In reply to the Chairman he goes on to say that in the position of the Governor he would not feel himself sufficiently equipped for the fulfilment, in every case, of the responsibility which Parliament continues to lay upon him. It should be left to the Governor to discharge that responsibility. "Let him do it off his own bat." The plan of the scheme he feels is to conceal the responsibility, not to give him full power to exercise it. "I do not think we should conceal the responsibility" (q. 5698). It is needless to quote further the evidence in which this important witness continues to enforce his position.

Whenever one broaches these views, as I have done many a time in India, to my official friends, they always replied: "Do you mean we should revert to government by ordinance?" And they seemed to think that I had gone out of my mind. I cannot recall a single official who thought such a thing could be faced. The Government of India see clearly enough that the Grand Committees as at present designed will lead to a deadlock. But they cling to the idea of having enough officials subject to secret orders to vote the Indian members down. So long ago as 1841 Sir George Cornwall Lewis uttered a prophetic warning against the danger of mocking a dependency with the semblance of parliaments, when responsibility cannot be conceded. But after-generations, deaf to this warning, created Legislatures which they dared not trust with the power of decision, securing the Executive by a troop of official members voting under its secret orders. We talk of our influence on the East: but one sometimes wonders whether the East has not a profounder influence on us. Our system in India is overgrown with a tangle of make-believe, and I hope Parliament will tear it down. If, as Englishmen believe, they are of all men the simplest and most honest, then let them realise that the true gifts they have for India are those drawn from their own store. Mr. Aiyar tells you that so long as you retain an element of autocracy in your government of India, she prefers that element to appear as such. It is the only government she has ever known. Do not cover it with a veneer of popular institutions too thin to deceive a child. If you want to make men in India give them verities and not shams.

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Lord Carmichael refused to be scared by this terrible word "ordinance" (q. 5785). Now why is this word so useful as a weapon against the advocates of direct methods? The real reason is that "ordinance" has so far stood for decrees suddenly imposed without previous discussion in detail. Mr. Montagu asked Sir William Meyer (q. 6902): "What about an ordinance as contrasted with that form of legislation?" Sir William replied: "There is all the difference in the world; an ordinance is an autocratic Act of the Government. There is no necessary discussion on it, whereas in the Council of State a Bill will be put forward, there will be a Select Committee, there will be discussion and debate and amendments, and very often, as happens at present, the Government may find that it is advisable to accept some of the amendments. That would not arise at all in the case of ordinances." As the Joint Report itself says (q. 276) the power of ordinance "merely provides a means of issuing decrees after private discussion in the Executive Council, and without opportunities for public debate or criticism." Exactly. The odium raised by the word is mainly due to a very national distrust of edicts issued without any previous discussion in public. It was Lord Dalhousie who saw the mischief of such a practice and put an end to it except for rare and pressing occasions. Let us think for a moment what happens at present when Government has to pass unpopular measures. Officials may neither speak nor vote except in accordance with the Government orders, but when the Governor has made up his mind that a Bill must be carried or that some amendment designed to emasculate it must be rejected, secret orders, which are no secret, are given by him to official members to vote it down. It is a humiliating sight to see the mechanical way in which the hands of the officials go up, when the division is called, and the solemn parade which is made of counting them. The Governor might just as well count his own fingers, if it were not for the hazards of fever and dysentery. In the plan before you in the Bill your margin of safety in matters affecting the peace of India will often depend on the reading of a clinical thermometer.

There are times when one knows, and the Indian members know, that Government divisions would not be won if officials were free to speak and vote. What firm foundation can any system of government find in a hollow pretence like this? To an outsider the thing is a degradation of highly intelligent officials in the presence of their Indian colleagues. But this prostitution of popular government has one really poisonous effect. Year after year British officials are paraded in public as a political party in opposition to Indian Nationalism. The bitter antagonism developed between the British Services and educated Indians in the last decade, is, I believe, as much due to this cause as to any other. Those who grow up with a sham and get used to it become blind to the mischief it works. How the authors of the Joint Report could have written sections 86 and 87 and then advocate a continuance of this practice on the Grand Committees and the Council of State passes my understanding.

The point is that the Governor now gets his way, and, under the Bill, is to get his way when he can, only by secret orders given to official voters. If Parliament decides that there are matters in which he as their agent must get his way, why should he not do it as Mr. Aiyar and Lord Carmichael suggest, by issuing his orders openly and directly? The principle is perfectly plain and easy of application in practical procedure. When a Bill is moved, let a motion that it be not read a second time be prefaced by the words, "That the Governor be requested." Let all amendments be prefaced by the same words. Then when the Governor has made up his mind that he must carry his measure or that he cannot accept an amendment which has been voted by the Council, let him say outright that he cannot accept the request, and put his reasons on record.

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Chairman—continued.

It must be realised that the system here advocated as applicable to legislation on reserved subjects is simply that which already obtains on supply, and which, under the Bill, is still to be applied to votes in the estimates on reserved subjects. I am entirely in favour of the system under which the vote of the Legislative Council is to be taken on the Estimates, and the Governor is to take the responsibility of saying whether he accepts the vote or not. The principle is just the same whether it is applied to money Bills or to ordinary legislative measures. The whole situation is cleared by this honest procedure. In the first place, the Indian members are not forced into artificial solidarity by the presence of a phalanx of European voters. Genuine divisions of opinoin have a far better chance of coming to the surface and of being heard. The Governor has therefore a far better means of knowing what genuine Indian opinion is before he makes up his mind. The procedure meets the objections which the word "ordinance" is used to raise. Legislation will be discussed as fully and in as much detail as at present, and with greater freedom.

In the second place, the opinion of the Indian majority comes upon record. Their responsibility for seeing that it is placed before Government is properly discharged; thirdly, the Governor's responsibility for final decision is plainly shown and made to rest where it ought to rest. By the Governor I do not here mean the Governor in Council. I agree with Lord Carmichael that under the new scheme his personal authority should be much more marked. After listening to his official advisers the final responsibility of legislative decisions should rest upon him. He can be recalled. You cannot easily dismiss a whole Executive Council.

Fourthly, you get rid of the official phalanx of voters once for all. At the same time, the Government is left with perfect elasticity as to official speakers. It can call to the Council the officials best qualified to enlighten it on the measure before it. The saving of the time of busy British officials is itself an important economy. Moreover, when officials are publicly attacked, it would often be much more satisfactory to everyone if they came to the Council to defend themselves.

Finally, by this straightforward method you avoid all the ingenious complications of the Grand Committee with its phalanx of official voters, and the atmosphere of intrigue in which the Governor will be involved when he is endeavouring to pack it with Indian members who can be trusted, as he hopes, to save his face.

The Committee will now readily understand why I endorse the view advanced by nearly all witnesses from India, that in all the larger provinces the Governors should be taken from outside the Service. India is full of historical survivals which are mere anacronisms. I fail to see any practical reason for maintaining the present contrast between the simplicity of government establishments in the United Provinces and the Punjab and the semi-viceregal pomp with which they are surrounded in Bengal, Madras and Bombay. I should like to see some mean found between the two, but to have them all put on exactly the same footing in respect of emoluments, ceremony and everything else. After all, the Governor of the United Provinces rules more than twice as many people as the Governor of Bombay. But an end should be put once for all to an idea which undoubtedly exists that Governors are occasionally chosen, not for their fitness to rule an Indian province, but because they are not wanted in England. Such appointments, if made, are nothing more nor less than subordination of Indian to British interests on the part of the Government which makes them. India should not be the lumber-room of English political society.

I should very much like to see experienced Dominion statesmen included in these appointments, for they have what British politicians have not—experience of provincial self-government.

I am not shutting my eyes to the effect on the Service of depriving its members of the principal prizes to which they have looked. I think it may have a most serious effect on recruitment if great conspicuous figures like Sir Bartle Frere, Sir Alfred

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Lyall and Sir Anthony Macdonnell are a thing of the past. The Commonwealth cannot moreover afford to place men of this calibre on the shelf at 50. I am strongly of opinion that the Dominion Governments in Imperial Conference should be asked to approve of the principle of opening existing Governorships to them. And when an Indian civilian has served a successful term as the Constitutional Governor of New Zealand or of an Australian State, I should like to see him regarded as eligible for an Indian Governorship. Such an experience will make a great difference in the outlook of an Indian civilian, and with it I should say he would make an Indian Governor of the most valuable type. He will certainly be more useful on the Government of India.

Certain details of procedure remain to be sketched. I have already suggested that the body of legislators when dealing with reserved subjects should be called the Legislative Council, and when dealing with transferred subjects the Provincial Assembly. I have also said that I should like to see the Assembly elect its own Speaker. I should like it to frame its own standing orders, subject to the Governor's approval. I do not think the Governor should enter it except to open it and on special occasions. Members of the Executive Council might have the right to call officials into its councils at their own discretion.

I should like to see the Governor nominate the fittest person he can find, whether inside or outside the Legislative Council, to preside over it. He himself should have a seat apart, from which he can constantly watch the proceedings, as a rule taking the chair only to announce when he cannot accept a resolution. He would thus be kept so far as possible outside the area of controversy, entering the scene only in a rather solemn way to discharge his responsibility of final decison against the opinion of the majority. Measures within the scope of reserved or mixed subjects should begin with the words "Be it enacted by the Governor," those on transferred subjects "Be it enacted by the Governor by and with the advice of the Provincial Assembly." Indians will thus know whose fiat they are obeying in each case.

On the kindred matter of the joint or separate purse, I will here quote what I wrote to the Drafting Committee:—

"Nowhere is this maxim (beware the pitfall of concurrent jurisdiction) more important than in the sphere of revenue, for defects of government have a way of revealing themselves in terms of finance. Where you have two collateral authorities it is vital to define their several responsibilities, and it is largely by distinguishing their respective resources that this definition is achieved. If limited functions are assigned to an authority with a separate mainspring, it is of vital importance to see that the resources upon which that authority can draw are limited with equal or even with greater accuracy. And this is of cardinal importance where the mainspring is electoral, and especially when, as in this case, the authority to which all other powers and resources are reserved is not also responsible to an electorate. The whole art of responsible government is achieved by the hard process of learning that you cannot have the moon by crying for it, that the ends you desire must be accommodated to your means. Nowhere can this hard lesson be learned so pointedly or so quickly as in the field of finance. What would happen indeed if no definite resources were assigned to Municipal or District Councils, and if they and their electorates were left to feel that their annual programme was only limited by what they could squeeze out of the general Government? The main value of the system, as a school of responsible government, lies in its efficacy in making the municipal electorates see that their programme of public services must depend on the sacrifice they are prepared to make in their private resources.

"In passing, it is worthy of remark that those who denounce dyarchy as impossible usually advise as an alternative the complete responsibility of Municipal and District Councils. They overlook the fact that this is itself an example of the dyarchy on a smaller scale. In the case of Municipal and District Councils the problem has been solved by a method well

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well known in India as settlement, an example of which will be found in the so-called contracts made in 1914 between those bodies and the Government of the United Provinces. The term and the method by which they are made are alike drawn from the experience gained in distinguishing the resources assigned to the provinces on the one hand and to the Government of India on the other. The origin and evolution of these quasi-permanent settlements between the India and Provincial Governments is described in the fifth chapter of the Report. Up to 1861 all revenues whatsoever were credited to the Government of India. That Government doled out what it chose to the provinces. The provinces wrung what they could from the Government of India. We are told on the contemporary authority of Sir Richard Stracey that "the distribution of the public income degenerated into something like a scramble in which the most violent had the advantage, with very little attention to reason. As local economy brought no local advantage, the stimulus to avoid waste was reduced to a minimum."(*) The officers who scrambled and showed violent unreason and so little zeal to avoid waste when placed in this position were all the highly trained and educated British subordinates to the Secretary of State. Yet that is the very position in which the Report now proposes to place the Executive Councillors and Ministries, the one mainly European and responsible to the Secretary of State, and the other Indian amateurs in government responsible to an Indian electorate. The rich experience of India in the need for and methods of making such quasi-permanent settlements is set aside. The functions assigned to the Ministries are to be determined on the advice of Commissions directly responsible to Parliament, and to be revised from time to time by the same machinery. But not so the resources to be assigned to them. Those are to be left to an annual scramble between the Executive Council and the Ministers which must develop into an open conflict between the Legislative Council, a conflict which can only be resolved by the personal fiat of the Governor. But the Governor will already be identified with the apportionment framed by the Executive Council. It is no rash prediction that under this system every Governor will have every year to use his extraordinary powers to overrule not only the Ministers but also the Legislative Council. He is placed in the cruel position of having to decide once a year an issue to which he is a party, in a manner which touches popular feeling at its most delicate point. Every year his justice will be impugned. He will be made the target of public execration in the Legislature, on the platform and in the Press. This does not matter to a periodic Commission appointed by the Secretary of State. They have no personal interest in the division of the revenues, and no permanent authority to be weakened by personal attacks.

"A more potent device for embroiling the two authorities with each other, or for antagonising the British Government and the Indian electorate, can scarcely be imagined. But an even worse feature of the system is its tendency to distract Ministers, legislators and the electorate from the business of self-taxation. Their energies will be directed to squeezing the Governor and his Executive Council. The proposal is one which puts a premium on leaders with a genius for baiting the officials. I have said elsewhere, and I take this opportunity of affirming, that Indian electorates, legislators and Ministers will not begin to learn the elements of responsible government until they have acquired the habit of taxing themselves.

"The arguments in paragraph 256 against the obvious expedient of periodic settlements framed by an authority independent of both parties are perhaps the least convincing in the whole Report. Strangely enough, it admits that "the transferred services are generally those which stand in greater need of development."(*) The converse must therefore be true, that it is much easier to say from experience what proportion of the existing revenue should be

* Report, par. 105.
† Report, par. 255.

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allocated to the reserved subjects. The problem presents no greater difficulties than those which had to be faced in framing the existing quasi-permanent settlements between the provinces and the Government of India.* To effect a final and complete separation between Indian and provincial finance as proposed in the Report is a far more formidable task than to make periodic divisions of revenue correlative to the reserved and transferred powers. In section 210 it is contemplated that certain sources of new taxation must be appropriated to the provinces. These should, of course, be divided between the Executive Council and the Ministry. Both Executives should be made to feel that they cannot exceed their fixed assignments without having to face the ordeal of proposing new taxation.

"For reasons which are not touched upon in this Report, the want of elasticity in provincial revenue in regions where the permanent settlement does not obtain is, I believe, greatly exaggerated. In 1812 90 per cent. of the unearned increment accrued to the State. In the course of the last century the proportion of the unearned increment collected by the State has been steadily reduced until it is now less than 50 per cent.

"But this is not all. Where the produce of the land has increased since the last settlement by more than a certain percentage, the Settlement Officers are instructed by the Revenue Department of the Government of India to cut their assessment down to a certain figure. I was assured by one Settlement Officer that, acting under the orders of this Department, he was obliged to sacrifice lakhs of revenue which would have accrued to the State had he been free to place a full and fair valuation on the land.

The amount of revenue which would otherwise have accrued to the State has thus been reduced by the Revenue Department of the Government of India in two ways. In the first place, the proportion of the net assets collected has been reduced from time to time from 90 per cent. to less than 50 per cent. In the second place, where the increase in value has been exceptionally rapid it has been written down in the books of the Government. The annual loss to the public revenues must have amounted to very many crores of rupees. I doubt whether the benefit has in any sensible degree accrued to the classes who actually cultivate the land. Broadly speaking, it has gone to swell the rentier class of non-producers. In the ryotwari districts the produce of the land is in theory divided between the cultivator and the State. The reduction in the proportion of revenue taken by the State has been so great that the former ryot has in many cases been able to sublet his holding to another cultivator, the rent sufficing to support him in idleness after he has paid the amount due to the Treasury. In Madras I am told these ryotwari tenures are freely purchased as investments by Vakils, Banias and men of means who have no idea of cultivating the land themselves. They freely change hands in the property market. In so far as this happens, the intention of the ryotwari system, as devised by Munro, is defeated. Through the steady and progressive reduction in the proportion of revenue collected by the State, a middleman, revenue collector, or landlord, indistinguishable in practice from the Zemindar, has slipped in between the cultivator and the Treasury. The system of ryotwari is, in fact, degenerating into that of Zemindari.

"In reading the minutes of the Revenue Department of the Government of India, one gets the impression that its chief concern is to keep down the revenue. The reason lies in the consciousness on the part of alian rules of their own weakness in governing a people even so submissive as those of India. As Lord Cromer said, such a system can only maintain itself at all by providing government on the cheapest possible terms. Hence the policy of keeping down the revenue collected from land to the lowest possible limits has become the fixed tradition of the Revenue Department.

"These vast remissions of revenue have not been made by Parliament. It would be interesting to know

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know whether the successive reductions were actually ordered by the Secretary of State or after full consideration in Executive Council by the Government of India. One would scarcely be surprised to find that the pressure on settlement officers to keep down the valuations originated only in minutes from the Revenue Department. But certain it is that they have not been made by any Legislature, nor as the result of any discussion in open debate. In this matter the Government of India, with or without direct orders of the Secretary of State, has acted in its capacity as the ultimate landlord of all British India which is not permanently settled, and also as a landlord of the most indulgent kind. These vast remissions of revenue have been made by virtue of orders issued in the privacy of the Revenue Department of the Central Government.

"The signatories to the Report advise that the whole proceeds of the land revenue should now be transferred to the Provincial Governments. In examining the arguments against this course, they say: We are told that in the days of dawning popular government in the provinces, it would be well that the Provincial Government should be able to fall back on the support of the Government of India (as, if the heads were still divided, it would be able to do) when its land revenue policy was attacked. But it is just because divided heads are not regarded as merely a financial expedient, but are, and so long as they survive, will be, viewed as a means of going behind the Provincial Government to the Government of India, that we feel sure that they should be abolished. We propose therefore to make land revenue, together with irrigation, wholely provincial receipts. (*).

"From these words their intention must be understood to be that in future the Revenue Department of the Government of India, which has hitherto dictated the land-revenue policy of the provinces, will, in future, have nothing to say to it. With this conclusion I broadly agree, but the treatment of the problem is scarcely equal to its gravity. There is vastly more in the land-revenue policy of India than the mere collection of money, and one cannot but feel that the main issues involved should have been set out. It is the standing defect of official papers in India that they are written by experts for experts, who are presumed by the writers to be fully cognisant of the system as a whole, with all its implications. They resemble financial disquisitions written for bankers by bankers. The great merit in this Report is that so little previous knowledge is required in the readers. But the passage under discussion is an exception, and I do not feel sure that its authors quite faced the issues for themselves. I propose therefore to raise a few questions which suggest themselves to one with a cursory knowledge of this most technical subject.

"To begin with, are there no limits to the devolution of authority which can be delegated to Provincial Governments in the matter of land revenue? The devolution proposed is, of course, to the Governor-in-Council of the province, and not to the new popular governments, and the control of the land revenues is presumably one of the last functions which would be transferred to elective authorities. But is the Governor-in-Council to have power to commit this province to the permanent settlement? We have only to look at Bengal to see how disastrous the step would be, not merely on financial grounds, but still more to the social condition of India. But no step would appear to be more popular, for the reason that those who would profit by it are so large a part of the relatively small class who have formed and can express a public opinion. And let it be realised that to decide this question now is to take the decision for ever out of the hands of electorates large enough to speak for the people as a whole, such as it is hoped will in time be brought into existence. Essentially the question of the permanent settlement is one not to be touched until India is ripe for full responsible government.

"There are limits, therefore, to the freedom in the land question which can be afforded to Provincial Governments at this juncture. If, however, the quota due to the Government of India be made a first charge on provincial revenues, the limits may be wide. But in what form are the Provincial Governments' orders to the officers assessing and collecting the revenue to be put? In a pure bureaucracy it is a national characteristic that many matters of high policy should be settled by executive minutes, which in self-governing countries no one would think of settling except in an Act of the Legislature. In India, for instance, there are no Education Acts. These delicate issues are all decided in executive resolutions. The substitution of laws passed by the Legislature for minutes passed by executives is one of the changes which will mark the progress of India from pure autocracy to responsible government. And this must surely begin in the realm of finance, even in matters reserved to Executive Councils. I have urged the unwisdom of leaving the division of revenues between the Executive Council and Ministries to an annual wrangle, and have argued for settlements made by a Commission independent of both. But the settlement can only be periodic, because further functions are to be transferred from time to time. The share of funds available for transfer will largely depend upon the yield of the land revenue. There is every reason, therefore, in favour of encouraging the Legislative Councils to discuss the instructions to be given to settlement officers upon which the growth of the main item in the public revenues depends. Such discussions will soon teach the councils and electorates that there are two sides to the question, and that further alienation of the public rights in favour of private landowners can only take place at the expense of the interest they represent. Here is an excellent example of the real process by which India can be prepared for responsible government. I would urge, therefore, that in future the land-revenue policy of the Provincial Government should be expressed in legislative form."

In a study of the land-revenue system which I hand in to the Committee, I have produced evidence which suggests that in comparison to its wealth, no other great country is so cheaply governed as India. Personally I think India has seriously suffered from this over-cheapness, more especially in the sphere of education. I am convinced that no economies which can be effected in reserved subjects will supply a fraction of the fund necessary to educate India. The steady reduction in the percentage of increment taken by Government from the land proves that the fund is there. But it will never be really tapped except by self-imposed taxation, and this is one reason why I feel no time is too soon to place the whole burden of education frankly in the hands of governments responsible to electorates.

The Committee will note that I am merely endorsing the view expressed by Mr. Aiyar (p. 90, col. 1.).

I well know the dread with which Indian Nationalists regard the prospect of having themselves to impose taxation. It appears in every line of the 8th and 9th sections of Sir Sankaran Nair's minute of April 16th, 1919 (176). The Sanjiwani in Calcutta cried out against the Joint Address on its first appearacne that "This plan of leaving to Provincial (State) Governments certain specific powers of taxation would make such Governments unpopular." I know it, and my Indian friends will bear with me if I repeat what I have said to them from the outset, that the first green blade of responsible government will be seen rooted in Indian soil when an Indian ministry is found to face this unpopularity. Such men may fall. They will fall to rise again. But it is well-nigh impossible for ministers to come to this point so long as you enable taxpayers to say that had Ministers done their duty they would have wrung it out of the reserved estimates.

I happen to be able to bring a little first-hand experience to bear on this question. When I first took charge of the department which dealt with local authorities under the Crown Colony Government of the Transvaal I found they were mainly dependent on Government grants. Their whole energies seemed directed, not to administration, but to clamouring at the

* Report, par. 203.

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the doors of the Department. Their total demands added together would soon have reduced the Government to bankruptcy. They seemed to have no kind of interest in economy or self-help. I persuaded the Government to fix their grants on definite principles and give them a system of local taxation. The change which occurred when they recognised that this was final was remarkable. Instead of holding out their hands to the Government in every little difficulty they turned-to to set matters right for themselves. But what was even more striking was the improvement which took place in their relations with Government. The moment their resources were defined they ceased to spend their breath on execrating government, and mutual relations became as amicable as they ever are between a government and local authorities.

I entirely agree with Sir Stanley Reed and Sir Frank Sly that the Executive Council and Ministers must be each responsible for raising additional revenues required for their own schemes, and that each must have powers of taxation of its own (q. 5225-30, 2232-3, 2327 and 2332). I also agree with Sir James Meston's view (p. 392, col. 2) that the effect of the joint purse will be "that into the hands of the popular half of the Government there is placed, through their handling of the purse-strings, a very large measure of control over the policy in regard to subjects which are not under their administrative control, and consequently for which they are not responsible. Now that seems to me the bare, naked issue which has to be settled." The justice of this remark will be seen by reference to Mrs. Besant's words (p. 74, col. 2): "The Budget should be presented as a whole to the Legislature, whose resolutions, as said, should be binding." This is but another illustration of my general criticism of the Joint Report that the principles of the Congress League scheme, that of giving to popular legislatures control without responsibility, is reintroduced by a number of side tracks into the handling of reserved powers, despite the unqualified condemnation it received in the earlier chapters of the Report.

I hope the Committee will at any rate insist on the proposal mooted by Lord Sinha (q. 283), by Mr. Montagu (q. 404) and supported by Sir William Meyer (q. 6884) and by Mr. Feetham (q. 2370) "to provide machinery whereby a separate purse could be adopted in any province on the initiative of the Governor." I have no doubt whatever what the result will be. I would strongly urge that that machinery should consist of a commission appointed by the Secretary of State such as that over which Lord Southborough presided. Behind this recommendation is a question of policy. You do not, in my opinion, help the Indian Civil Service in their difficult work by imposing on them the task of shaping the final decisions which have to be taken by the Secretary of State or Parliament on constitutional questions. I feel that on the whole question of reform it would be better for the Cabinet to look to the Viceroy as their adviser, not the Governor-General in Council, leaving him to place before them the views of his Council together with those of Provincial Governments. In the Pronouncement of August 20, 1917, this was done. Had a final responsibility for reporting on reform from 1908 onwards been concentrated on the Viceroy personally, as it was on Lord Durham, I do not believe matters would ever have got into the tangle which needed a visit by the Secretary of State to India to unravel them.

The same principle applies to the shaping of constitutional settlements for ratification by the Secretary of State. The Committee will see my meaning if they will consider how little suspicion has been provoked or friction raised by the Southborough Committees. Contrast this with what would have happened if Parliament had left the Local Governments to shape franchises and lists of transferred subjects for their final approval. The state of suspicion and unreason aroused thereby would have aggravated the difficulties which the Local Governments have to face, and have prejudiced the prospect of the reforms. The distinction I am trying to draw between the functions of the Governments in India and that of the Home Authorities is closely analogous to that between the officers of the Navy

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and the naval architects. The officers ought to be consulted on every detail of the ships they will have to work. They ought not to be asked to draw the actual plans upon which the Sea Lords will have to decide. That is why I think it so important that periodic settlements of revenue when asked for by Governors should be examined by Committees like those of Lord Southborough, before ratification by the Secretary of State. The Executive Council and Ministers can both state their case to such committees, and when the settlement is made I do not hesitate to predict a marked improvement in their mutual relations.

My own view is that no real education in responsible government will begin until definite resources as well as definite functions are transferred. I therefore recommend the Committee to provide for a Committee to complete the work of the Feetham Commission after the first two or three years' experience has been gained. But the Governor's position will be rendered impossible unless he can obtain such a Commission on requisition.

11. Do you accept the position adopted in the Bill (Part ii) that the time has not yet come to give the Legislative Assembly a similar measure of Control over the Central Government as that given to provincial Legislative Councils over provincial governments? 12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature? (Clause 16.) 13. Do you accept the plan of a bicameral legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential? (Clauses 14, 15 and 16.) 14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature? (Clause 20 (3) and (4).) Or do you regard them as unnecessarily restrictive on the popular will, or as inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I think the working of dyarchy should be thoroughly tested in the Provincial Governments before any attempt is made to apply it to the Government of India. I approve therefore of this feature in the Bill, that all the functions of the Government of India are to remain for the present of the nature of "reserved subjects" upon which the Government has unquestionable power to pass the necessary legislation and obtain the necessary votes in supply. But before exercising these powers it should be exposed to the influence of representatives of all sections of Indians affected, and be able to listen to their views publicly expressed. British India contains upwards of 200,000,000 inhabitants, divided up into a large variety of sections, many of which can find no spokesmen in an assembly limited to about 94 Indian members at most.

All the objections urged against the use of the official *bloc* to force legislation through the Legislative Councils apply to the Council of State, and one of them with greater force. If elected members in the Assembly are to be overruled by Government, let its orders be issued openly and operate directly. I cannot conceive a more exasperating way of overruling the assembly than to do it by a secret whip issued to officials in another body. Continuous reliance on this mischievous expedient is a fatal hindrance to the enlargement of the Indian Legislature to a size needed to make it an effective organ of Indian opinion. By keeping down the number of members the difficulties of direct election are enhanced. Until the main body of the Indian Legislature is directly elected it is impossible to contemplate the transfer of any subjects to its control. Apart from its serious complications the Council of State involves using up a number of legislators whose seats added to the other body would provide more room for elected members. To continue indirect election is to foster the growth of corruption both in the Indian and Provincial assemblies. There is far more temptation to corrupt twelve electors than 12,000.

Another serious objection to indirect election by the Provincial assemblies is that as they always tend

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to elect from their own members, an election to the Indian Assembly precipitates a crop of bye-elections all over India. This did not matter under the old system. It may matter a great deal when Ministers' tenure of office depends on a balance of parties.

These complicated proposals suffer from the same defect as the Minto-Morley reforms, because they are based on the same principle. They are utterly inelastic. There is in them no capacity for development in the direction of responsible government. The moment you adopt the simple straightforward method of legislation whereby motions which the Viceroy cannot accept are rendered inoperative by his simple refusal, all these difficulties either vanish or are greatly diminished. The numbers can be fixed solely with an eye to enabling Government to hear the views of all representative sections in India. The constituencies can be proportionately reduced in size. In this context, however, I wish to say that it seems to me that far too much importance is attached to constituencies small enough to enable candidates to come into personal contact with the electors. That is scarcely a good argument for giving voters no representation at all, for half a loaf is better tha nno bread. And is it altogether a disadvantage that electors should have to judge less by the ingratiating manners of the candidates than by the issues they represent? Direct elections cannot be more unreal than these hole-and-corner elections of handfuls of legislators. The ungenuine character of these elections and their tendency to corruption have not, I feel, been weighed as against the difficulties of real representation. I see no insuperable obstacle in grouping the constituencies delimited for the Provincial Councils and taking as the franchise electors on the roll above the age of 30.

Judging from the evidence the Council of State has few real friends. Even the merit of popularity cannot be claimed for it. As an organ to register the Government's will I have already discussed it. As a revising chamber, Mrs. Besant was against it, on the ground that what India needs is quickening rather than retarding influences (p. 73, q. 13). The fate which has met the efforts of Indian social reformers in the Viceroy's Legislative Council fully justifies that remark. I see no case for introducing this highly artificial arrangement at a stage in reform when simplicity is itself a ruling consideration—the simplicity which alone will enable simple minds to see how the machinery is operating.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—In the light of experience thrown by the conduct of this war, in the making of peace, and from all that I saw in India, I am convinced that final and supreme decisions of Government should never be left to professional officials. The system under which a Viceroy can be overruled by his officials is a survival of conditions in company days, now long obsolete. I should like to see the provision changed whereby the Viceroy can be overruled by a majority of his Executive Council. I think that the final decisions whether to accept or reject motions carried in the Assembly should rest with the Viceroy personally. As to the exact number of official advisers he should have under these conditions I have no opinion to offer

16. Do you think that the development of Provincial autonomy on the one hand, and self-government in the Provinces on the other, involves any modification of the provisions of Section 2, 33 and 45 of the Government of India Act (Clause 23)?—This is a technical point upon which my opinion is valueless.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress, by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Yes. My reasons are given above, when explaining why I think that the revenues, as well as the functions of the Executive Council and Ministers respectively should be assigned by a committee like the South-

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borough Committees appointed by the Secretary of State.

I earnestly hope that Parliament will permit no further transfer of powers except on its own authority signified in the report of a Commission appointed ten years hence under Clause 28. The attention of India will not be concentrated on administrative work so long as the door is kept open to constitutional agitation. If the success of such agitation depends on the Government of India, the relation of Indians with the Government are certain to be embittered. The provision by which electorates and their representatives are given ten years in which to try their hand at responsible government within a limited sphere, and that the results of their work are to be judged by Parliament itself before making any further extension is in accordance with the terms of the Pronouncement of 20th August. It is eminently calculated in my opinion to accelerate the progress of India towards responsible government.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I think there are several matters such as those involved in instructions to Governors which cannot properly be embodied in the Bill, upon which Parliament should pronounce in the form of resolutions drafted by this Committee. This is especially so where the Committee find reason to differ from the policy outlined in the Joint Report.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of India Affairs?—I have already recorded my opinion against continuing the system of indirect election for the Indian Legislature, and shown that it is not necessary if control of Indian legislation by the Government of India is based on straightforward methods.

The reasons of the Functions Committee for the transfer of higher education seem to me conclusive.

I agree with the Majority Report of the Committee on the Home Administration of Indian Affairs, that the responsibility now vested in the Secretary of State in Council should be vested in the Secretary of State individually, and that he should have an Advisory Committee.

I cannot understand the objections to recruiting the staff of the India Office in future from the I.C.S. It seems to me an enormous advantage to the Indian civilian to be brought home for say five years, and an equally great advantage for the office to be staffed by men who know India and will return there. I think the change would go far to assist recruitment to the I.C.S. It would also help to neutralise the undoubted effect of a life spent in India to unfit able men for any other spheres of public service when they retire at fifty. It also makes it far easier to introduce to the India Office Civil Servants who are natives of India.

On fiscal matters I think it is of vital importance that Parliament should declare in terms that the Government of India is to frame the fiscal policy of India as it would if India were already a self-governing Dominion, and as though it were responsible to an assembly representing all classes of consumers in India. I do not mean that it should be bound by an assembly which cannot as yet fulfil that condition.

I can see no possible reason why the cost of the India Office should be saddled on the British taxpayer, except on the principle that India is to be governed for the benefit of the British taxpayer. On the same principle I consider that the cost of that part of the Colonial Office which is charged with administering the Crown Colonies should be distributed amongst those Colonies. The British Commonwealth is a world State, and the principle of locating on the British taxpayer every charge which anyone can find an excuse to evade must stop some time, or the whole system will collapse through bankruptcy at the centre,

SCHEDULE OF RECOMMENDATIONS.

A.—SUGGESTIONS IN MR. CURTIS'S STATEMENT, EFFECT TO WHICH MIGHT BE GIVEN BY AMENDMENTS TO THE BILL.

(1) In the preamble, omit all words down to and including the word "such" in line 6 and substitute the following words: "Whereas with a view to increasing the association of Indians in every branch of Indian Administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire, it is expedient that substantial steps in this direction should be taken, and whereas progress in this direction can only be achieved by successive stages;

"And whereas the time and measure of each advance can alone be determined subject to the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in Parliament assembled, on whom the responsibility lies for the welfare and advancement of the Indian peoples;

"And whereas such advice and consent must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility;

"And whereas concurrently with the gradual development of self-governing, etc.

(2) That the Bill be amended in such manner as to admit of the constitution of two sub-provinces in Assam.

(3) That approval be signified to the principle of reserving permanently to Imperial control a tract separating the northern frontiers of British India from foreign and native States by inserting the words "or frontier" between the words "backward" and "tract" in Section 12 (2), line 12.

(4) That approval be signified to the principle that salaries of Ministers should be fixed by the Legislative Council by substituting the words "Legislative Council" for the word "Governor" in Clause 3 (1), line 36.

(5) That with a view to helping electorates to recognise the difference between reserved and transferred subjects and to know where responsibility of executive and legislative acts lies the Bill be amended in such manner—

I. (a) That acts done by the Executive Council may be expressed as acts done by "the Governor in Council."

(b) That acts done by the Ministers may be expressed as acts done by "the Governor on the advice of his Ministers."

II. (a) That measures passed under reserved subjects begin with the words "Be it enacted by the Governor."

(b) That measures passed under transferred subjects begin with the words "Be it enacted by the Governor by and with the advice of the Provincial Assembly."

III. That the Legislature when dealing with the reserved subjects be styled "the Legislative Council," and when dealing with transferred subjects "the Provincial Assembly."

IV. That the Provincial Assembly be empowered to elect its own Speaker and frame its own Standing Orders subject to the Governor's approval.

V. That with a view to recognising the corporate responsibility of Ministers the words "the Minister in charge" in Clause 3 (3), line 42, be changed to "his Ministers," and in line 2, page 4, the words "the Minister" to "Ministers."

VI. That with a view to providing that in transferred subjects a Governor shall not depart from the advice of his Ministers, unless he is prepared to contemplate the resumption of transferred subjects to the category of reserved subjects, the words "owing to a vacancy there is no Minister in charge of the subject" be omitted from Clause 3 (4), lines 7 and 8.

(6) That the principle be recognised that as the Governor is finally responsible to the Secretary of State for all reserved subjects, his power of determining what legislation is necessary for the discharge of those functions must also be final, subject only to

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the Secretary of State, and that to give effect thereto the Bill be so amended as to provide that motions of any kind passed in the Legislative Council shall not take effect if the Governor announces that he cannot accept them; and, consequential thereto, that officials may sit but not vote on the Legislative Council.

(7) That provision be made in the Bill that after two years a Commission shall be appointed to separate the revenues and powers of taxation to be allocated to the Executive Council and Ministers for their respective functions, such settlement to be revised periodically by the Commissions appointed under Clause 28, or alternately.

That the Governor be empowered to demand the appointment of such a Commission after two years.

(8) (a) That in all India legislation the Governor-General be given the same powers as those recommended in (6) for the Governors.

(b) That the Council of State be not created.

(c) That a number of elected members at least equal to the Council of State and the official members in the present proposals be added to the Legislative Assembly.

(d) That the Secretary of State be empowered to make regulations to give effect to these changes, and for the direct elections of all elected members.

(9) That section 41 of the Government of India Act, 1915-16, be amended in such manner as to provide that the Governor-General is not bound by the opinion or decision of a majority of his Council in any matter whatsoever; subject, however, to the existing provision of sub-section (3) that any two members may require that their dissent from the Governor-General's decision may be reported to the Secretary of State, together with copies of any minutes which the members of Council have recorded on the subject.

(10) That no charge be made in the allocation of the charges for the Secretary of State for India and his office, but that the Indian Budget be discussed at an earlier stage of the session than is now the practice.

B.—SUGGESTIONS IN MR. CURTIS'S STATEMENT, EFFECT TO WHICH MIGHT BE GIVEN BY RESOLUTIONS OF PARLIAMENT.

(1) That any clear request by a majority of members of a Provincial Legislature representing a distinctive racial and linguistic territorial unit for its constitution under Clause 12 of the Bill as a sub-province may be taken as *prima facie* case, on the strength of which the Secretary of State may appoint a Commission of Inquiry.

(2) That whenever a Governor has exercised his power to resume direct control of transferred subjects a Commission of Inquiry be appointed by the Secretary of State to inquire and report whether such resumption was necessary, and if so, for how long it should be continued.

(3) That members of the Indian Civil Service should not be ordinarily appointed as Governors of scheduled provinces other than Assam, unless for a period of three years they have held high office in or served in the Legislature of some self-governing part of the British Commonwealth.

(4) That the Governorships of all these provinces should be approximately assimilated in respect of emoluments, status and dignities.

(5) That the staff of the India Office be in future recruited from the Indian Services.

(6) That the Government of India be instructed to regulate the fiscal policy of India on lines such as they conceive would be followed by a Dominion Government responsible to all classes of producers and consumers in India.

9140. Would you explain to the Committee the circumstances under which you went to India and made a study of these questions, and of the opportunities you had of study?—Before I answer that question may I mention one correction? Owing to the strike, and one matter and another, I had to finish this rather hurriedly and was not able to see all the proofs. I have sent the clerk a correct edition of the two schedules of recommendations, but he tells me that he will not be able to circulate it till to-morrow. I would like to ask the Committee to disregard the one circulated and attend only to the one in print. I allude in the course of my statement to the circumstances which

Chairman—continued.

which took me to India. It was my business to study, for the sake of the round table groups in various parts of the Empire, the relations of India to the various self-governing dominions and this country, and knowing nothing about India at first hand I asked a number of friends, half a dozen or so who had life-long experience of India, to meet me once a fortnight and answer my questions. It was in the course of those discussions that I came to the conclusion that the course which reform had taken since 1909 was not one which was capable of further development, that, in other words, we had got on the wrong track. Then I felt, and my friends felt, that it was impossible to produce any studies of the subject which deserved the consideration of these groups scattered all over the Empire unless one examined the problem on the spot, and it was for that reason that I went out to India at the end of 1916.

9141. When in India you had an almost unlimited opportunity of discussing these questions with members of the Civil Service, with Europeans engaged in other work in India, and with Indian gentlemen?—I had every opportunity which a man who does not speak the vernaculars could have.

Lord *Sydenham.*

9142. I think you have said in your book that we have got to learn to look on while Indian electorates hurt themselves?—Yes.

9143. Do you really think that that is possible, so long as we have any responsibility for the welfare of the masses of India?—Yes, provided that the process is kept within limits compatible with the stability of the whole political structure.

9144. To take a case of which we have heard, if it was found that the hereditary lands of the cultivators were passing rapidly into the hands of moneylenders and townspeople, could we in a case like that look on and do nothing?—That is surely a hypothetical case. It is not proposed under this Bill to transfer that subject to the control of the elected bodies. At least if it is proposed to transfer it to the control of the elected Legislatures, I personally, should be against it at this stage. But as I understand it the Bill does not propose that.

9145. I put only a hypothetical case. Is it not quite possible under the system which is proposed in the Bill that measures might be taken which in British opinion would be hurtful to the masses in such cases? Do you think we can look on?—It is undoubtedly possible, that measures may be taken which will be hurtful to the masses, and unless within limits we are prepared to look on, I think we had better withdraw the pronouncement of the 20th August, 1917.

9146. What is going to be the view of the masses who may feel what you admit is possible, if they see us looking on and doing nothing to help them?—My hope and belief is that they will come to help themselves.

9147. But I think you will admit that that must take a considerable amount of time and a considerable amount of education?—It has in this country

9148. Now, have you ever been in a position in which you were responsible for the welfare of a large number of people?—I have been permanent head of a department in a Crown Colony and for a short time acted as the political head

9149. Then perhaps this kind of responsibility, to which I have referred, has not yet been brought home to you as it has to some of us?—I cannot answer that question.

9150. In your scheme originally you devised a diarchical system which was based on subjects transferred to subordinate Provincial Governments?—Yes.

9151. And the transferred subjects, as proposed by the Subjects Committee, were largely those that you transferred to those subordinate bodies?—I think so.

9152. Could you say what would be the relations between those subordinate bodies administering these transferred subjects and the Provincial Governments themselves?—I think the relations in the proposals put forward in what is known as the Joint Address would be very closely analogous to the relations which might exist if in this country it were proposed to devolve a number of powers from the Central Government and Parliament on subordinate Governments for England, Scotland, Wales, and Ireland.

9153. Then I take it that your proposal was different

Lord *Sydenham*—continued.

entirely in principle and in operation from creating a diarchy in the Provincial Government itself?—Yes and no. As I have explained in my statement, the first form in which I circulated these proposals for criticism was very closely comparable to the proposals contained in the Joint Report. They were circulated in a letter which I addressed to my friend Mr. Bhupendra Nath. Basu.

9154. Are you now in favour of making this division at the head centre of the Government of every Province?—I have said in that statement that if I were in the position of the Secretary of State now, considering the position created by this Bill which has been placed before Parliament, I should not myself go back at this stage to the proposals I made in the Joint Address. I should have substantial alterations to make in the Bill as it stands.

9155. You do feel all the many grave difficulties, and even evils, which this division of responsibility at the headquarters of the Government must create?—Yes, I see difficulties. I think the difficulties and dangers would have been less under the scheme which I subsequently helped to draft in the Joint Address, and my own conviction is that over a great part of India you will eventually get back to that. The position being what it is now, I should not recommend this Committee to alter the Bill by redrafting it on the lines of the Joint Address.

9156. You do see that it is this dual system alone which threatens the existence and the efficiency of all the great public services of India?—No, I do not think so.

Sir *Henry Craik.*

9157. Could you explain what you mean by saying you think eventually you will come back to the system of the Joint Address in time from the dual system? I think you said that?—Yes. My own forecast is that in many parts of India the moment people get a system of responsible government——

9158. A dual system?—Yes. The moment they get the system under this Bill, and appreciate what responsible government means, you will have growing up a demand from racial and linguistic areas, such as you have got especially in Madras, for a sub-division, so that they can have Legislatures in which they can to a much greater extent conduct their public business in their own vernacular. I may be wrong, but that is my forecast, and I do not hesitate to put it on record.

9159. Supposing the system of relations between reserved and transferred subjects went on a certain number of years, in which there was great responsibility and independence in regard to transferred subjects, how are you to change that into this system of smaller divisions? Are they still to have transferred and reserved subjects, or are they to be entirely transferred in those small divisions?—There is a clause in the Bill which contemplates it.

9160. And you think that that will be the historical direction?—Yes, and that is why in my statement I have laid so much stress on the matter, as I see it, of this Committee laying it down that when an area like Sind demands separation, that is a prima facie case, and that you have not got to wait for a majority of the Bombay Legislature to demand the separation of Sind in order to have a prima facie case.

9161. In your opening statement you say that you do not think that the Government of India at present should be submitted to this change, this dual system?—I do not think for the first ten years experiments with dyarchy should be tried in the sphere of the Government of India.

9162. You say that that can only come when the Indian people are ready to take up home defence?—No, not at the beginning. I say complete responsibility can only come when the people of India are ready to take up their defence.

9163. But then you contemplate ultimately—I have read your statement carefully—that the defence of the frontiers should be in the hands of the British, that there should be a line, however narrow, a strip of land from one end to the other across from west to east, and that that should be in the hands of the British?—It should be in the hands of the Imperial Government; but my view is that Lord Curzon's policy, which was initiated in the creation of the north-western frontier Province, ought to be continued

Sir *Henry Craik*—continued.

eastwards right across, and that it should be permanently recognised that the frontier of India is not merely an Indian frontier, but is an Imperial frontier.

9164. Is not that the defence of India?—Yes, but it is also the defence of the whole British Empire.

9165. Are they taking up the burden of their own defence if the defence is to be entirely in the hands of the British Government?—Then I have expressed myself badly. My intention was that the burden of defence ought to be contributed to by every part of the Empire, notably including India.

9166. With regard to the dual system, I think your opinion is that the dual system almost necessarily leads to a separate purse?—I think so, yes.

9167. You contemplate that there should be not so much unity in the Government, but you think the dual system will lead to two parallel lines of government, responsible each in their own sphere?—I think so.

9168. And that that responsibility should not be cloaked or camouflaged?—Yes.

9169. That is the spirit of your criticism?—Yes.

9170. And you think it involves further, as a part of its system, a separate purse?—I think so.

9171. You think that separate responsibility is not consistent with a joint purse?—That is my view.

Lord *Brodrick* (Viscount *Midleton*).

9172. As I read your paper, your view of establishing diarchy was based rather on the idea that there would be a fairly rapid further transfer of subjects to popular control?—I cannot penetrate the future. I hope so.

9173. Supposing you had been considering the matter from the point of view that any transfer made is experimental, would you have been satisfied to retain the present form of government for a large number of subjects and to transfer certain others as an experiment?—But I understand that is what the Bill proposes.

9174. Have you looked upon these subjects transferred as only forerunners of many others? You have adopted diarchy?—Yes.

9175. Would you have done so equally if you did not think they were going to be the forerunners of the transfer of others?—No, because I have no use for a scheme which does not visibly lead to the goal pointed out in the pronouncement of the 20th August.

9176. All your papers seem to me to regard your own proposals as being experimental. Let us put one test. You are in favour, I think, of transferring sanitation and education to the popular body?—Yes, I am in favour of it, because a Committee appointed specially for that purpose, after taking exhaustive evidence, has gone into it and recorded that as their opinion. That, in my view, is a very much better opinion than any I could offer.

9177. You think the most important thing is to educate the electorate?—Yes.

9178. You say a most important point in the education of the electorate is their becoming responsible for raising revenue?—Yes.

9179. Do you think that a popular body would be willing to raise the enormous additional revenue necessary, say, for compulsory education?—Certainly not to begin with.

9180. We have just heard evidence that a very large amount is required to be done for sanitation. Do you think a popular body would be ready to raise a large additional revenue for sanitation?—I think that the lesson which I hope and believe will be learned will be learned much more quickly over education, because India, as I judge it, is much more greedy of education than of sanitation; and the lesson which I hope and believe the electorates will learn within a measurable time will be that if you wish for education you must find the revenue to pay for it.

9181. In the meantime is it possible that in some provinces we may halt very much, or may even go back?—Quite possible.

9182. You are willing to face going back for the advantage of educating the electorate in self-government?—Provided always that if the retrogression is such as to endanger public order, or the whole polity in India, the Imperial Government means to resume a trust which has not been justified.

Lord *Brodrick* (Viscount *Midleton*)—continued.

9183. Then you would realise, with that proviso, that you must keep all powers connected with public order in the hands of the Governor and the Governor-General?—Of course, the ultimate responsibility for order rests in the hands of the Governor-General, but it is as a matter of fact delegated to the Provincial Governments.

9184. I think you used the word "resume." It is very difficult to resume powers which you have given up, is it not? It is easier to retain powers and to delegate them when you have got greater certainty?—Yes, it is; but if you do not mean to do that I should not go on with this Bill.

Chairman.

9185. Lord Midleton is asking you about law and order?—Yes, because the administration of education might easily involve the whole question of law and order. If the Provincial Ministry, after forewarning by the Governor, insisted on a measure which led to a complete breakdown of law and order in that province, then I say you have no choice but to resume the administration of education and wait for a considerable period before you can try the experiment again.

Lord *Brodrick* (Viscount *Midleton*).

9186. Would not a half-way house be for the Governor to exercise his veto over an extreme provision for education which he anticipates will break down law and order in the Provinces?—Personally my own view is one which will probably be thought by this Committee to be a very rash one. I should be against that, simply for the reason that it blurs responsibility. The more I see of government the more am I convinced that the most important of all principles in government is to know where responsibility rests. My view is that if the Governor confines himself to warning as to what he thinks will happen, coupled with a warning that in the event of that happening there will be a resumption, you are much less likely to get a breakdown of law and order.

9187. Under those circumstances, in the original consideration of what Bills Ministers should bring forward, you would confine yourself in the Cabinet discussion to warning Ministers, but you would not allow the members of the Executive Council who would sit with the Ministers presumably to over-rule them?—Exactly.

9188. You would give the Ministers full responsibility?—Yes.

9189. On the other hand, although I suppose reserved subjects, if the division is made in that way, would be similarly in some cases discussed in the Cabinet, the Ministers might give an opinion, but they would have no power of regulating them?—You have exactly stated my position.

9190. Does the result of all your experience in India make you think that, apart from putting on new taxes, the old taxes would be more rigidly enforced? You have pointed out the very interesting fact that the land revenue has been dealt with in the very gentlest manner. Do you think that the Councils would be inclined to be more severe?—I do not think so at first, but I think that in course of time they cannot do otherwise than discover that if you are to have universal education in India the only source from which it can be adequately defrayed is by taxation on the primary industry of the country, which is agriculture.

9191. If there is any danger of the Councils being largely representative of the towns, would there be any attempt on the part of urban members rather to overtax land revenues—to tax the rural members more?—I do not think my opinion on the point is very valuable, but I have noticed that a very large number of the class who are styled politicians, who are very largely barristers, lawyers, and so on, themselves have large land holdings.

9192. Do you think the country, the rural districts, will be better represented by following the system which Lord Southborough has laid down, or, where the question arises, by a larger communal representation?—Personally, if you are asking me a question on communal representation, I am against it on principle,

Lord *Brodrick* (Viscount *Midleton*)—continued.

ciple, for reasons which I have given in the little book I published; but I think my opinion on the question of franchise dealt with by Lord Southborough is quite valueless. I have not got sufficient knowledge of the stratification of Indian society.

9193. But you would be in favour, as far as possible, of procedure rather on Eastern than on Western lines in the franchise?—I think that communal representation is disastrous. I am sorry it was ever conceded. I think the best we can do now is to put a time limit and to make it clear that the whole question will be reconsidered by the Periodic Commission.

9194. When you say communal representation is disastrous, would not a communal member probably have a greater degree of responsibility to those who sent him than merely a man representing a district?—It is possible, but I think the whole system, as long as it lasts, is fatal to the upbuilding of the essential foundation of self-government in India.

9195. Is not the first thing you require for self-government to get the electorate really in touch with the member?—It is only one of many things. You may do it by means which are fatal to other aspects of self-government.

9196. Do you think that you are going to obliterate all racial difficulties and caste feelings by merely taking a district and saying that district must send a member?—I think that until you can do that you are a very long way from responsible government in India.

9197. There are two other little points I should like to ask upon. You have quite made up your mind, I gather, and you would rather that the Governor or the Governor-General, as the case may be, came directly with his veto, where he has to do so, on the Legislative Council, rather than have any intervening body which has to thresh the matter out a second time. You do not very much favour the Council of State and you are against the Grand Committee, I think?—Yes. I do not like the word "veto." I merely want to make the system which now exists what I call straightforward. What happens now is that the Governor or Lieutenant-Governor instructs his officials to vote down whatever motion is in front of the Council if he does not wish it carried, or to vote through whatever motion he does wish carried. All I contend for is that, instead of that if the Governor cannot accept a motion, including motions to negative business which he has submitted to the Council, the responsibility of saying so shall rest directly on him and be operative, without going through what I call this degrading farce of sending in British officials under secret orders to vote it down.

9198. Is there not a good deal of misapprehension in India both as to the amount that the Secretary of State interferes from here and also as to the degree to which the India Office retards business which might be transacted in India?—I cannot say; I have no opinion.

9199. With regard to the review of anything which may be done now, you lay down one point very clearly, that ten years ought to be the shortest time, so that people should address themselves to administration rather than to the consideration of new functions. You also say that you think there ought to be a second Feetham Committee in two or three years from now at the latest. Would not that defeat the very object you have in view in putting off the consideration? If the functions had to be reconsidered in two or three years would not that defeat the object you had in view in the other recommendation?—I think you have misunderstood me about the Feetham Committee. I should like to have seen Mr. Feetham's Sub-Committee entrusted with the duty not only of deciding upon what functions were to be transferred, but also on the duty of deciding what revenues were to be transferred. I think it was a pity that that was not done, and I think you will have to do it. Therefore I hope that a Committee will be appointed in two or three years time, when the position has been cleared up by some actual experience, to effect a division of revenues corresponding to the division of functions which has been made by the previous Committee.

9200. But at the time the Feetham Committee was appointed the Government of India had not suggested two separate purses?—No. I think that is the answer.

Lord *Brodrick* (Viscount *Midleton*)—continued.

9201. Consequently the question had not arisen?—No.

9202. But, subject to that, you would deprecate any disturbance of whatever is arrived at now for a fair period of years, so as to give it the chance of working?—Yes, I think ten years is a good period. I should be sorry to see the plant pulled up for the roots to be looked at in five.

9203. As a general question you would rather have a complete control by the popular Assembly of certain matters than that they should have a partial share in all matters?—Yes, certainly.

Mr. *Montagu.*

9204. Did your study in India lead you to form any opinion as to the method of levying enhancements of land revenue?—I am not quite sure what you mean by enhancements of land revenue, or exactly what the methods are which you refer to. The view I did form was this: The value of land, generally speaking throughout the world, is steadily and constantly increasing. From time immemorial the public revenues have been a first charge on the yield of the land. Our re-assessment is made in those parts of India where the permanent settlement does not exist—I think three times a century, every thirty-three years—and the results of that re-assessment, I believe, are always to show that the value of the land has risen. The consequence of that is that the amount which the landholder is called upon to pay the Government is suddenly raised. The conditions are, of course, extremely various; but if the value of the land and the rental, or of the revenue which the landholder is expected to pay to Government is raised, I presume that it is done because the officer who is making the assessment finds that that landholder is able to let, or is letting, his land for much higher rentals to the actual cultivators. Now when we began this system a Zemindar was then looked upon as a tax farmer; he was entitled to 10 per cent. of the revenue which he collected and handed over to the Government. He therefore handed over to the Government 90 per cent. We have drifted more and more into regarding him as a landholder, and in the course of a succession of years I understand that what was originally his commission of 10 per cent. has now been increased to 50 per cent., and in a great many parts of India, particularly in Oudh, to a great deal more, and that Government now certainly does not collect from those revenues more than 50 per cent. of what are called the net assets, which, as I understand it, you may roughly call the rental. Now by what order has that great reduction in the amount of revenue collected been made? As far as I can make out it was done by departmental orders from the Revenue Department of the Government of India. I have never seen the principles or the reasons for doing the thing submitted to any public discussion in any Legislature. I think that time for that has gone. I think that the time is coming, especially with all the demands which education is going to make on these revenues, when you have got to discuss publicly the reasons why you maintain or reduce the proportion of rental which you are going to pay to the State. I may say in my evidence I have put in a paper which I wrote in India on the subject.

9205. It is not a matter of very great importance, but I should be very glad to give you an opportunity of correcting an answer which you gave to Lord Midleton about the action of Lieutenant-Governors in instructing their officials to carry or to defeat a motion or resolution in the Legislative Council. You did not mean that to apply to Lieutenant-Governors, but only to the Governor-General, did you not?—Oh, no. As I saw business conducted in the Provincial Legislatures, when the Government did not wish to accept a motion or wished, against the elected members, to carry a motion, orders were issued to the officials to cast the necessary votes.

9206. Yes, but it requires qualification. There is the fact which has often been brought to you that in Provincial Councils there is not an official majority?—That is perfectly true, and I think the Government were often put to great straits, and I should say a very dangerous condition was produced, by their not having that majority.

9207. That is all I wanted. Now I want to ask you one question about diarchy in the Government of India.

As

Mr. *Montagu*—continued.

As I understand it, in your view the justification for diarchy in a Province is that it is contended on the one hand that the people of the Province are not sufficiently trained in electoral practice, habits, and institutions to make it safe to give them complete responsible government, and, on the other hand, that they will never become so except by a gradual transfer of responsibility. That is roughly it?—Yes.

9208. Now if you do not give any diarchy in the Government of India to-day, by the time that you begin to give it you will have had Provincial populations who have at least had some experience of the working of electoral machinery?—Yes.

9209. And, therefore, it is perfectly possible—I do not put it higher than that—that in your view diarchy, which you regard as necessary in the Provinces, may never be an intermediate step in the Government of India?—I suppose it is possible; I hardly think it is probable.

9210. Is it your view that the functions remaining to the Government of India, as opposed to the functions of the Provincial Government under Mr. Feetham's scheme, will remain roughly as he proposes for ever, or is it your view that they will diminish or increase?—I remember the view I came to on examining all the functions which were discharged by the Government of India on the one hand and the Provinces on the other was this, that by the time you came to complete responsible government you would have devolved a great number of matters on to the Provinces from the Central Government; but I remember distinctly I also formed a view that there were certain matters which were now transacted by the Province which would have to be directly transacted by the Government of India.

9211. Could you give me an instance?—Well, I think I am right in saying that the Customs, till lately anyhow, were collected by the Provincial Governments. Remember, when I was discussing this question I was contemplating smaller areas, and I foresaw that these smaller areas might cut through the middle of great irrigation schemes. Those irrigation schemes would then ultimately, if the old Province disappeared, have to go to the Government of India.

9212. Coming to your smaller areas scheme, if I recollect rightly, your sub-Provinces were to disappear when all the reserved subjects were transferred?—The very opposite—the existing Provinces were to disappear.

9213. Your sub-Provinces were to become Provinces?—Yes, certainly.

9214. Therefore, in amplification of your answer to Lord Midleton, would it not be fair to say that you might have your sub-Provinces formed, as you anticipate will happen, during the transitional period, or they might come into existence only when reserved subjects cease to exist?—Yes, it is possible. I doubt whether, when the last reserved subject is handed over, that at that particular juncture it is likely that the Government of that day would be able to undertake a general redistribution of Provincial areas.

9215. I have one last question to ask you, and I do it by way of making a statement, upon which I shall be very grateful if you will comment. Reading your Memorandum and your other books, and the Joint Report, I should be inclined to say that your opinion might be summed up in this way, that the Viceroy and I had got hold of a principle which you think is a good one, but had damaged it by modifying it out of deference to what we conceive to be public opinion and the opinion of people concerned in India, and that you would prefer to have little or no regard to what people say they want or think if it jeopardised the application of the principle, which you regard as a good one. Is that a fair statement?—Not quite. I should not quite accept your last words. It is a matter of degree.

9216. It is a matter of degree?—Yes.

(*After a short adjournment.*)

Lord *Islington*.

9217. Mr. Curtis, you have answered several questions already with regard to your proposal for sub-provinces. Now as regards the two you mentioned

Lord *Islington*—continued.

especially, Sind and Behar and Orissa, do you give those as illustrations, or do you give them because you regard them as the most conspicuous cases that should be dealt with?—As the most conspicuous cases and also the easiest, and I say the most conspicuous cases and also the easiest because I have in mind the conditions of Madras, where, as I understand, you have got four perfectly distinct languages and races territorially grouped, but I do not think them so easy to deal with at the present stage as Sind and Orissa. You have got the actual physical separation of Sindh from Bombay and Orissa from Behar

9218. I was not quite able to gather from the questions put to you whether you would make Sind a separate and distinct Province or whether it would be a subordinate Province with its own Government, subordinate in the main to Bombay?—Yes, I should make it simply a sub-Province with an administration of its own dealing with transferred powers.

9219. Would that form of administration you would propose as a sub-Province be a Government subordinate to the Central Government in Bombay, or would it have powers independent of the Central Government?—I hope the transferred powers would be independent, subject always to recall in case of abuse.

9220. Would you in the case of Sind put all the functions on the transferred side and make it a purely constitutional form of Government?—Certainly not; I think Sind is probably a backward part of India. I should leave the Governor in Council at Bombay as at present administering all the reserved powers in Sind, and simply hand over education, public works and agriculture to the local Government for Sind, which I submit is the natural and obvious thing to do if you look at the map.

9221. As regards Orissa, would you couple it with any of its adjacent areas or make it a separate sub-Province of Bengal?—I should certainly include in Orissa those fragments of the Ooriyas, say, in Madras and the Central Provinces.

9222. I meant in the case of Behar, but you are dealing with Orissa?—I should first of all remodel Orissa, because you have got a great many of the Ooriya-speaking people under other Provincial Governments. Having done that, very probably I should imagine the best plan was to leave things as they are and to leave the administration of the reserved powers in the hands of the existing Province of Behar and Orissa, unless you found it more convenient to hand them over to Madras or the Central Provinces.

9223. Handing over Behar on the other side to Bengal?—No, leaving Behar as it is, certainly not handing it over to Bengal.

9224. Leaving it as a separate Province of its own?—Yes.

Mr. *Montagu*.

9225. Just in order to make this quite clear, if I may interrupt Lord Islington, the Government would remain at Behar to administer the reserved subjects for Orissa, would it not?—Yes, as it does now.

9226. That is your scheme?—Yes.

Lord *Islington*.

9227. You put it in that way?—Yes.

9228. I gather from your note that in the case of Orissa you would incorporate a portion of Madras and the Ooriya territory and make that a separate province of its own?—I do not think it is big enough.

9229. Or else a subordinate province of Madras?—No.

9230. I just want to get clear the process you would go through. You lay stress with force in your note that if those matters are left to the Legislative Council as constituted the probabilities are, being constituted as it is, nothing in this direction would ever come about. Therefore am I right in saying that your process would be that an appeal should come from the district concerned, and upon that appeal the Governor would submit the case to the Secretary of State, who, in his turn, would send out a Commission to investigate the whole matter and report?—Yes, I should expect the appeal to come from the members of the Provincial Legislature, not from the area affected. In the case of Sind I have very little doubt, sooner or later, that the great majority, if not all, the members

Lord *Islington*—continued.

members for Sind would say: "We should like a separate sub-Province, and I think whenever they say so that should be a proper case in which the Secretary of State could act.

9231. His form of acting would be to send out a Commission to investigate and report, and if the report were in favour of this new demarcation it would be left to the sole discretion of the Secretary of State to decide whether we should give effect to it or not?—I think so.— If it was thought better to reserve it for Imperial Legislation that is possible, but, personally, I think it a matter which should be left to the Secretary of State on the advice of the Commission.

9232. Anyway the discretion would be at home here?—Certainly.

9233. One question as to your proposal of taking over this fringe for the protection of India: you only suggest a quite thin fringe?—Quite a thin fringe, except where you have got a district of British territory like Kuman. Of course a great part of the Himalayas are independent territory, like Nepal, or native territory like Kashmir. Where that occurs I think a thin fringe is sufficient. Sometimes you have got territory like Kuman, where you have already your barrier, and I do not think that territory ought to be handed over. It is perfectly primitive territory.

9234. But you include in this thin fringe of territory such places as Darjeeling, Rawal Pindi, and Sialkot?—Yes, for different reasons. In the case of Darjeeling you have very strong racial reasons. You begin with a totally different population and with a totally different life—the hill life as opposed to the plain life—and with a totally different religion—Buddhism as opposed to Hinduism and Mohammedanism. Your strip would naturally include Sialkot and Rawal Pindi, which has the enormous advantage that you keep your cantonments under Imperial control where they always ought to remain, my point, of course, being that the command of troops, whether British, Indian, or Dominion, along the frontiers of India should from first to last remain in the hands of the Imperial Government.

9235. It is a purely Imperial duty?—It is.

9236. How would you recruit your army for that fringe? You would have to encroach over the line, would you not, into British India?—Certainly. I should prefer to cross bridges when we reach them. There is no question at present of transferring the Army to the control of India, but what I am saying is that you can do with a stroke of the pen now, by reserving this area all along the frontier, what it will be very difficult for you to do ten, twenty, or fifty years hence. It is very easy at this juncture for Parliament to do it.

9237. You suggest really leaving an option to Parliament at some time in the future to do this, but not to give effect to it now?—No, I recommend that a strip of territory separating British India from Central Asia, from the frontiers of Burmah—which I do not regard as British India—to the west coast be reserved now and permanently, like the North-West Province. I merely suggest that the policy which is foreshadowed in the Report as applied to the North-West Frontier Provinces should be applied to a strip along the whole frontier.

9238. Involving, as it would I suppose, a new military organisation for the line to meet the demands?—Not until the distant date arrives when you place India on the same footing as Canada.

9239. The North-West Frontier, which is your example for this, does not pay its way, does it—the expenses attached to it?—I should think not.

9240. The military expenditure on the North-West Frontier far exceeding any revenues which are obtained from that Province?—Of course.

9241. And, of course, to a still greater degree you would have that difficulty along this thin fringe?—Yes.

9242. You spoke of the distant days of the future when India would be in possession of a responsible system of government?—Yes, I think there is to be some reconstruction which it is unnecessary——

Chairman.

9243. Just to make that quite plain, this would be an executive act. Should you suggest that this Committee should add the necessary words in this Bill that would give them the power to do so?—Not being a draughtsman, I take it the two words "or frontier" inserted at the proper place would imply an instruction given by Parliament to the Secretary of State to make this reserve. It is an executive Act. You ought to include that long strip in the schedule of reserved areas.

Chairman—continued.

Lord *Islington.*

9244. Can you suggest that that amendment of the Bill should be drafted in such fashion that it would commit the Imperial Government to that line of policy?—Yes.

9245. Just one or two questions as regards your interpretation of diarchy. You desire to see diarchy in a more emphatic form than that which is proposed in the Bill?—Yes, that is the whole tenor of my evidence.

9246. By diarchy you mean definite decision, do you not, on the part of the two branches of the Government?—Yes.

9247. Left exclusively to themselves?—My point throughout is instead of blurring to emphasise the responsibility of each branch.

9248. Would you under your scheme support the distinction, as you emphasise it, of a definite and distinct decision, along with the complete unity of deliberation prior to that decision?—Certainly. I want to see the Executive Council exposed to the utmost to the influence of the Ministers. I want the Ministers exposed to the utmost to the influence of the Governor and the Executive Council. That process having been gone through, I then want it to be emphatically clear that the decisions on the reserved subjects are those of the Governor and the Executive Council, and that the decisions on the transferred subjects are those of the Governor and the Ministers.

9249. Therefore, in regard to all the processes that take place up to that decision you would have unity of government as regards speaking and deliberating and discussing?—Yes, but I should imagine that very often in the last instance the Executive Council on the one hand and the Ministers on the other, would want to deliberate apart before making up their minds what their final decision was to be. I am perfectly sure they will do it in any case—you cannot prevent them.

9250. In an informal sense?—Yes, it will grow up. The Cabinet itself is informal; it has grown up in that kind of way.

9251. And you would desire it to be laid down as a practical convention that all matters which are of such a character that they are to be decided by deliberation as distinguished from merely departmental questions, should come before and be discussed by both branches of the Government sitting as a Cabinet?—Yes, I would wish that.

9252. Now you are very anxious to give, as regards transferred subjects, full control to the Ministers and the Legislature, and you go so far as to say that even if there were a danger of disturbance as the result of the policy or the carrying of it out, you would let that possibly proceed only with a warning on the part of the Governor as to what the result might be?—After the fullest warning and for the reason I have given; I think in practice you would have less chance of disturbance if it was understood that that was going to be the procedure; I think it would beget a sense of responsibility much more quickly in the Ministers than you would get under the other system.

9253. I take it you put that forward as a more effective preventive operation than the power of the veto on behalf of the Governor?—Yes, I think it is likely to be more effective in fostering the sense of responsibility, but I also think it is less likely to lead to disorder in practice.

9254. You think it more likely if such a procedure was put into force that the Minister and Legislative Council would restrain their hand on the warning and not carry it out?—I think it is more likely.

9255. It would be more likely to effect that purpose without friction than merely the cold veto on the part of the Governor; is that your purpose?—Yes, I think there would be less friction.

9256. You are running a greater risk, are you not?—I think you are on the surface, but my own view is that you are not running so great a risk for the reasons I have given, that I think that if Ministers really understood

Lord *Islington*—continued.

understood that if they produced widespread riots—let us say of the Mohammedans against the Hindoos—the Governor then would say, "You have had your warning. You have disregarded it. You have plunged the whole Province into disorder. You are not fit to be trusted with these duties and I resume them." I think if they knew that was going to be the procedure they are much less likely——

9257. They would restrain their hand?—Yes.

9258. What would be the result if they did not restrain their hand and that took place? Do you think you would find a happy atmosphere for resumption?—No, you would never have a happy atmosphere after disorder, but you would have a salutary warning to the other Provinces.

9259. The form of the procedure by which resumption would take place would be that Parliament should be invoked. That is your proposal, is it not?—Supposing disorder breaks out—I would like to trace the procedure in detail—I think the Governor must have the authority to resume all powers as a matter of emergency. I think he must then make up his mind to recommend the Secretary of State whether the power should continue to be resumed or whether it should be re-transferred at once, and I think that wherever a case of resumption occurs the Secretary of State should appoint a Commission of the kind which is now being sent out to the Punjab to inquire and report upon the case before he makes a decision.

9260. Supposing some disturbance took place on a very important subject, such as education, which might easily occur, resulting in grave disturbance, resulting also in the process you have just described, with an instructon for resumption, would not that lead to great difficulties in India, if education was taken out of the hands of the people administering it? However much on the merits it might be the case that it would be to the general advantage, would it not be very difficult to do it, and would it not cause still further disturbance?—It might.

9261. You are running a great risk there, are you not?—I think you are running a greater risk unless you are prepared to resume. I think the worst risk you are running is that you will advance too slowly unless you are also prepared to go back.

9262. You have another method, have you not, by giving power to the Governor to anticipate those difficulties and to insist upon a more moderate form of policy, which might avert them so that they should never occur?—My view is that by doing so you are greatly retarding the educational efficacy of the delegation of responsibility.

9263. If it comes to a question of resumption, do you think on the recommendation of the Governor Parliament would be likely to assent to resumption? You give the analogy of the Dominions, do you not?—I have not suggested——

9264. You have great experience of the Dominions, but there are not many instances, are there, where the Governor refers a decision which he has made against his Legislature in a Dominion home where the Home Government upholds the Governor as against the Dominion Legislature?—I think we are both talking of a case where actual disorder has occurred, rioting and bloodshed and collapse of society generally. Under those conditions there is no other alternative but for the Governor to resume temporarily. Then I am proposing that before the resumption is prolonged or cancelled Parliament and the Secretary of State should have the advantage of the report of an independant Commission going into both sides of the question. My point is that I do not want them to act merely on the report either of the Governor or of the Government of India. I want Parliament to have its own independent eye on the matter besides the Secretary of State.

9265. After an independent inquiry?—Yes.

9266. You think that would have a more satisfying effect on public opinion in India?—I think if such a Commission reported that the Governor had been justified, and if the question at issue was that responsible administration of education was in that Province incompatible for the time being with public order, Parliament would have no other choice than to say that the Governor must continue to administer education. I do not think that unless Parliament is prepared to do that you will succeed in the policy to which you have committed yourselves for India.

9267. With regard to your financial proposals, I think you say in your note that Land Revenue is a subject which would have to remain a reserved subject right to the end?—I do not think I go so far as that, but I say upon the question of permanent settlement that I think it would be a political crime of the first order until India has got an electorate which is competent for responsible government in the fullest sense of the word to pre-judge that question of the permanent settlement.

9268. You think it would be a political crime of the first order to hand over Land Revenue until the permanent settlement had been dealt with?—No, I think in this very complicated subject there are aspects of Land Revenue which must be handed over—for instance, supposing it is proposed further to reduce the proportion of net assets which is taken by the Government I think that will have to be discussed by the Legislatures, and I think before long you might let the Legislatures, on the recommendation of the Ministers, decide that subject in so far as the transferred powers are concerned, but that is a very different thing from saying that while you have got electorates which still represent only a fraction of the whole population of India you are going to give your Legislatures the power the power to hand over the public property of the Indian people to a very limited number of individuals. That is what the extension of the permanent settlement means.

9269. You do not feel that a permanent settlement can ever be effectively dealt with until it can be dealt with by a thoroughly representative Legislative Council?—I do not think we are entitled to extend the permanent settlement. I go so far as to say that I do not think the question of the extension of the permanent settlement should be transferred to Indian electorates until there is full responsible government in India.

9270. You would like to see the separate purse as proposed by the Government of India?—I think it is essential; I always did.

9271. Your proposal, I understand (I merely ask for correction), is not that it should be laid down in the Bill, but that it should be left to the respective Governments to ask for a Commission to go out and investigate it and report. Is not that your proposal?—I have alternative proposals. My own proposal is——

9272. I am merely now trying to interpret the proposal as I read it in your Note here?—My own proposal is that it should be laid down in the Bill that within two or three years a Commission should be sent out to establish the separate purse. If the Committee does not accept that, alternatively I should like to support the proposal which was mooted by Mr. Montagu and Lord Sinha in cross-examination, and was put forward in more definite form by Mr. Feetham in his examination, that the Governor in any Province should be entitled to demand such a Commission for the establishment of a separate purse. If, as I hope, you put that in I have very little doubt what will happen.

9273. Directly the Bill becomes an Act?—After two or three years' experience.

9274. You would have two or three years' experience of the joint purse first to see how it works?—Yes, in any case I think you had better have that.

9275. You would give it a run first for two or three years?—I think you had better.

Chairman.

9276. I want to ask a question upon that, because I do not quite understand it. If you have this view so definitely why wait two or three years? Why not send out the great financial authorities to do it at once?—I am afarid it would mean delaying the Bill. You would not wait for the Bill to do it?

9277. How long would a man like Sir Robert Chalmers take to do it?—I think there is something to be said for allowing them to work out the arrangement for a year or two if only to give data to such a Commission. I feel very strongly upon principle that the thing ought to be done. I feel in practice it will not

Chairman—continued.

not work unless it is done, but I am old enough to distrust all my own views until I have seen them tried out in practice. I feel so strongly about this that I am perfectly prepared to see it tried out for two or three years.

Lord *Islington.*

9278. It would be rather a protracted business, would it not, because the Commission would have to go very closely into an examination of each Province in India, each being separate and different?—Yes, I do not want anything to be done which will delay bringing this scheme into operation, and I am rather afraid that if you laid it down that this had to be done before the scheme started you would delay it. I think on a balance of considerations the wise thing to do now would be to say: Go on with the joint purse for two or three years and then separate, and, in any case, you must give the Governor the right to demand a separation. I do not believe his life will be worth living if you do not.

9279. So that you do not see such a serious vice in the joint purse that you are not prepared to give it a run for two or three years?—I do not think the thing is going to lead to positive disaster within two or three years; I think if you let it run for ten years it will ruin the whole experiment.

9280. In being so very convinced as regards the separate purse you have gone very closely into it, and are quite satisfied that it can be worked out on practical economic lines?—My experience is that when you have made up your mind that certain principles are essential they can always be worked out in practice.

9281. Whether they are sound in economics or not?—I saw it in South Africa; there were people who said that this or that was impossible owing to South African conditions. But when the public had made up their minds it had got to be done it was done.

9282. Your proposal of the Separate Purse is one which has been put before us, not only that there should be a separate branch of revenue for the transferred subjects and a separate branch for the reserved subjects—that is to say, a separate purse and taxation for each, but also separate revenues for the respective subjects within those branches?—I do not see that that is at all necessary. It seems to me you will get your consolidated revenue as at present. Give the Ministers a share of that revenue and a generous share corresponding with the powers transferred to them. It does not matter your earmarking this particular item of existing revenue to particular subjects—give them a share of the consolidated revenues corresponding to their functions. In addition to that schedule certain appropriate matters upon which they may raise increased taxation. One of them I should schedule would be the land, and I would allow them to put additional cesses on the land.

9283. Why cannot you come to an equally effective result to that which you have just described with the joint purse?—You tried the joint purse half a century ago, between India and the provinces, and the verdict on what happened is recorded in the Report itself, and I have quoted it.

9284. It is hardly a fair analogy?—I think it is a very close analogy. There were officials on both sides, and you had extravagance, waste, and bad blood between the Government of India and the Provincial Governments—all factors which are likely to be increased where the two Governments in question are the one British and the other Indian.

9285. It is a question of analogy; it is on the same lines as the analogy you give here in one of your arguments for diarchy in connection with, for instance, the Province of Ontario and the Federal Government of Canada, and the same in South Africa and Australia, but that is hardly a fair analogy, is it, as between the reserved and transferred subjects within a Province. Would it not be a fair analogy to this you mention in your note on the Central Government of India and the Provincial Governments? You can hardly call those you have mentioned a fair analogy to the reserved and transferred subjects within a Province, can you?—I think, if you look at the spirit and not the letter of the thing, it is not a question of analogy. It is the same case. It seems to me an axiom of local government that if you delegate duties to local governments you must give them specific revenues of their own. I know they tried the joint purse with the provinces in South Africa for a short period at the beginning of the Union, and the results were exactly those which I saw myself when the Crown Colony Government tried it with the local authorities. It is an impossible system.

Lord *Islington*—continued.

9286. Is it not one thing to give a specific revenue to a Province and quite another thing to give specific revenues to subjects within that Province? They are two totally different things?—The real reason why you do not provide the revenues of County Councils out of the Consolidated Fund is that if you did you would cut at the root of their local responsibility to their local electorate. At present, when a County Council in England comes forward and proposes certain ambitious schemes, it has to face its own constituents with a demand for them to find the money, and that represents the best check and the only effective check The principle is exactly the same when you hand over certain functions to Ministers responsible to a Provincial electorate, and not to the Secretary of State. They are responsible to a different authority, and you have no real check upon them unless you give them perfectly definite revenues and also their own sources of taxation.

9287. How are you going to administer finance under this scheme of the separate purse? Are you to have two Finance Ministers?—I think so.

9288. Two separate Finance Ministers?—Certainly; they are separate Governments, and every Government must have its own Finance Minister. He may combine it with another portfolio.

9289. Supposing, as you mention in your note in the case of education, there is a very strong demand for a great development of education entailing a very large expenditure to a Province, an expenditure far in excess of the revenues you have allocated to the transferred subjects, how are you going to meet that?—That is my whole point; the Ministers, if they bring forward an ambitious programme, must then ask the Legislature to vote the necessary money, and, as I have said, I think it ought to come out of the land revenue.

9290. I think the Government's proposal in that case is that you should borrow from the reserve side, that where there is a deficit on one side you should go cap in hand to the other and find the balance?—I hardly think so.

9291. I think that is so; that is what I understood?—I cannot give evidence as to what the Government of India has said. If so, I do not think their experiment in responsible Government will go very far.

9292. I think education is itself a very important subject, and it is one which everybody wants to be greatly developed in India. If it is found that the proper and sufficient development which is required of education in India cannot be undertaken because there are not enough funds in the one bank that is allocated to transferred subjects, then education has got to wait until there is a balance in that bank, although probably——?—I think that will be a very serious position.

9293. Although probably in the other bank there are ample funds?—The matter would, of course, be put right on the next periodic revision. It has never been found possible up to the present date in India to make your Provincial settlements final. They have had to be revised periodically, and so settlements as between the reserved and transferred subjects will undoubtedly have to be revised periodically. The revision will come.

9294. And the reforms have got to wait for it?—Yes.

Lord *Sinha.*

9295. With regard to this question of the separate purse, I have not heard what you have said before I came in, but I understood you to say that the separate purse is absolutely essential in the system of diarchy that you yourself advocate?—I consider it so.

9296. The allocation of revenues without separating the sources of revenue might serve to some purpose, might it not?—Certainly.

Lord *Sinha*—continued.

9297. And that allocation might be made in order to prevent friction for a period of years, could it not?—Yes.

9298. That would still further minimise friction?—I think so; all that is certainly compatible with the separate purse.

9299. My point is that without specifying distinct sources of revenue for the distinct sections of the Government you might allocate portions of the revenue, taking it as a whole, to one section and to the other? I think you not only might, but you ought.

9300. Therefore your separate purse does not mean that you allocate separate heads of revenue to each section of the Government?—It does not. May I just add one point to that? You must divide not only the revenue, but the growth of the revenue.

9301. Quite. Let me put it to you in this way: Supposing we take the whole of the revenue of a Province to be A, and you take the average of three years and you find two-thirds allocated to what we shall call the reserved subjects and one-third to the transferred subjects, and then for the dual government we say that will be the arrangement, that two-thirds of the whole revenue will be given to the reserved section of the Government for the reserved departments and one-third of the whole revenue will be given to the transferred section; that will satisfy the separate purse system that you advocate?—Yes, but I think I might very often have a corollary to that which would be this: If I were the Commission I might say that the requirements of the transferred subjects, including education, were likely to grow much faster than the requirements of the reserved subjects, so while I might say, "I give you now one-third of the consolidated revenue," I might also say that more than one-third, or possibly the whole of the growth of revenue should go to the transferred purse. That would depend on the conditions I found in each Province.

9302. And with regard to the growth in revenue, you would leave that to be apportioned in the same way, would you not, by an independent authority?—Yes, but as I have just said, it does not follow that because you divided the existing revenue into two and one you would not give a larger share of the growing revenue to the transferred purse.

9303. If there was any friction with regard to the allocation that would be mitigated, if not absolutely neutralised, by leaving the decision to an independent tribunal?—I think that is essential.

9304. Therefore your system of a separate purse is not that advocated by the Government of India?—I am sorry to say that my memory will not sufficiently carry the details of the Government of India's suggestion, but you have rightly described what I propose.

9305. You have seen the list of transferred and reserved subjects, have you not, put forward by the informal committee in revision of Mr. Feetham's list which Mr. Feetham put in as an appendix to his evidence?—Yes.

9306. Do you generally agree with the division?—Yes, I agree for the reason I have given, Lord Sinha, that on a matter like that I trust the judgment of such a Commission much more than I trust my own.

9307. There is one other question only I want you to answer, so far as I am concerned: Do you consider that the association of the two sections of Government for purposes of deliberation would be for the benefit of both?—Yes.

Duke of *Northumberland.*

9308. With regard to this strip along the frontier which you propose to reserve, your object is to make the Imperial Government responsible for all time for the defence of the Northern and North-Western Frontiers of India?—Yes.

9309. Do you accomplish that object by merely reserving a strip of territory, because if the Imperial Government is to defend the Indian frontier and to conduct active operations on the frontier it will have to control not only the territory on which the troops are stationed in peace time, but also the railways and the bases of supply, and so on, would it not?—I say cross bridges when you come to them; but I urge this now because this is a condition precedent when you do come to the bridges, to Imperial control of what is not merely an Indian but an Imperial frontier. It is

Duke of *Northumberland*—continued.

not merely the business of India to protect that frontier, but the business of the whole of the British Empire.

9310. In answer to Question No. 1, you say that you are impressed with the necessity of making the Imperial Government responsible for any advance that there may be in this field of self-government. Do you mean to suggest that that ought to be put in the Bill, because surely it is implied, is it not?—I suggest that the whole pronouncement of the 20th August, 1917, should go into the Bill, and I have roughly drafted what I think the Preamble should be in these recommendations.

9311. In answer to a question of Lord Midleton, I think when you were speaking about the powers of the Governor or the Lieutenant-Governors, did I understand you to mean that you were in favour of the power of veto of the Governor or Lieutenant-Governor being done away with altogether?—No. What I am in favour of is this: That when the Governor has made up his mind that in order to discharge the duties laid on him in connection with the reserved powers he has to carry certain legislation, or else has to refuse to allow certain legislation to be carried, he ought to be able to make his decision effective by means which are direct, not as he does at present, by ordering officials and trying to muster enough members to pass the necessary votes. Instead of that procedure I should substitute what I call a straightforward procedure, that when he had made up his mind that he had to refuse a motion on the reserved subjects which the Legislature wanted to pass, he should let them pass it, but that it should not become operative if the Governor said he was unable to accept it. I should lay the whole responsibility on him, as Lord Carmichael recommended.

Mr. *Acland.*

9312. I am still puzzled a little about the question of the divided or united purse, because, of course, our system in England is so different. The Minister there says, and gets his colleagues to agree, what sum will be necessary to administer the services for which he is responsible, and then they discuss ways and means of raising the necessary sum. I gather you admit that principle will be inevitable to some extent, because I think you said that with regard to land revenues it would be necessary that both sides should dip into the same pocket; the land revenue is such a large proportion of the total revenue that both the reserved and transferred services would have to have some income from that source of revenue?—What I want to do is to establish the English system. Let us suppose that a Province has a revenue estimated in pounds of £3,000,000, and let us suppose that the Commission entrusted with the division says that to begin with £2,000,000 shall be dedicated to the reserved purse and £1,000,000 shall be dedicated to the transferred purse, and that the whole of any future growth shall also go to the transferred purse. I think that the Ministers must include a Minister of Finance, and that Minister at the beginning of any financial year will know accurately what funds are coming into his treasury. Then if the Minister of Education comes forward with an ambitious scheme on education, costing more than the funds available for the transferred subjects all told, the responsible Minister of Finance, responsible to the Legislature, will then have to tell his colleagues that in order to carry out that scheme they will have to put on some form of new taxation. That is the situation I want to see established.

9313. Yes, but both sides will have to draw on a certain joint source of revenue: is not that so? You cannot absolutely differentiate certain sources of revenue, and say that everything that comes from so and so will go to the transferred subjects and everything which comes from so and so shall go to the reserved subjects?—I do not see why you should; it is all a matter of book-keeping. If the total revenue was £3,000,000 I should not go into the sources of revenue.

9314. Does it not come very nearly to being a joint purse if you do not go into the sources of revenue, and if you give each an equal chance of calling on the whole?—I do not give them a chance of calling on the whole.

9315. Without knowing what the needs of the reserved services are, in the illustration you gave you said that the reserved services were to get £2,000,000

and

Mr. *Acland*—continued.

and the transferred subjects £1,000,000, and that any increase in revenue was to go to the transferred subjects also, which means that if that is stuck to the reserved subjects were only to be allowed a gross grant of £2,000,000: is not that a very autocratic way for the Finance Minister to be able to act?—I was only taking a hypothetical case.

9316. Is not that your hypothesis, that the way to do what you want is to have, without Parliament, a limitation as to what one or the other group of services might cost; is not that very undesirable, and must not you allow for elasticity on both sides and entitle both sides to draw on the same revenues in proportion to the general taxable capacity of the country?—I am afraid I do not follow you.

9317. At any rate, you admit that so far as I have grasped your illustration, it would mean that the reserved services would have to be in the possession of unexpanding revenue, because you said definitely it would be laid down in advance that all the increase should go to the transferred subjects?—I said that was a hypothetical case, and you might find a case in which you would do that. I think, probably, in most cases, you would say that one-third of the revenue will go to the transferred purse, and two-thirds of the revenue, on its present basis, will go to the reserved purse; but we anticipate an increment. The Executive Council will need some increment in order to develop forests and irrigation, we will say, but they will not need so much increment as the Ministers will need for the development of education. Therefore, if I divide the revenue as it now is——

9318. How can you tell that in advance?—You have to estimate many things; you do it every year with your Budget.

9319. But you do not do it many years ahead?—You have done it in India with the settlements.

9320. Any elastic financial system does not say that a certain class of expenditure will require less expansion than any other class of expenditure?—Do you realise the extent to which it has been done in India?

9321. I should have thought if you wanted an elastic financial system you ought to try to get away from that?—I am not sure that you want an elastic system in that sense; my criticism of the joint purse is that it is too elastic, that instead of throwing the Ministers and the elected Legislature on their own resources and taxing themselves, it encourages them to make the electorate think what is not true, that the whole additional revenue they need for the proper service of education can be got by robbing the reserved services, and the result of robbing the reserved services will be the collapse of society in some other direction.

9322. You do not think in the Provinces, at present, India is ready for a scheme of allocation of the necessary expenditure for a year, simply according to the general taxable capacity of the Province without regard to anything else, without regard to the source of revenue which goes to meet the special expenditure?—I think, if you have a standing Commission, the Commission may do it every year; if you do not have a standing Commission your Ministers and Executive Council will be eternally at each others throats.

9323. You said you thought education was a thing which general opinion was very keen on developing, even more than sanitation; has that led you to form any opinion as to the advisability of transferring the whole of education as a transferred subject at once?—I regard the final Report of the Feetham Sub-Committee on that point as absolutely conclusive, and I am very glad of it. I think the whole *onus probandi* should be on the man who wants to reserve.

9324. You said, and, if I may say so, I very much agree, that the chief movement which would be necessary in the next few years, perhaps many years, is more education of the electorate than education of Ministers. I mean that the real thing is to try that?—Yes, the real thing.

9325. A witness the other day suggested that far more use should be made of congresses and conferences and general freedom of public discussion, and that even Civil Servants should be encouraged much more than at present to discuss and explain exactly the reason for the policy adopted, and so on, rather than relying simply on what happens in the Legislative

Mr. *Acland*—continued.

Council. You would agree that that is one of the important ways in which education of the electorate could proceed?—I should. I think political intercourse between the Civil Servants and the educated classes in India should be far more encouraged than it is..

9326. And even between the Civil Servants and the uneducated classes, so that the reason for things might be explained to them?—Yes, but I think a great deal more intercourse goes on between the Civil Servant and the uneducated classes. My criticism of the situation is that there is far too little intercourse between Civil Servants and the educated classes.

9327. Only one more point. I think you may have obtained experience in India which would enable you to give a useful opinion on a matter which was brought to our attention the other day at Question 8092, where it was said that there had been a perfectly definite deterioration of the standard of the Civil Service during the last—I forget the exact period—ten or fifteen years. Is that borne out by your experience or any knowledge you have?—I do not think my experience on that point is nearly so valuable as that of the Public Service Commission of 1915. and I am very glad to be given this opportunity of pointing out to this Committee that that Commission, consisting largely of perfectly impartial people like my friend Sir Valentine Chirol, went into that question specifically and pronounced upon it, and I submit that they are in a far more impartial position than a man who belongs to one generation is in to compare himself with the succeeding generation. I should like to read to the Committee the three lines in which they recorded their verdict: "But apart from this we are fortified in our conclusion to leave well alone by the feeling which is borne out by evidence given both in England and in India that, taken as a whole, the personnel now recruited has not in any way deteriorated, and that India has been obtaining men who are keeping up the high level and the best traditions of the Service."

Major *Ormsby-Gore.*

9328. On this question of the joint or separate purse are you aware that we have had no Indian witness who has had anything to say for the separate purse proposal?—I am.

9329. Do you think that is due to the fact that the separate purse proposal has been presented in the form of the separation of sources of revenue?—May I take back that answer? I think there was one Indian witness who said the separation of revenues was essential. I cannot say—no, I honestly think, and I always think it better to say what you believe, that the real reason why so much stress is laid on the joint purse is that through the joint purse the Indian Nationalist hopes that the elective Legislature will control the reserved subjects. I quite understand his wish. I do not agree with it. I think with the joint purse he will be able to control them.

9330. I gather you are opposed to the idea that the separate purse system should be worked, if it is adopted, by allocation of sources of revenue?—Yes, I am opposed to it. I think it a perfectly unnecessary complication.

9331. And as it is before us now it would practically mean, would it not, that Excise was the only transferred source of revenue which the Ministers would be able to increase or reduce?—Yes.

9332. And that would be difficult to work, particularly in Assam, where there is a very strong feeling as to the opium Excise and things of that kind?—Yes.

9333. What do you gather would be the relation of the Legislative Council under your scheme of the separate purse to the reserve Budget—that is to say, to any proposal which the Governor and Executive Council would bring forward to increased taxation for increasing the revenues available for reserved subjects?—I should imagine that the elective Legislative Council would normally oppose it, but it is a curious feature of Indian provincial governments that they seem to have stabilised their expenditure. I understand that increased taxation in the Provinces is extremely rare.

9334. Did you not hear while in India the statement that the police are underpaid?—Certainly.

Major *Ormsby-Gore*—continued.

9335. So that probably when this Bill passes the local reserved Governments will take the increased revenue in order to pay the police properly?—I take it that is quite possible and ought to be faced.

9336. To end a possible opposition you attach great importance to giving the Governor power to carry taxation measures, even in the Provinces, against the wishes of the Legislative Council for reserved subjects?—Yes, I think any taxation measure of that sort is bound to have the approval of the Government of India first, but if you have made up your mind that you cannot do justice to the reserved subjects without it you must do it, otherwise there is no meaning in reserving the subject.

9337. In the manner it is done in order to take a certain amount of things off the shoulders of the individual Governor, do you think it would help him if he was to get the support and the agreement of the Secretary of State here at home? Would that help him in India?—When he was proposing additional taxation?

9338. Yes?—I should imagine it would.

9339. I gather you take the view generally that the Grand Committee proposal is not satisfactory?—I do.

9340. And would you like to see us make some attempt at a second chamber system within the Provinces?—No, I am all against complication at this stage; it seems a primary condition at this stage that anything you do should be based on simplicity. That is why I am against the Grand Committee. I should say, simplify all through, wherever you can. Another reason is, I think, the reason given by Mrs. Besant—I do not often agree with Mrs. Besant but I do there—that what you want in the Provincial Legislatures is not a retarding element but an accelerating element.

9341. Now, on the question of Provinces and sub-Province, you took as a signal example Behar and Orissa, and I gather you suggest that that there should be a Governor and Executive Council for Behar and Orissa as at present, and two sets of Ministers?—Yes.

9342. Would it not be practically imposible to get that joint deliberation which you think so important between Ministers and Executive Councils in both sections of the Province?—Undoubtedly you have got to modify your system, but I do not think any evil is so great as leaving a detached area, speaking a different language like Orissa and a detached one speaking a different language like Sind to be administered by an electorate, which, in the case of Sind, is hundreds of miles away. It is bound to break down.

9343. Are not your arguments really false if you examine it practically? Taking this Bill as we have it at present, there is the creation of Sind as a separate Province or putting it into the Punjab?—I think you very likely will put it under the Punjab and put it under a Commissioner. You have got to modify your system, no doubt, to meet the conditions. You would put it under a Commissioner who would be discharging the reserved powers and would deliberate with the Ministers, both on reserved and transferred powers.

9344. In connection with these Provinces, you alluded to Burmah just now; what are your views about Burmah? We have been asked by a deputation to include Burmah practically in the Bill. What is your view upon that?—I should like to ask whom the deputation represents before I answer.

9345. It was some Burmese?—I think if you are really setting out to make an Indian nationality, as you ought to do, you are dangerously complicating your chance of doing so, and certainly postponing the time when you will succeed, if you are going to bring into India communities which are perfectly obviously non-Indian. So long as we kept the old regime we could go on adding territories to India just as territories were added to Russia up to the Pacific, but when the moment comes that you introduce electoral Government, and make the Government responsible for the electorates, you alter the whole system.

9346. Therefore you say that the tendency should be to separate Burmah from India even more than at present?—Certainly. Burmah is not part of India. Supposing that Siam were annexed, would you go on to include Siam? Where are you going to stop? Why I met quite a number of people in India who seemed to assume that Mesopotamia was to be treated as an Indian province.

Major *Ormsby-Gore*—continued.

9347. I personally quite agree, I only wanted your views. With regard to what you have said about this frontier, have you had any preliminary support for your proposals? Have you discussed it a good deal with the military authorities in India?—Yes, and I discussed it still more with the political officers, the men on the spot, which was what made me put it forward.

9348. Was the view they put forward that really the North Eastern Frontier of India is not anything like the same—that is it not so open as the North-Western Frontier, and that the possibility of an invasion of India by the Chinese or Russian across Tibet is so unlikely that to make that complicated administration system down the hill foot of the Himalayas is not an urgent, practical problem?—It obviously is not so important, but you can never tell what will happen, and I do not think it is a complicated system, reserving a narrow strip below the foothills under the Provincial Government, and ultimately under the Imperial Government.

9349. You want a narrow strip for lateral communication, I presume?—Not necessarily; it is for the administration.

9350. Take the northern part of the United Provinces. Would you not have to take a considerable area there of the foothills?—Certainly not, because you have got Kumaon I should reserve Kumaon there.

9351. Who do you think should be the real authority to decide on a possible re-arrangement of the frontier boundaries? Do you think the Legislative Assembly and the Government of India together ought to be the authority that should deal with the re-allocation of boundaries, or would you leave the initiative to the Provinces?—Do you mean the boundaries between Provinces?

9352. Yes, and the re-arrangement of Provinces like Behar and Orissa, or the frontier between Bengal and Assam—all those questions of the re-arrangements of Provincial areas?—I think it is of vital importance that you should interpret what the Secretary of State has said—that those things should be done by consent. My question is: Whose consent? If the members representing Sind demand a sub-Province for Sind I think that should be a prima-facie case upon which the Secretary of State should institute an inquiry. I think such an inquiry should not be barred because the majority of the Bombay Legislature objected to the separation of Sind.

9353. But would you give the Legislative Assembly of India—that is my point—a voice in the matter?—I do not see why you should. It seems to me where it is obviously a suitable area and that area asks for autonomy, all I say is that there is a prima-facie case which ought not to be blocked by any larger community any more than the whole of Prussia ought to be able to block the Poles of Silesia from going in with the Poles.

9354. I wondered which should be the proper constitutional authority for carrying out any of these Provincial arrangements, as one does not want to have the experience of Bengal over again?—I should say the Secretary of State, subject to the authority of Parliament.

9355. That is to say, it should be done by Parliament?—Yes, by the Secretary of State, subject to the authority of Parliament, whatever the procedure is, but by the highest authority.

9356. By rules laid on the table of Parliament?—Yes.

9357. You have said nothing in your evidence to-day as to your views on the Report of the Crewe Committee on Home Administration of Indian Affairs. Is there any particular point you wish to urge before us upon that?—No, I do not think so. I wrote some paragraphs in my Statement, and in the proof crossed them out, because I found I had not had time to consider the subject sufficiently, and consequently I struck out recommendations on the subject which I put in the first edition of the Schedule. I do not think I have any valuable opinion.

9358. On the Council of India?—On the Council of India, except the one I have left in—that I think that the Council of India should be purely advisory. I agree with the Crewe Committee on that

9359. You

Lord *Sydenham.*

9359. You mentioned Sind several times in your evidence. Have you made a tour of Sind, and studied the rather peculiar conditions of that Province on the spot?—No.

9360. You have not convinced yourself that there are the materials there for creating an independent Legislature and Executive. One other question: I think you said, in answer to Lord Islington, that it was necessary to discriminate between decisions made by the Governor and the Executive and the Governor and Ministers. You do not mean to say that the Governor should be involved in the responsibility for a decision of which he may wholly disapprove?—Certainly not.

9361. Therefore, that would not be the distinction; the distinction would be the Governor and Executive on the one hand and the Ministers—not the Governor, as you said—on the other?—The form you have got right through the British Empire, where you have a full responsible government established, is "the Governor in Council" just as you have the King in Council in England. It is thoroughly understood that the Governor is not personally responsible any more than the King is. So in India we should say "the Governor on the advice of his Ministers" when we wish it to be understood their act is done on the responsibility of ministers. We should say "the Governor in Council" when the Act is one responsibility for which is reserved to the Governor and his Executive Council

9362. You do not think the Governor would resent violently the idea of any responsibility being connected with his name, by connecting his name with any decision from which he dissented? Do you think any Governor would stand that?—I think he would know very little of constitutional usage if he did not

Mr. *Montagu.*

9363. There are one or two very important things I want to make sure I understand, and first about that strip along the frontier. I understand you when you say that the defence of the frontiers of India from the east to the north-west should be wholly a matter of Imperial concern, but do I understand you to mean that that involves that in the strip of territority any functions should be taken over, and that the education, local government and the sanitation and all those functions should be discharged there by the Imperial Government, or what do you mean the separation to be actually?—When the times comes you might have to face those functions; you have to face them in Gibraltar and Malta.

9364. Why is it exactly—I do not express any opinion, but I merely want to find out—that you think upon this particular frontier it is necessary to take over these functions? How will it jeopardise the responsibility of the Imperial Government for the frontier to leave education and sanitation and other purely Provincial matters there in the hands of the Local Governments?—It is very likely that the Government ultimately responsible for, let us say, the North-West Frontier Province, might arrange with a neighbouring Province to carry out the services for it, but I cannot foresee the time, if the British Empire is to remain together, when you would be justified in handing over the North-West Frontier Province to a Dominion Government of India, and I should say exactly the same if India was peopled with Englishmen; I should say it would be wrong in principle.

9365. I see that?—You would much better affirm that principle now.

9366. Is it not quite possible to affirm the principle that you are going to defend for ever the frontiers of India without having the actual day-to-day administration of the strip put into your own hands? That is the point I want to get at?—If you reserve them you can very likely with advantage arrange for things like education to be administered by a neighbouring province, but I think it would be very unwise to let that area be policed except by yourselves.

9367. The next question is this: answering Major Ormsby-Gore, am I quite clear in gathering that you would allow the Governor of the Province to tax for reserved subjects by ordinance; is that your proposal?—Well I always have those words "By ordinance" brandished at me, I would allow him to tax by the procedure which I have described in front of this Committee, certainly.

Mr. *Montagu*—continued.

9368. If it is not by ordinance it is by fiat?—As I have said in my Statement, both in your report and in Sir William Meyer's evidence the word "ordinance," implies a law passed without discussion; I do not mean that. I mean every law without exception, including those under the reserved powers, should be subjected to the fullest discussion in detail with amendments moved.

9369. And afterwards if——?—Afterwards, if the Governor cannot accept an amendment instead of packing a Grand Committee or instead of collecting your officials to vote the amendment down, he should allow the Legislative Council to record their opinion. In doing so they discharge their responsibility to their electorate for advising the Government. Having allowed them to record their opinion, then the Governor says, "Gentlemen, I am very sorry, I cannot accept it," and it does not take effect. That is what I call honest procedure.

9370. By that honest procedure I want to get it clear that I am right in saying that a tax is to be imposed on the people of the Province on the ultimate responsibility of the Governor alone?—Yes. I do not see why you should run away from it. You will have to do it.

9371. I am not arguing against it. I only want to understand?—Certainly.

9372. My last question, now that I have got those two points is this: You said also in answer to Major Ormsby-Gore that under the Bill as it stands it is within the power of Ministers to starve the reserved services or to try to rob the reserved services?—Yes. I do not know whether it is in their power to rob the reserved services, but I think that the effort which will be needed on the part of the Governor and Executive Council to prevent their being robbed will be destructive of all good relations between him and his Ministers.

Lord *Sinha.*

9373. I just want to ask two or three questions. I understand from your written note that you are in favour of the particular amendment which I have always advocated, namely that Ministers, if there is more than one, should be a corporate entity like the Executive Council itself is?—I am heartily in favour of that; I think it must be so.

9374. There is just one other question I want to ask now, following up what Mr. Montagu asked you about the taxation proposals. Supposing the Government had to carry a proposal for taxation in reference to the reserved subjects in the way you suggest, it would first of all have to be with the prior sanction of the Secretary of State, and in any case it would always be subject to appeal to Parliament?—Everything is subject to appeal to Parliament.

9375. And so would this taxation be, which was contrary to the wishes of the Legislature?—Do you mean it should be made specifically subject to an appeal to Parliament?

9376. No; I mean it would in fact and in law be subject?—Certainly.

9377. And before such taxation was imposed it would be necessary for the Governor to obtain the sanction of the Secretary of State?—Certainly, and Parliament might dismiss the Secretary of State if he gave the sanction wrongly.

Chairman.

9378. There are only two questions I want to ask you—one on your conception of the way the separate purse would work. You have told us that if Ministers required money to carry out their schemes which the funds placed at their disposal by allocation did not otherwise permit they would have to impose taxation?—Yes.

9379. Objection has been made to that, that it would be rather hard to ask them to impose fresh taxation at a moment when possibly there was a balance or surplus in the hands of the Governor in Council in respect of reserved subjects?—Yes, I should imagine under those circumstances a wise Governor would wish to hand that money over, and should have power to do it.

9380. The Governor would have power to hand certain money over, and you wish that the Minister should be in

Chairman—continued.

in a position to pull the Governor up if he considers it inconsistent with his duty?—The question is a little complicated by the fact, which is so strange to English minds, that the Provincial Governments always have balances in hand. Whether that is to be continued or not I do not know.

9381. Yes, and we will assume that the balance will be divided between the reserved and transferred subjects like the revenue, and before imposing fresh taxation the Ministers will use up their side of the balance?—There we have difficulty. I do not think Ministers should be entitled, having swallowed their own reserves, then to proceed to swallow the reserves of the Executive Council which they had been obliged to keep by the Government of India.

9382. You would give the Governor full power to put at the disposal of the Ministers any portion of his reserve he thought he could part with?—With the sanction of the Government of India. The Government of India is the guardian of these reserves, and therefore I do not see how the Governor, with the best will in the world, could hand them over without the sanction of the Government of India, although I do want to see the sanctions required by the Government of India reduced to the lowest possible point.

9383. You said that there should be a Minister of Finance?—Yes.

9384. You used the word "Minister" advisedly?—Yes.

9385. Would he be a Minister for reserved finance as well as for transferred finance?—Certainly not; there should be a finance member of the Executive Council.

9386. That would be a Finance Minister and a finance member?—Yes.

9387. There would be a Finance Department of the whole Government?—I do not think I can usefully go into those details, but I am perfectly clear that a system can be worked out, and the only system which will work so far as I can see would be one in which each Government (because I regard them as two Governments) has its own financial member.

9388. You have explained that you do not want any Grand Committee?—That is so.

9389. And you would reduce, I understand, as far as possible the number of nominated members in the Legislative Council?—I would eliminate them altogether as voters. I have worked on that system myself, I was a member of the Upper House in the Transvaal, in which Ministers were members without votes, and there was no difficulty whatever. I would make the members of the Executive Council members without votes, and I would leave it perfectly open for them to introduce any other officials whose advice would be helpful at any moment to the Councils, but always without votes.

9390. You do not mean you would eliminate members nominated especially to represent special classes like the oppressed classes?—No, I am talking of officials.

9391. You are talking of the official *bloc*, composed partly of officials and partly of non-officials?—Yes.

9392. I want you to tell me exactly in one respect how a Legislative body like that would work. The Ministers proposed some scheme, it does not matter on what subject, which is adopted in the full Council, the Governor, Ministers and members of the Executive Council, and I will assume that the Governor and the members of the Executive Council all advise Ministers against this scheme. The Ministers withdraw, and on their own responsibility they decide to go on with the scheme. The Governor says what you have suggested, "I think you are wrong, gentlemen, but the responsibility is yours, go ahead." Now there is a case against that scheme and it is very important that the Legislative Council should know what that case is before it comes to its decision: who is going to make the case?—I think the Governor might well insist upon the discussion of such a matter in the Legislative Council, in which case the members of the Executive Council will be there, and will be able to make the case.

9393. You do not shrink from the idea of the members of the Executive Council opposing and speaking against the Ministers in the Legislative

Chairman—continued.

Council, or *vice versa*?—They do not vote, so it is hardly opposition, and they have no phalanx behind them to vote, but I do not think I do shrink from it. It carries right through the principle I have suggested that before the Ministers and the Legislative Council decide on transferred subjects they should be exposed to the fullest possible degree to the influence of the Governor and the Executive Council.

9394. If the members of the Executive Council can speak against Ministers in the Legislative Council, must not the Ministers be free to speak against members of the Executive Council opposing reserved subjects?—Most certainly; I see no objection; I think that the whole unity figured in the Report is unreal.

9395. You have stated also that you are opposed to the Council of State as proposed in the Bill?—Yes.

9396. Would you have no Second Chamber at all?—Not at present.

9397. Not even in the Government of India?—No; I would hope that the Prince's Council, in future, would develop into a Second Chamber, because I am looking forward to a united India.

9398. I have only one last question to ask you in relation to this question of land revenue to which you have given very close attention, and in respect of which you have circulated to the Committee a pamphlet. I want to draw your attention to statements made before this Committee by Mrs. Besant at questions 1433 and 1434. This is Major Ormsby Gore's question, No. 1433: "One question on your evidence this morning. You said you were anxious to see transferred at once in the province the three subjects of land revenue, irrigation, and famine relief, which are now reserved. Will you give me your argument in support of the proposal to transfer those three subjects?" And this is Mrs. Besant's answer: "It is one of the greatest grievances at present in India that the Legislative Council have no power at all with regard to the periodical re-assessment of the land. The land tax is one which, of course, represents the old land tax, but is very much larger." This is Major Ormsby Gore's question, No. 1434: "Not larger than in the Mongol times?" And Mrs. Besant's answer is: "Much larger than then, because in many provinces it goes to 50 per cent., whereas Akbar took one-fourth or one-sixth. Other Mongols only took one-fourth or one-twelfth, and most Hindoo sovereigns varied from one-fourth to one-sixth or one-tenth. It is enormously larger." In your opinion, is that a correct statement of the fact?—I do not know what sources of information, of course, Mrs. Besant was speaking from, but I have studied the question, and I shall give my own source of information. As I understand, mainly relying on the "Gazetteer," what Akbar did was to take up to one-fourth of the gross produce of land. Now, as I read Mrs. Besant's statement, it is that the British Government takes twice as much. If the Committee will refer to the "Imperial Gazetteer," volume 4 page 216, they will find the following statement: that in 1907 it was calculated that throughout British India the Government was taking not more than 50 per cent. of the net assets, or 5½ per cent. of the gross produce. Now, if Mrs. Besant stated that the British Government was taking 50 per cent. of the gross produce, she is in conflict with the "Imperial Gazetteer," which states that in 1907 it was taking not 50 per cent., but 5½ per cent. of the gross produce. My reference can be verified.

Sir *J. D. Rees.*

9399. May I ask, Mr. Curtis, one question? Upon the question of the size of the provincial administrative units, you say on page 9 of your Memorandum, "No attempt was made to restore the Ooriyas included in the Central Provinces and the north-eastern corner of Madras, to unity with their kinsman in Orissa," is that illustration founded upon the past history of those tracts, or is it solely of an academic character? Do you think those tracts have suffered at all by being severed from other Ooriya-speaking tracts?—I only judge from the deputation of Ooriyas who came to see the Secretary of State and the Viceroy at Calcutta, and then, for some reason best known to themselves, they called on me, and I found that they deplored the separation from their own Province of the Ooriyas,

who

Sir *J. D. Rees*—continued.

who were merged in Madras and in the Central Provinces, and wanted them re-united.

9400. Were those Madras Ooriyas who petitioned?—No, they were Ooriyas from Orissa.

9401. As far as you know the Ooriyas of Madras have had no cause to complain of their administration by the Madras Government?—It is not a question exactly of cause to complain of the administration.

9402. That is what I am asking exactly. I am not raising any point of principle which you have sufficiently covered, but I was on this specific point: it is not because of any maladministration of the Ooriyas, but you simply illustrate your thesis by quoting their case as a divided community you would like to see gathered together in one?—I gathered that they would like to see it, and as far as my observation goes where there are people of a common race and common language all over the world they like to be under one political system.

Sir *J. D. Rees*—continued.

9403. Are you aware that the administration of these particular Ooriyas is not that of the ordinary collector, magistrate or Commissioner administration, but that the local representative of the Madras Government *qua* agent of the Governor administers them as a backward tract and non-regulation Province, and also their needs are particularly met by this particular form of administration?—I did not know that, but it does not alter my view.

9404. No, it would not, but I am anxious that there should be no misunderstanding on this point. As one reads this one might think that the Ooriyas in general, including those in Madras, objected to their present position, and therefore led you to give them as an illustration of your general academic point?—The complaint was not one of maladministration of these people at all. If government is to be transferred from us on to their own shoulders the Ooriya people will want to be gathered in one community with their own language and their own kinship.

(*The Witness is directed to withdraw.*)

Sir JAMES MESTON, K.C.S.I. is called in; and further Examined, as follows:—

Chairman.

9405. I think the Government of India have instructed you to put forward some more evidence?—Yes, the Government of India instructed me to ask your lordships' Committee if it might represent its views upon certain points which have arisen in the course of the evidence you have heard. I think the Government of India have seen most, if not all, of the recorded evidence that was taken before the vacation. They are very careful to say that they do not pretend to claim anything in the way of a right of reply to the evidence, but there clearly were points with regard to which there was some danger that their views had not been clearly understood by some of the witnesses, or probably not even perfectly clearly put forward by myself; and also, in the light of the further ventilation that has taken place here, there are some modifications in their proposals which they think might be helpful to the Committee in the course of its deliberations, and they have asked me to put those before you. Beginning at the top, they wished to put forward certain views with regard to the proposals for the control of the Secretary of State over the Government of India. They are greatly apprehensive of the consequences of the important principle which seems to underlie the proposals of the Committee over which Lord Crewe presided—namely, the principle that an agreement between the Government of India and the Indian Legislature on any point, however important, *ipso facto* renders the Secretary of State's sanction superfluous. Their argument is this: The Government of India is not an autocratic body; it must derive its authority either from the British Parliament through the Secretary of State, or from the will of the Indian people through the Indian Legislature, and to the extent to which the Secretary of State abandons his authority, except, of course, in so far as he delegates it to the Government of India, the Indian Legislature must be expected to take up the ground. That seems patent. But what they fear in the present proposal is the suggestion that the Government of India should be in some way free, or should be driven, to choose between two agencies of control. In other words, they are afraid of this: That if they or their successors cannot woo their own Legislature, induce their own Legislature, to take the point of view to which they attach importance, they would have to appeal to the Secretary of State. On the other hand, if they expected differences with the Secretary of State they would set to work and persuade their Legislature to champion their cause. They apprehend this to be a very dangerous doctrine, and for the present they would prefer that the Secretary of State should retain unquestioned control, subject always to whatever measure of generous delegation he might consent to. Where the Executive Government in India finds itself strongly supported by the Legislature, that fact would unquestionably be a factor, and a very considerable one, with the Secretary of State in considering whether to sanction or disallow the policy in question; and, as I ventured to say when I was before the Committee last, a convention undoubtedly would grow up by which the Indian Legislature, in regard to certain matters, would not be interfered with by the Secretary of State. On similar reasoning, the Government of India are anxious that the Secretary of State should give his prior sanction to all Bills for the introduction of which permission is asked in the Indian Legislature. If that is considered too great a measure of interference with the Legislature they would suggest that Section 65 of the Government of India Act, sub-section (3), might be enlarged—that is the powers of the Indian Legislature—so as to specify, on the analogy of Section 79, the class of legislation, which may not be undertaken without previous sanction by the Secretary of State.

Chairman—continued.

9406. But that proviso about receiving the previous sanction should not be changed. Do I understand that?—That is the proposal. Speaking quite generally on the whole subject they feel that what is desired in this case is that the establishment, if I may call it so, of a more national Government, a Government with more sympathy with national aspirations, should be left to the spirit of the time and the growth of practice and precedent than be incorporated in any rigid provisions in the Bill or rules under it. That is the first large issue I was asked to mention. The second refers to the proposal that there should be some form of diarchy in the Central Government. The Government of India are not very clear naturally, because they have not heard the whole discussion, what form of diarchy is definitely proposed. It seems to them that some of those who have pressed for the measure speak as if they wanted a Minister attached to the Government of India, a member of the Government of India whose duty it would be specially to supervise the development of transferred subjects and the administration of transferred subjects in the Provinces. They would deprecate this very strongly, because they feel that this task is essentially the task of the Governor and he is the man who has to watch and to guide this very important constitutional change. Others seem to suggest that the diarchy sought is this, that in some way the Indian members of the Executive Council are to have special powers, in conjunction with the Legislature, for what have been called the more domestic or popular subjects. They would, of course, regard this as quite irreconcileable with the position of the members of the Council as jointly responsible for the deliberations of the whole Executive body. However, whatever may be the precise form of diarchy which finds most favour, the Government of India do not like it. They do not know and they do not profess to say what is to be the future of the Central Government. It may be that diarchy will have to come there in some form or another in time, or the line of development may take quite another course and it may never be necessary to have diarchy. Anyhow, what the Government of India say is that there is no use gazing into the far future. For the present we have ten years time to allow those developments to

Chairman—continued.

to mature in the Provinces, and the subject of the future Government of India can quite easily be reviewed after that interval elapses, and when there is much more material for judgment. For the present, therefore, the view of the Government of India is precisely that which is embodied in paragraph 289 of the Joint Report. They quite admit that the Joint Report has been treated by themselves and by everybody else as a draft for criticism, but they do think in paragraph 289 there is a special importance and special weight attached to the retention of the authority of the Government of India on very much its present basis. They want to emphasise this point of view, and they instruct me to say that they would have had very great difficulty in going so far in the way of assenting to changes in the Provincial administration if they had felt any doubt about the firmness of the future central power. Of course, it may be that they will be twitted with having doubts in their own minds as to the principle of diarchy which they have advocated very strongly for the Provinces, but that is not really the case. The diarchy in the Provinces is a special provisional measure intended to carry over the period of training, and in itself to be an effective agent for training. At the same time, nobody can be blind to the fact that it does involve risks, and that those risks have been deliberately taken in the Provinces for the purpose in the whole of this great experiment of encouraging the development of responsibility. The attitude of the Government of India is that in central affairs this need does not exist at present, and, therefore, there is no need for taking the risks. They urge very strongly that time is necessary to consolidate the new constitution, and they hope that time is going to be given to them by leaving them in a situation of neither delicacy nor anxiety about the strength and the simplicity of the control of the central authority.

The third point upon which I have instructions is the increase of the number of Indian members of the Executive Council of the Governor-General. They have seen suggestions in the evidence that there should be a large extension of the number, that so many as one-half of the whole number of the members should be Indians, and one witness the other day pressed for at least half, suggesting that it might be even higher. The Government of India have no desire to touch upon either racial or controversial questions which necessarily must be of great delicacy in discussing the merits of individuals, or the suitability of individuals. I do not myself think that they view with much equanimity the general prospect of a large increase of the Council quite irrespective of the constitution of it, because I think most people who are competent to judge rather feel that the Council as it at present exists is quite big enough for efficient working, and that certainly any increase in its size would tend to the increase of the Departmental evil, that is, to work being done much more Departmentally than being brought before a very large body for slow and protracted deliberation. But what they are seriously alarmed about is that in this or in any other way there should be in the near future an absolute majority in the Council who have no administrative experience. I quite admit, and I am sure the Government of India would endorse that view, the time will come when administrative experience will be provided by the development of the experiment in the Provinces, but at the present moment it does not exist to that extent. They specially ask that during the initial stage it should be in a position to exercise firmness, and to give prompt decisions in case of emergencies. They have gladly agreed to the inclusion of two Indian members in the Council, one of whom will be normally a Hindoo and the other normally a Mohammedan; but they ask me to urge on the Committee that any further development should await the recommendations of the first Statutory Commission.

The next point refers to the voting of the Central Budget by the Indian Legislatures. I should like, if I may, to read the words of a telegram in which they have conveyed their instructions to me. After asking me to express their opposition to this proposition, they go on to say this: "We are profoundly unwilling to accept the untried restorative power. We believe that such a power could not possibly be used

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with the frequency that the situation will demand. We regarded it as only the second merit of the separate purse system in the Provinces that it made this arrangement superfluous in the case of reserved subjects."—I shall explain that point later—"If we admit that the Legislature may vote the Budget, we recognise that the Legislature normally has financial control, and therefore may shape the policy of the Executive except on those extreme occasions when the latter calls up its last resources and overrules the Legislature. To grant such powers to an assembly, whose capacity in matters of Imperial importance is still quite unknown, would in our opinion be most unsafe. Such a grant would mean that on every contested point of revenue, e.g., salt, customs, income tax, and of expenditure, e.g., Military, Civil Service, railways, ecclesiastical, etc., the Government of India could only maintain their policy by confronting a situation comparable to that which in the interests of ultimate security they recently faced on the occasion of the Rowlatt Bill. A state of sustained hostility must ensue between the Executive and the Legislature unless—and this is in practice the more probable consequence—the normal control of finance, and therefore of policy, passes entirely to the Legislature. What we accept both as regards reserved and central subjects is the influence of the Legislature, and what we definitely reject is their control. We undertake to weigh carefully the suggestions of the Legislature in regard to finance, and we hold that, in that Government which is the keystone, this is all that can safely be allowed for the initial decennial period." Then in regard to Standing Committees with the Government of India and the Parliamentary Under Secretaries, they would ask that if those institutions are accepted by the Joint Committee an exception should be made in the case of two Departments—the Army Department, and the Foreign and Political Departments. They think that the danger, to put it quite frankly, of leakage in those very important Departments where secrecy is of such high importance, justifies them in recommending special treatment. Those are the points in regard to the Central Government.

Now, coming to the Provinces, the first point which they wish to take is in regard to the method of control over the official half of the Government in its administration of reserved subjects. There is a passage in the Report of the Crewe Committee which again has rather disturbed their minds, because it seems to suggest that the Secretary of State is to enter into much closer relations with Local Governments in regard to the control of these matters. They hope that that is not intended, and they are quite content to stand, and they believe the necessities of the case will be met, by the formula in what is briefly called the Feetham Committee Report, where it is laid down as the principle of control that the Governor-General in Council shall exercise superintendence, direction and control over Local Governments in regard to reserved subjects with regard to the purposes of the Act as laid down in the Preamble. The Government of India have observed that that formula is not embodied in the Act. In Clause 1, sub-clause 3, there is a parallel formula in regard to transferred subjects, but they assume that the formula which I have just quoted in regard to reserved subjects is accepted, and, if that is so, they are perfectly content; and here again they would state the position in exactly the same way as I have tried to state it with reference to the Central Power, that if a Provincial Legislature was in accord with a Provincial Executive over some matter which requires superior sanction, the sanctioning authority would give the very greatest possible weight to that fact, but that it would not in itself be a reason for dispensing with the authority if necessary on other grounds.

The next point is the constitution of the Provincial Executive in cases where the Governor is a stranger to Indian conditions. They renew their plea for the addition of a second member to the Executive Council with the service qualification—they do not say whether Indian or European, and that is immaterial, but it is the administrative experience which is desired. As they understand the position, there is no question of maintaining a balance between Indian and English Councillors; it is entirely a matter of giving a Governor with no local knowledge more official assistance than is required by one who has himself been

trained

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trained in Indian conditions, and, even if the theory of balance is admitted, it is to be remembered that in some Provinces you may have two Ministers appointed at once, and the Governor might thus find his colleagues to consist of only one trained official alongside one recently appointed non-official Councillor and two untried Ministers; they think that might be a dangerous situation.

The next point is in regard to voting by the Legislative Council in the Provinces of budget provisions for reserved departments. I need not quote the telegram, but what I did quote before refers almost in identical terms to this issue. They have in practice little confidence in the power of restoration, and they apprehend that its frequent use would produce grave friction between the Governor and the Legislature, and they stand again on the principle that the Legislature may influence, but ought not to control, the policy of the reserved departments.

Then they come to the use of the Grand Committee, or, in the alternative, ordinances. They quite realise the extent to which the system of ordinances will expose the Governor and the official half of the Executive to sharper and closer criticism than the alternative method of acting through a Committee of the Legislature, but, on the whole, unless the Committee of the Legislature is to be an effective legislative organ, and it certainly is not in some of the proposals that are before this Committee, they would prefer the perfectly straightforward and honest course of having the affirmative power of legislation in the form of ordinance. They would certainly expect these ordinances to be freely discussed beforehand by the Legislature, and the ordinance power would not be used except after the previous approval of the Governor-General in Council. Then they renew respectfully their objection to the elaboration of figures in the first Schedule of the Act.

9407. You mean the members?—Yes, the membership of the Legislatures. As I said before, they are quite content to have the aggregate number, the ratio of elected and nominated members, prescribed in the Act; but the other details they would much prefer to leave to rules, especially as they still consider that a good many of the points in connection with the franchise and the constituencies require further examination, which they are now giving them.

Diarchy I do not know that I need touch upon; they stand by that. I am to ask permission to put in a narrative of the actual manner of daily working of a diarchic Government, or dual Government, as they see it in a Province. They had reduced the mechanism of the dual executive to a series of elaborate rules, but when we examined them here we found they were probably too severe; and what is proposed is to substitute the brief narrative of procedure which, if I may, I will hand in in two or three days.

Then comes the separate purse by which they stand very hopefully, and they have just sent a telegram on the subject, of which the origin is this: During the last month accredited representatives of the different Local Governments have been at work with the Government of India, endeavouring to compile and fix the materials for the allocation of the central contribution as between Provinces—the spade work preparatory to that Committee on Financial Relations, which we have asked for. In the course of their investigations, they have apparently, and quite naturally, had to look into the whole question of the allocation of Provincial finance in the future, and they have sent, I may say, a perfectly unsolicited testimonial in the shape of the following telegram:—"At recent conference with representatives of Local Governments on the subject of Provincial settlements under the reform scheme, the question of a joint versus a separate purse was informally discussed. The unanimous view was that a separate purse was essential, and that there would be no difficulty in adopting the separate purse system in practice. These views were only the personal views of the Provincial representatives, including, of course, a large number of financial secretaries to Local Governments, and are not necessarily the official views of the Local Governments themselves." I do not know if I should weary you again by touching on the subject of the reservation of higher education.

9408. I think you ought to tell us anything the

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Government of India told you to tell us?—In regard to higher education, their point of view was briefly this. After hearing and seeing a very great mass of evidence which has been laid before you, they regard the position in this way: They do not contest for a moment that education in an Indian Province must be regarded as an organic whole, and that education, if it is going to be worthy of the country, must be inspired, so to speak, by the genius of the nation, or, in other words, that the educational system ought to be an expression of national life. They admit all this as a statement of ideal fact, but what they are concerned with is the practical business of the moment, and that business is to get our educational system adapted to the development of India, and, if one may say so, to the expansion of of its national life and genius. Now higher education, from their point of view, is the key to the whole of the social and economic changes that they foresee in India, and they regard it, and they put it in the most entirely impersonal way, as the clearest duty of the official Government to establish higher education on a satisfactory basis before they hand over heavier responsibilities to the people. A passage to which very considerable weight must be attached is found in chapter 30 of the Report of Sir Michael Sadler's Commission, and in paragraph 12 of that chapter, and the succeeding paragraphs, there seems to be a very powerful argument to support the position of the Government of India. The Commission start by pointing out how to build up a sound system of national education in the country. Their first step is this: "At the base of the system should be well-staffed primary schools, bringing a new stimulus to the mass of the population by means of training liberal in spirit and yet adapted to the conditions under which the vast majority of the people must afterwards seek a livelihood." This stage the Government of India believe must develop into the only possible agency for the training of the electorate of the future, and, consequently, for expanding the electoral roll and for bringing in the true growth of democratic institutions. That work they believe to be essentially the work of Ministers, and, not only that, they say it provides enough work for Ministers in the field of education certainly for the first ten years—and in all these criticisms I do not profess to go beyond ten years ahead. Then, says the Commission: "In order that every child of special promise may enjoy further opportunity, the primary schools should be linked up to secondary education in its various grades." This link at the present moment does exist. It is a loose link, and it is not incompatible with the differentiation of the administrative authority of the primary schools on the one hand and the upper schools on the other. We can maintain that link, we are confident, by concerted action between those who are responsible for primary schools and those who are responsible for secondary schools; in other words, if our proposals are accepted, by concerted action between Ministers and the Governor in Council, as in hundreds of other subjects. But we do contend that the existence of this link, and this link only—and this is the only link—is not a final argument for placing both branches under the same administrative authority. Then Sir Michael Sadler's Commission goes on to discuss high schools and universities, but I need not quote the further passages. He points out that in regard to these higher forms of education infinite care is necessary in the organisation, and that they must be developed by patient experiment, by public and private expenditure on a generous scale, and with rigorous regard for excellence in quality; and then he goes on to show how in Bengal under private agency, in the absence of adequate Government control, those essentials have not been observed. That is as much as I need say, I think, in support of an argument which you have heard many times over.

The other points are comparatively trivial. The Government of India hope that there will be no such thing as a revision of the lists of reserved and transferred subjects five years hence, for reasons which have been already very fully stated and considered. They hope that as to rules made by the Secretary of

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State under Clause 23, either through the method of resolution in Parliament or in another way, special publicity will be given to them before they become final. They have asked that some addition shall be made to the Third Schedule of the Act, but I understand that these recommendations are now being examined in the India Office. The Third Schedule is the list of offices reserved to the Indian Civil Service. They would also ask that in order to save trouble hereafter, the Committee should be pleased to raise the maximum strength of the Legislative Council of Burma from thirty to 100. It is defined in the Act at present as thirty, and we feel that in view of possible development in Burma it would be convenient to put in the higher number now and avoid the necessity of subsequent legislation.

Those are the points I desire to bring before the Committee.

Lord *Sinha.*

9409. Do they recommend what the number should be?—One hundred.

Mr. *Montagu.*

9410. You said in one place that the Government of India stands firm about diarchy?—In the Provinces, yes.

9411. Am I not correctly summarising what you have said if I say that with the exception of Standing Committees and Under Secretaries and Burma they stand firm about every proposal which they have made?—Yes, I think that is so.

9412. Really the object of your instructions to state their views once more to the Committee is that they obviously feel they would not have been impressed themselves by the evidence that we have heard, and they hope that we would not be either?—Well, they have seen most of the evidence.

9413. They have seen it and were not impressed by it, and hope that we would not be. Is not that a fair statement?—I think they would be prepared to suggest that, if the Committee had an omniscient witness before them, he probably would be able to dispose of a considerable amount of the evidence which has been heard.

9414. Let me take one or two of your cases. They would deprecate the suggestion that the Government of India should be allowed to have its own way when it was in agreement with the Legislative Council. Let us take administration and legislation separately. With regard to legislation, it has never been suggested that the Crown should abandon its right to veto, which exists in every part of the Empire?—No, that stands.

9415. That would remain, and therefore this suggestion can only really apply, so far as statute is concerned, to administration. Is not the theory of the Government of India that the Secretary of State in Council is the instrument devised by Parliament for the execution of its trusteeship as the representative of an electorate in India which does not exist?—I understand that the British Parliament undertakes the protection of the interests of the Indian people?—Yes.

9416. Unless the Legislative Assembly of the Government of India expresses a view which there is reason to believe is not the view of the electorate it is supposed to represent, or is not the view of the people that the electorate is supposed to represent, is there any reason for the interference of the British Parliament?—The view the Government of India take is that that undoubtedly would be a final argument if India had reached a stage of full responsibility, but that during the stages at which that responsibility is being created the accountability of the British Parliament, and through them of the Government of India, cannot be dispensed with.

9417. But I do not think that is quite an answer to my question. It is a very important topic. Supposing that the Government of India were confronted with the wish of its Legislative Council on a subject on which it believed that the Legislative Council, because of the electorate of India and because of the nascent condition of representative institutions in India, was

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not representing India, and supposing it came to the conclusion that although they asked for it in the Legislative Assembly it was not what India really wanted, then they would not agree with it, would they?—No, I take it they would not.

9418. Therefore the only case in which the Government of India can agree with the Legislative Assembly is a case in which they believe that the Legislative Assembly is asking for something which India really wants. In that case what reason is there for the interference of the Secretary of State in Council?—I think the Government of India honestly feel that they are put into the position of having to decide when it is representing the voice of India and when it is not, and they would much prefer to have the Secretary of State behind them in making a decision of so much importance.

9419. They do now differ from their Legislative Council on occasions. It is a question whether the Secretary of State or the Government of India should decide what are the real views of the people of India. Is not that the whole question?—It comes to that, yes.

9420. Should not you think that the Government of India were in a better position when confronted with the arguments of the debate than the Secretary of State?—There is another consideration: the extent to which you remove the control of the Secretary of State, or to which the Secretary of State abrogates his own control, represents also the extent to which he is unable to come to the support of the Government of India when they require it. Control and support go hand in hand.

9421. Then it really comes to this, that the only possible way in which you can get a delegation from London to India in the Government of India is either by choosing subjects upon which the Secretary of State will permit the Government of India to do what it likes, or by choosing a principle something like this upon which the Government of India will be allowed to do what it likes. You object on behalf of the Government of India to the principle, and therefore you can only fall back on a series of subjects and limits?—The series of subjects and limitations will, of course, have to be undertaken. I hope I have not overstated it, but the objection to the principle I think is more an objection to recording the principle in a rigid formula of law.

Chairman.

9422. That is what I understood from the beginning?—They accept the principle as a motive power—that is to say, they entirely agree that the consent of the Legislature to the proposal of the Executive is, first of all, a factor to which they themselves will attach the greatest importance, and, secondly, a factor which they would impress upon you when you have to decide whether this policy is to be accepted or not, but they trust that the operation of the principle will be left rather, as I said, to practice and experience than to a rigid formula of law and rule.

Mr. *Montagu.*

9423. Now I want to ask you a question about this prior sanction to all Bills. Do you by that mean Bills which the Government of India want to introduce, or Bills which any member of the Legislature wants to introduce?—They mean private members' Bills, as well as official Bills.

9424. In your experience does not the principle of previous sanction lead to one of two evils, either an enormous delay, or, very often when there is an urgent necessity, inability to give the Secretary of State in Council time to examine the Bill, and even in some cases to communicate his previous sanction?—I think the present rule provides an interval of two months between the intimation of intention to introduce a Bill and the period at which the Secretary of State's assent may be presumed. I have not heard any grievance on that point in regard to private Bills, and certainly in regard to official Bills the matter would be conducted by telegram. It is perfectly clear, and I hope I have not made it at all doubtful, that previous sanction in no way interferes with the right of the Crown to veto a measure which has been previously sanctioned.

9425. And

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9425. And you really attach importance to the keeping of the two checks, previous sanction and veto?—The importance which the Government of India attach to previous sanction is this: You may have a vast amount of legislation of a thoroughly unnecessary character, if I may say so, introduced and carried through both Houses, canvassed in the whole country, enormously debated, and then in the end vetoed; and they believe it would be much wiser in the present state of development to keep a control over the legislation at an early stage. But I have made the alternative suggestion that there should be a development of Section 65 in order to make it clear that there will be certain classes of cases in which the Legislature can go ahead without previous sanction.

9426. You will recollect cases of Bills which have had to be introduced without sanction, or rather, in which sanction has had to be given to skeletons of Bills because there has been no time?—Yes.

9427. The next question I want to ask you is about the Government of India's statement that they stand by their objection to diarchy in the Government of India. I imagine you would never suggest that in practice the Government of India would force a Bill through the Council of State—I am keeping the machinery now as it stands—for renewing indentured labour with Fiji?—No.

9428. You would not imagine, would you, that the Government of India would force a Bill through the Council of State that would deprive the Legislative Assembly of expressing their views on the results of the International Labour Convention at Washington?—No, certainly not.

9429. Is not some of the evidence we have had in this Committee based on the fact that there is a suspicion that the words in the Bill describing when the Council of State will be used are capable of very wide interpretation, and might be used for anything?—You mean "Peace, order, and good government."

9430. "Peace, order, and the interests of British India or any parts thereof"?—Yes, that fear has been expressed.

9431. Have not you gathered from the evidence that there is evidence of anxiety, apart from those who advocate diarchy in the same sense as it is advocated in the Provinces, to make certain that the Assembly will be given something to do, and will not be left merely to criticise?—Yes, I think that is very natural.

9432. And the Government of India, in refusing diarchy, can offer no suggestion as to how to relieve that anxiety at all?—The only suggestion is that which I ventured upon before—the determination either by some authoritative definition now or by the growth of practice in classes of cases such as you have enumerated, social legislation, or matters of that sort, in regard to which the Assembly would certainly not be interfered with by either the official side of the Government or by the Secretary of State.

9433. As to the three members of the Executive Council of the Government of India, and the suggestion that they would very much deprecate more than two, do you think there is any real difficulty in finding more than two men of administrative experience in the whole of India?—Among non-officials?

9434. It does not necessarily mean non-officials?—No.

9435. Does not your experience show that you beget a sense of irresponsibility when you keep people in a permanent and hopeless minority?—Yes, undoubtedly.

9436. Would not that really be an answer to some of your arguments about the other subjects—the voting on the Budget, for instance? Are you not much less likely to have opposition when votes have a real effect than opposition to motions when votes have no effect at all?—I think that is undoubtedly the lesson of the present system.

9437. Does not that answer, to some extent anyhow, some of the arguments of the Government of India, both about the voting on the Budget and about the composition of the Executive Council?—I think it would answer them in the future. At the present moment we are not confident that that responsibility exists, and what the Government of India do ask for—I can only repeat the formula, which I am afraid you have heard *ad nauseam*—is that their operations should not be subject to popular control at the pre-

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sent stage, however gladly they welcome popular influence.

Major *Ormsby-Gore.*

9438. One question about the joint purse. You heard Mr. Curtis's scheme of the separate purse?—Yes.

9439. What is the Government of India's attitude with regard to that?—I think they probably would say half a loaf is better than no bread, but they certainly would not prefer a fractional allocation of revenue to the allocation of specific sources of revenue, mainly, I think, for the reason I stated before that the allocation of specific sources of revenue does confer a feeling of much greater responsibility on those who have to undertake the task of assessing and collecting those revenues, which is absent from the alternative of the fractional system.

9440. In that paper with the proposal you handed in, the only large source of revenue was excise. It practically means giving Ministers excise to play with and nothing else?—They have a number of other substantial sources of revenue—they have agriculture; but excise is undoubtedly quite the largest.

9441. You do not think it would be possible in any way to divide that revenue?—Yes, I do not see why not. I think probably as a feature of the settlement between the two halves which I have always been advocating, there might be one head of revenue which has to be divided. I do not like it—I would prefer it should be done by means of a lump subsidy—but that is not inconceivable. The fact of the matter is, one would gladly accept almost any form of allocation rather than a joint purse.

Lord *Islington.*

9442. Assuming that the separate purse were introduced, a great deal more examination than has hitherto taken place would have to be made in each Province to work out a practical scheme?—I think we have most of the materials ready for such a body as has been suggested—an independent body of arbitration.

9443. You have the body ready?—No, the materials.

9444. In which Provinces?—I think they must necessarily be based on the statistics of revenue and expenditure of previous years. May I just mention in connection with that point a very important matter which was also touched upon this afternoon? It was suggested that it might be essential to start with a joint purse in order to prevent delay, and that the material for a decision as regards the separate purse or for the investigation by some such body as had been proposed by way of arbitration would take a very considerable time; in fact, it has been suggested that for the first three years we might go on as we are. I want to point out that as a practical proposition, I think that is an overstatement. We are now at the end of 1919. I do not profess to prophesy when the new regime will start, but obviously it cannot be very much before the beginning of the financial year which starts in April, 1921. When Ministers come, if they do come, into office in 1921 they will find a Budget ready, and there will be nothing for them to do—no difficulties and no disputes; their allotments will be there, and for that year they will simply have to work upon a Budget which, naturally, had to be prepared before they assumed office. So the issue would not become a vital one until January, 1922. What I want to point out is that between now and January, 1922, we can easily devise and get through the whole scheme for a separate purse in every Province.

9445. I want to be certain in regard to the dissent of the Government of India to the proposal that where the Legislative Assembly and the Viceroy's Council agree they still desire that the reference should be made home on the grounds that the Government of India, although they are in agreement with whatever the matter may be which has been carried by the Legislative Assembly, do not feel themselves prepared to take the responsibility of giving enforcement to their agreement?—I do not think they shirk the responsibility; they would probably welcome the opportunity. But what they do feel is that they are being placed in a position of having to decide when the

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Legislative Assembly is acting wisely in the interests of the whole of India, and when it is acting unwisely. That decision hitherto has lain, in matters of important policy, with the Secretary of State, and they only propose that the same principle shall be maintained.

9446. But would not that principle obtain? If they came to the conclusion on a particular occasion that the Legislative Assembly were not representing India and were therefore not acting wisely, they would dissent, and the mere fact of their dissent would necessarily involve reference home?—That is so.

9447. It would automatically entail reference home where there is disagreement between the Government of India and the Legislative Assembly. I cannot quite follow the trend of mind of the Government of India. Having satisfied themselves that the decision come to by the Legislative Assembly is one which represents Indian opinion, is one that is generally acceptable and useful, and is one, therefore, they can assent to, and when we want to see and they want to see as much delegation as possible, they still desire to refer home?—If they were thinking only about their own position at the moment, I have no doubt whatever they would welcome any opportunity of using the Legislative Assembly as a substitute for reference to the Secretary of State, but they feel they have to look to larger issues; they feel there is a very great danger, if not now, in the future, of a Government of India being tempted to play off the Secretary of State against the Legislative Council, and they do not want to put themselves or their successors in that position. I think that is the basic fact of their difficulty.

9448. Then what is the logical reason why they would extend that principle to the Provinces, and, in the case where the Legislative Assembly is in agreement with the Government on a reserved subject reference to a higher authority has to be made, because that argument would not necessarily obtain in the Provinces, would it?—The Governor might conceivably be tempted to play off his Council against the Government of India. It is exactly the same position.

9449. And in that case the Government of India desire they should have the last voice?—Where the matter is one which on other grounds would require their sanction. In nine cases out of ten we hope the necessity for sanction will be dispensed with by generous delegation in both spheres.

9450. Has the Government of India had an opportunity of reading Lord Crewe's Report?—Yes, they have seen it.

9451. You have had no reference from them that you can give this Committee as to the suggestions embodied in that note by Sir James Brunyate?—I know they dislike the suggestions, but I have no more material than those telegrams, which I think have been before this Committee.

Mr. *Montagu.*] Yes, they expressed their opinion in a telegram to me on that point.

Lord *Islington.*

9452. I understand the Government of India realise the difficulty they will have in the future of a Legislative Assembly with a large elective majority, and with no sort or kind of responsibility?—Yes.

9453. And I gathered from you just now that they are anxious, if they can, to introduce, in however modest a form, something in the nature of responsibility to that body?—I understand so. I think they are very anxious to get a responsibility which will grow up by convention.

9454. But you are not in a position to give us any considered reasons why they object to the tentative proposals put forward in that direction, and the only ones that I know of have been put forward by Sir James Brunyate?—I think what they feel, again, if I may put it in almost the same words, is that those proposals would make an excellent basis for the convention I have been trying to describe, but they do not want these proposals crystallised into the form that outside critics have given to them. As Sir James Brunyate himself explained, his proposals have been very gravely misunderstood or exaggerated, and the Government of India are apprehensive of that. They want to restrict the method of the operation of this new principle in practice.

9455. Would not the most effective way of doing that be to put it into the statute to make it quite clear?—I think that is exactly what they do not want to do.

9456. But would not it be the most effective way of restricting it, to make it quite clear what you may do and what you may not do?—I am afraid I have not any instructions on that point.

Lord *Sinha.*

9457. The Government of India agreed long ago that instead of the Indian element on the Viceroy's Executive Council being one it should be increased to two?—I think in the first despatch that was included.

9458. I understand that is their position still?—Yes.

9459. What is the precise danger if you increase the two to three?—As I explained it, the precise danger they anticipate is an increase in the inexperienced elements in the Council.

9460. Supposing you make one of the Indian members an Indian official, and take one from of official origin, that would get rid of the element of inexperience?—Yes.

9461. And you know it would give great satisfaction, and add to the sense of self-respect of all Indian politicians if they got that point?—I am sure it would.

(*The Witness is directed to withdraw.*)

Die Martis, 14° *Octobris* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.	Mr BENNETT.
Earl of SELBORNE.	Sir HENRY CRAIK.
Lord BRODRICK (Viscount Midleton).	Mr. MONTAGU.
Lord ISLINGTON.	Major ORMSBY-GORE
Lord SYDENHAM.	Sir J. D. REES.
Lord SINHA.	Mr. SPOOR.

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

SIR SANKARAN NAIR, C.I.E., is called in: and Examined, as follows:—

Chairman,

9462. You have just ceased to be a member of the Government of India?—Yes.

9463. You were the Education member of the Government of India from 1915 to 1919?—From November 1915 to July 1919.

Chairman—continued.

9464. And before that you were a Puisne Judge of the High Court of Madras?—Yes.

9465. Before that you were Advocate-General?—Yes; and before that Government leader and Public Prosecutor.

9466. You

Chairman—continued.

9466. You have been good enough to give answers to the questions we put to you?—Yes.

The following are the questions and answers:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—(a) Yes. (b) Responsible government implies the subordination of the Executive to the Legislative Council composed of the representatives of the people.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—Yes.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—Yes. Subject in cases of differences of opinion to the control of Parliament generally to be exercised by a committee of the Houses of Parliament.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—I do not accept the assumption that the Minister and the Legislative Council are not responsible to Parliament. The Provincial Executive is at present only the agent of the Government of India and the Secretary of State. It has never been in a position to enforce its own wishes when they were not in conformity to the wishes of the Secretary of State. As regards reserved subjects, it must continue in the same position as heretofore.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I think the dual form of government is the best means of securing responsibility.

7, 8. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest? 8. In particular, do you think (i) that Ministers should hold office "during pleasure," *i.e.*, should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv.) That the Governor should have power to dissolve Legislative Councils (Clause 7 (iv.))?—(1) Ministers should be liable to removal if they fail to retain the confidence of the Legislature. (2) Yes. (3) The official European and the non-official Indian must be equal in number. (4) Yes.

9, 10. Referring back to questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as ((i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)? 10. In particular, (i) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry

Chairman—continued.

their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(1) The Budget as a whole should be placed before the Legislative Council for its assent, and not the proposals for the appropriation only. (2) I do not accept the plan of Grand Committee. My reasons are given in Par. 29 in my Minute of Dissent to the first Despatch of the Government of India and in my dissent to the second Despatch of the Government. In addition to the method that I have suggested I would also suggest that the Governor may be allowed the power to issue ordinance with the sanction of the Committee of the Houses of Parliament for the purpose of securing necessary legislation.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Yes.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Yes.

13. Do you accept the plan of a bicameral Legislature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—No. My reasons are given in par. 34 of my Minute of Dissent to the first Report of the Government of India.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I have suggested three courses at the end of par. 34 of my Minute of Dissent. With reference to the Budget, the sanction of the Legislative Assembly should be substituted for the sanction of the Secretary of State. Where the Executive Government of India and the Legislative Assembly differ in opinion the decision should rest with the Secretary of State acting on the advice of the Committee of the Houses of Parliament. See par. 35 of my Minute of Dissent.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—I accept the Section 21. I would add, however, that there must always be three non-official Indians in the Viceroy's Executive Council. My reasons are given in par. 37 of my Minute of Dissent to the first Despatch by the Government of India.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33, and 45 of the Government of India Act (Clause 23)?—I accept Clause No. 23. I would substitute 5 for 10 in this Section.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I would substitute "shall" for "may" in Part 1, Section 1, Clause 1. I would omit the words "for the allocation of Provincial funds for the purpose of such administration" in Clause "D" of the same Section. If they are not omitted, then it must be clearly pointed out that the rules should not be inconsistent with Section 9. I would omit the words "except with the sanction of the Secretary of State in Council" in Clause 2 of the same Section. If they are not to be omitted the sanction of the Committee of the Houses of Parliament should be a condition precedent to the exercise of such power by the Secretary of State. There must be a Clause similar to (3), in the same section, defining the powers vested in the Governor-General in Council so far as reserved subjects are concerned.

Chairman—continued.

cerned. The rules should not reduce the number of members to be elected by General Electorates given in Schedule 1.

19. Have you any observations to offer on the Reports on Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I have already recorded my opinion that there should be no difference between males and females. Punjab should be allowed at least 28 more men in their Legislative Council. I support communal representation. There should be no residential qualification in any Province. I have stated my reasons for my opinion on these and other questions arising out of the Report more fully in my Minutes of Dissent.

9467. We have had the advantage of reading your Minutes of Dissent which have accompanied the Despatches of the Government of India; therefore I think we are generally very fully informed of your opinion. Is there anything you would like to add now before the Committee?—I have nothing to add. I would prefer to wait for any questions that might be put to me if any explanation is needed.

Lord *Sydenham.*

9468. In your Minute of Dissent you speak of the village government of long ago. What period do you refer to?—Which part of the Minute do you refer to?

9469. On page 59, paragraph 3, of the Report of March 5th?—"It can scarcely be denied that in the ordinary villages a democratic form of government prevailed when the British took possession of the country." Is that the part you are looking to?—

9470. Yes?—I refer to the period when the British took possession of the country.

9471. When British rule gradually spread over India it found in every part of India this village system in full working order?—Almost so. Whether there are any exceptions in obscure villages I cannot say, but generally throughout India.

9472. And you say that the spread of the British system of revenue destroyed this village organisation and administration?—Yes, I do.

9473. Do you think that that village organisation can now be restored in any way?—Not in the form in which it prevailed of old.

9474. But your view is that that system of election and elective methods still lingers in the villages?—Yes.

9475. On page 61, in paragraph 8, you speak of the increasing poverty of India?—Yes.

9476. You are aware that that is a very serious statement?—Exactly.

9477. Can you give your reasons for believing that poverty in India is increasing?—I can do that. The strongest proof, in my opinion, is the rate of mortality, according to the census accounts which have been taken in India. That is one. The second is the decline which we find throughout the country of the physique of the schoolboys. The third is the difference in the physique of the jail population, according to the diet which was given to them some time before and at present. The next is their inability to withstand diseases. This conclusion is supported by probabilities, and among those probabilities I would name the decline of industries and the condition of the agricultural population. These are some of the things which occur to me at present.

9478. Do you know we have had strong evidence pointing to the increasing prosperity of the masses?—I believe so. That is an opinion held by various persons.

9479. When I was in India I was assured by Indians who are not old men that in their lifetime they have seen signs of improvement. Were they wrong?—You will be assured even now by some people that it is so, but that is not my opinion.

9480. You are aware that 1,200 million rupees have been withdrawn from circulation in four years? Those rupees must either have gone into ornaments or been buried underground. Does that extraordinary disappearance from the currency point to increasing poverty?—I cannot say that. May I interject one remark? All those conjectual arguments cannot weigh in my opinion against the inference to be drawn from facts which definitely point to a certain conclusion. Those conjectural arguments are useful to support and corroborate conclusions which may be drawn from facts, but in my opinion they cannot afford the foundation of any conclusion by themselves.

Lord *Sydenham*—continued.

9481. Are you aware that the drain of precious metals towards India causes some anxiety in other countries?—So I have been told.

9481A. Do you think that a country which is drawing to itself a disproportionate share of the gold and silver of the world can be said to be getting poorer?—To derive any conclusion from that you must have comparative tables. You must know what precious metals were being drawn to India in the old days and then compare it with the present flow into India, and also consider it was and is in exchange for food products or not, otherwise you cannot draw any conclusion.

9482. Are you aware it has been stated that in quite recent years people have shown increasing powers of resistance to famine which they did not even forty or fifty years ago?—That is not the fact.

9483. That is not the fact?—Certainly not.

9484. You speak on page 64 of the restoration of Indian industries. What do you mean by that?—Because my own belief is that the Indians were an industrial nation in the old days. At present they are not.

9485. Would you say that in the old days—I do not know quite what the old days are—there were more Indians employed in industries than there are at this moment?—Certainly. If you will allow me I may state at present that my statement of the industrial condition and the causes thereof is almost a harmless statement, according to the evidence which is available. I had intended, in support of my statements, to put before the Committee the statements submitted to them by Sir Fazulbhoy Currimbhoy, the Mohammedan representative of Commerce in the Imperial Council. That contains generally the opinion of the Indian commercial community. If you wish it I will just draw attention to it without reading it unless the Committee wish it, so that you may satisfy yourself what the views of the commercial Committee are.

Chairman.

9486. I think it is enough if you give us your opinion and the authority?—Yes; it was circulated to the members of the Government of India on the 29th January, 1918.

Lord *Sydenham.*

9487. Can you tell us what are the obstacles in the creation of Indian enterprise by any Indian who has the capacity to manage it, who can secure the necessary amount of capital?—I am not an expert in it myself. I would rather refer you to that opinion of the Commercial Representative. If you wish to read it, I will lay it before you.

9488. You have observed the immense growth of the mill industry in Bombay and elsewhere in Indian hands?—Yes.

9489. That is a modern development, is it not?—Yes.

9490. That development arises from the example and the spectacle of the work of Europeans who brought the mill industry into India in the first instance?—Yes; I agree with you.

9491. Has not that led to a very large amount of employment of Indians in industry?—You mean of the labour population?

9492. Yes?—Yes; but that was not the point I was labouring at.

9493. You realise that all industry has undergone revolution in every country?—Yes.

9494. And that old hand industries in this country and elsewhere have never been able to hold their own since the introduction of power on a large scale?—If you will allow me to reply to all that in one word my point is not that. My point is simply that Indian industries have not had fair play at the hands of the Government.

9495. That

Lord *Sydenham*—continued.

9495. That is the point I wish to elicit. Would you say in what way?—That is why I wanted rather to refer to the statement of an individual who has put forward that evidence before the Government of India, rather than in my own words. If I may give it to you I can do so.

9496. Having regard to the recent growth of such very large industries as the Tata Steel Company and the Tata Hydro-Electric Works, purely Indian industries, would you say that the Government was really obstructing the growth of industries of that kind?—There, again, I quite acknowledge that so far as the Tata industry is concerned, it had all possible encouragement from the Government. As to the mill industry, whether with the encouragement of the Government or not I do not know, but it has grown up. There are those two. But in spite of that the evidence to my mind is overwhelming that not only have the Government not encouraged Indian industries as it might have done, but there is a feeling amongst the commercial community of the whole of India that the Government and the railways and other departments controlled by Government have been standing in the way of Indian industries. In view of the questions which you are putting to me I should like to put this before the Committee, because that will save a lot of time, perhaps. May I, Mr. Chairman, place it before the Committee?

Chairman.] Put in your reference.

Lord *Sydenham.*

9497. You have referred the Committee to that Report?—Yes.

9498. You would not say that every Indian industry would not get as much encouragement as you say the Tata industry did get?—The Tata industry is an exceptional one for various reasons. The conditions under which it came to exist are exceptional. You know that better than myself. I would not rely upon the encouragement afforded to that industry as an example.

9499. Then your view is that Indian industries cannot start in any sufficient amount by Indian enterprise, and that Government must step in and take the initiative?—No; I do not say that either. I would like that to be done, but what I would say is that the Government ought to afford more encouragement than it has hitherto afforded.

9500. More encouragement?—Yes.

9501. You say in your Minute of Dissent as regards local self-government that the orders of Lord Ripon and Lord Morley with regard to self-government have been practically disregarded?—Yes.

9502. Would you say what you mean by that?—Yes. The orders of Lord Morley and Lord Ripon, as I understand them——

Chairman.

9503. Or rather Lord Ripon and Lord Morley?—Yes; I beg your Lordship's pardon. The effect of those orders was that Indians were to have the management of those institutions themselves, that in the District Boards and the Municipalities their voice was to be the predominant voice; they were to be advised by the officials, and their defects pointed out to them. As a fact that has not been carried out. The Municipalities and District Boards were really governed by officials. They had elected members in many of them, and their opinion was taken, but I cannot say that their opinion is generally given effect to. The Executive was not under the control of the elected members of the Municipalities; in a great many of the District Boards and Municipalities they had not a majority of elected members, and the chief Executive officer was not under the control of the local boards. All this was against the spirit of the orders of those two noble lords. Unfortunately, I did not bring it to-day, but if the Committee wish it I have at home a statement which shows the number of Municipalities which contained a majority of elected members; the number of Municipalities and District Boards in which the chief Executive officer was an elected member, and it will show in how very few local bodies there was really the predominance of the elected element. The other matter in which it was not carried out was that the funds were not placed at their disposal at all, which were necessary in order to carry out the duties that were imposed upon them.

Chairman—continued.

Lord *Sydenham.*

9504. May I ask that Sir Sankaran Nair should put in those figures?—If I go home I can bring it in the course of the day; I can certainly do it to-morrow.

9505. We have had evidence before this Committee of the Government of the Punjab taking strong steps to try and induce municipalities to adopt popular government, and they were successful only in a comparatively few instances. May that feeling among the people in some places against the popular institutions have retarded what Lord Ripon and Lord Morley wished to bring about?—No, it is not so. The feeling amongst the various leaders of public opinion against going into the local boards is due to the fact that their presence there is an absolute waste of time because they have no powers at all.

9506. I think you will admit that there has been an increasing number of municipalities brought under complete popular control, though the pace may not have been as quick as you would have liked to see it?—The fact was this. For some time after 1884 there was an increase. Then towards the middle of 1897 or thereabouts there was retrograde legislation, and there was no increase whatever. Then recently there has been an increase.

9507. Are you aware that I myself gave complete popular control to a very large number of municipalities in the Province of Bombay?—I am glad to hear that, but I was not aware of that.

9508. Now, in your Minute of Dissent, in paragraph 13, you say: "I would, therefore, propose that it should be open to a Minister to appoint, with the sanction of the Secretary of State, or request the Secretary of State to appoint, any person outside the Service for any post under him." Do you realise that that is a power which is not possessed by any Minister in this country?—I do not know anything about the state of things here. I cannot say.

9509. Would not the effect of that be to give enormous patronage to every Minister?—How can it, when it is subject to the control of the Governor and of the Secretary of State, and, besides, that is a state of things which it is open to an Indian member of the Executive Council to do now.

9510. You speak of the Governor. You do not mention the Governor here; it is only the Secretary of State?—Yes, because the Secretary of State is now the sanctioning authority, and therefore I mentioned only the Secretary of State, and there is no necessity for mentioning the Governor, because he always acts under the orders of the Secretary of State.

9511. How could the Secretary of State possibly say that any particular appointment in the quite subordinate secretariat was a suitable one or not?—It may not be in the subordinate secretariat, but when we speak of all these appointments we do not refer to the clerks, we refer to the higher appointments; for instance, in the case of the Minister, the chief appointment is that of the Secretary under him; just as in the case of a member of the Executive Council of the Viceroy; when I speak of the appointments, the appointments that I refer to are the appointments of the Secretary to the Government, and also of the advisers in the various Departments to the Government. I do not refer to any appointments below that.

9512. You do not mean what you say here, "any post." You only mean certain select and comparatively few posts?—Well, the other appointments are not made by the member, they are made by the Secretary; therefore I only refer to the appointments which are in fact to be made by the Minister. The other appointments are in fact made by the Secretary in the Department.

9513. Would you allow the Minister to bring in to these posts untrained people who had not gone through the mill which admits them to the public Service?—A man who becomes a Minister is supposed to be a man

Lord *Sydenham*—continued.

a man of some common sense, who knows the sort of men he would want to appoint to that post, and therefore he may be trusted to put forward persons who are competent to carry on the duties of that post, because he is responsible for the working of the Department. I would not assume that he would appoint a man who is not fit for it; I mean he would not nominate a man who is not fit for it.

9514. Might not the trained people who have got hold of these appointments feel rather aggrieved if the untrained friend or relation of the Minister were brought in over their heads?—I would not assume that he would bring in a man who is not fit for it, as I say, and I would only assume that he would nominate a man who is more fitted for that post than anybody otherwise in the Department who might be eligible. If you want examples, if you want the position to be explained by concrete instances, I can do so.

9515. You have said you did not know that this power is not exercised by Ministers in this country?—Yes.

9516. But you do know it is not exercised at present by members of the Executive Council in India?—I know it is exercised.

9517. In the Provincial Councils?—No, in the Imperial Council.

9518. Only in the Imperial Council?—That I do know, and I believe in the Provincial Councils, too.

9519. That is not my experience?—But that is a fact now; it is the fact at present.

9520. It is a new development, is it?—No, it is not; I can give you instances if you want.

9521. With your great knowledge of Madras and Southern India, are you in favour of giving communal representation which the non-Brahmins are demanding in such large numbers?—Yes, I am.

9522. You are?—Yes, I am in favour of giving communal representation.

9523. You know that Sir Rabindranath Tagore, the other day, also pronounced himself strongly in favour of communal representation?—I did not know that. At any rate, I am in favour of giving communal representation to non-Brahmins.

9524. You know the Brahmo-Samaj and its members wish as far as possible the abolition of class distinctions?—Yes

9525. Is it not rather remarkable that members of the Brahmo-Samaj should advocate communal representation, because we have been told that communal representation would increase the caste differences and perpetuate them?—I cannot say anything about that. My reason for giving communal representation to non-Brahmins in Madras is that a state of things has been brought about which compels us to give it. I recognise all the disadvantges and all the difficulties attending that, but now I would give communal representation to non-Brahmins simply because we cannot help it.

9526. May I take it you do not see in communal representation the crystallisation of caste systems throughout India?—Not in the form in which it is recommended by the Indian Government. But if you only reserve those seats as recommended by the Indian Government, I do not think the dangers are great. If you form communal electorates for the election of members of that community, then perhaps it might possibly crystallise class differences; but if you do not form communal electorates, but only reserve seats for them, say 30 seats out of 60, as recommended by the Government, then I do not think the danger is so very great.

Chairman.

9527. Of the two plans which have both been discussed at great length by witnesses before this Committee, which do you recommend, communal representation or reservation?—Only reservation.

Lord *Sydenham.*

9528. You know that since the British rule became established in India the population has rather more than doubled? Do you think that the doubling of the population is a sign that any country is going down the hill?—I have not formed any opinion upon that question.

Sir *J. D. Rees.*

9529. You have objected to the proposals of the Government of India on the ground, you say, that the justification for their proposals is the assumption made by them that those to whom powers would be transferred are an oligarchy who might use them to the detriment of the masses. You do not accept that, do you?—No, I do not.

9530. I am anxious not to go over anything which is expressed in your Minute. It is abundantly proved from what you have written that you regard Hindoos as people who love their country and their fellow-countrymen. Not in the least speaking with regard to the principal of communal representation, I want to ask you why in that case you wish to provide for special communal representation for one-tenth against nine-tenths of those patriotic and fellow-countrymen-loving population?—For one-tenth?

9531. I am taking the Brahmins as a small proportion?—Because the non-Brahmins now demand it, and their feelings are so excited that it would be safer to give it to them.

9532. It is not because of the feeling that it is absolutely necessary to protect them against the higher classes?—I must divide the non-Brahmins in Madras—I do not refer to the others—into two classes: That is, the non-Brahmin caste Hindoos and the non-Brahmin non-caste Hindoos—that is the pariahs and others. In the case of the non-Brahmin caste Hindoos I really do not think they do want any protection, though I would give them class representation. But in the case of the others the case is different. My own opinion is that when this matter comes to be inquired into ten years hence it is possible that the Brahmins of Madras may want protection against the non-Brahmins.

9533. Following that, may I ask you what classes do you place in the category of depressed; it is only the Malis and hill tribes, and so forth, or do you include the ordinary sudra, the cultivator, in the depressed classes?—I do not.

9534. Then you would not suggest that the land-holding classes ever could be amongst the depressed classes?—No.

9535. Taking the step you suggest, upon the explanation you have given, would not this communal representation amount to the exclusion of Brahmins rather than to the special representation of those who are a vast majority of the population? It would amount to the exclusion of Brahmins *pro tanto*?—It might in course of time.

9536. Would not it now?—I doubt whether it would now.

9537. But if you reserve 30 seats out of 60 for non-Brahmins, does not that mean providing for the exclusion of Brahmins rather than for the representation of the others?—From those 30 seats you exclude them.

9538. Seeing that is half of the whole of the general seats, would not that amount *pro tanto* to the exclusion of Brahmins?—To the extent of the 30 seats, yes.

9539. Would I rightly gather from your writings that you are in favour of founding the new democracy by placing the intelligentsia under any disabilities?—No; I would not.

9540. You say in your Minute the India Office with the Secretary of State as at present constituted does not favourably represent Parliament. Can you briefly explain that? I do not catch the meaning?—When I say that the Secretary of State does not represent Parliament, I mean that he accepts so often the views of the official classes in India that I do not think he represents the Parliamentary view here.

9541. You are speaking of the Secretary of State as an

Sir *J. D. Rees*—continued.

an institution, and not of any occupant?—I do not refer to any individual.

9542. You say he does not faithfully represent Parliament. Do you think he could maintain his position if he did not?—Not if Parliament knew what he is about.

9543. But do not you think Parliament keeps an eye on him? Parliament watches these great officers, do not you think?—They do not, and that is why we suggest a committee of the House of Commons and the House of Lords to keep an eye on him. At present they do not.

9544. Do you realise that Secretaries of State are very great officials, chosen for their particular eminence in Parliament?—Yes.

9545. And that while they are, of course, trusted by Parliament—otherwise they could not maintain their office—still they are watched by Parliament and by Members of Parliament who are interested in their particular portfolios?—Yes; they may be.

9546. But in spite of that you adhere to your opinion?—Certainly. You cannot imagine a person, for instance, who is more anxious to do certain things to advance Indian interests, but I know how helpless I was as the head of the Department, though I was watched by the Indian politicians; I can therefore imagine how helpless the Secretary of State is in many respects, though he might be very willing to do what is needful in Indian interests.

9547. You think it is a fairly analogous case then?—Whether it is analogous or not, it is an illustration and I think it shows how it works.

9548. My next question arises by accident out of what you have just said: You rather demur to the Secretaries of Departments under a Minister having access to the Governor, which might reduce to a figure-head the Minister. Are you aware that under the existing constitution in India Secretaries of Departments always have that power?—Yes, but the condition would be different. When I was a member of the Government of India my Secretary, if he differed from me on any question, might take the file to the Viceroy and explain it to him. He has got the advantage of explaining it to him first, which I have not. But if the Viceroy differs from me he cannot overrule me. He can only place it before the Council for the opinion of the other members. Under the new conditions it will be open to the Governor to overrule the Minister and practically therefore to make the Minister entirely subordinate to himself. He may accept the Secretary's view, and there is an end of the matter; whereas at present in the Viceroy's Executive Council the Viceroy has no power over me; he has to refer the question to the Council and the Council alone can overrule me.

9549. Upon the recommendations made by your late colleagues in the Government of India on the separate purse, am I right in supposing that you hold that the report scheme gives the Minister and the Legislative Council considerable influence even in the reserved subjects, while the Government of India would leave them no responsibility in the transferred subjects and no influence in the reserved subjects?—Yes, very little; I will not say no responsibility, because men may differ as to the meaning of it.

9550. I am not asking because I dispute it, but as a question of fact, have you reason to believe that that view of the modifications of the Government of India is held by most of those who, like yourself, are in a position to criticise these reforms and proposals made in connection with them? Do you believe that the view you have expressed is generally held among the Indian politically minded classes?—Yes.

9551. I want to ask you why you hold that responsibility in the Province connotes or demands responsibility in the Government of India?—Because it would be open otherwise to the Government of India to overrule a Minister and a local Government in matters arising out of the transferred Departments. I read in one of the papers—Mr. Feetham or somebody has explained the situation much better than I can put it—that it will be open to the Government of India, with reference to those matters arising out of the transferred Departments, to take them out of the control of the local Governments, on the ground, for instance,

Sir *J. D. Rees*—continued.

that uniformity requires that a certain particular line of conduct shall be followed. That is one explanation.

9552. You strongly object to the proposal that the Governor should have power to resume the portfolio of a transferred subject, and to give the power to the Secretary of State to re-transfer a subject. Have you reason to believe that those views also are generally held by educated Indians?—I believe so.

9553. In your second Minute of Dissent you say that the Government were actuated by the highest motives in regard to educational matters. Will you explain how the highest motives are compatible with a desire to reserve education not for the sake of education, but for political reasons, with a determination to confine higher education to affluent boys, and to withdraw boys to vernacular schools from English schools for political purposes. I want to ask you in a word how you reconcile those charges against the authorities with the attribution to them of the highest motives?—Well, I do not wish to argue the point with you. If you think it is not compatible you may drop it.

Mr. *Spoor.*

9554. I would like to ask you a question further upon what Lord Sydenham asked—the decline in industries which you alleged has taken place in India. Without going into elaborate detail, can you give us any specific example of any decline in any industry? You have suggested a general decline, of course?—The decline of the muslin trade all over Bengal, the decline of industry in the south, calicos, named from my town of Calicut.

9555. You think the evidence we have had submitted here during the last few weeks, some of which went to show there had been a real advance in India, is not correct?—An advance in what respect?

9556. Commercial and industrial?—There is an advance in certain directions, of course—nobody denies that.

9557. But, speaking generally, you are of opinion that there has been a decline?—Yes.

9558. And that that decline is due to the inaction of the Government of India?—I am satisfied that that is the evidence.

9559. Do you think that this Bill, in its present form, if it becomes law, will improve things very materially?—Certainly.

9560. In these respects?—Yes, I think so; but the Bill leaves so much to rules and regulations, that until those rules and regulations are formulated it is difficult to say exactly what its results would be, but there is in it the potentiality of a great deal of good

9561. You believe, then, that if the rules are framed along fairly liberal lines the tendency will be to stabilise commerce and also, I take it, the industrial workers' conditions will be improved?—Yes, generally.

Chairman.

9562. I want to make it quite clear. I do not want to misunderstand you. Is your criticism of the attitude of the Government of India towards industry based on the fact that it has never given anything in the nature of what is called protection?—No.

9563. It is not based on that?—No.

Mr. *Spoor.*

9564. In your Minute of Dissent, in those words which have been quoted by Sir John Rees, that the India Office and the Secretary of State, as at present constituted, do not faithfully represent Parliament, I take it that you consider that Parliament is largely indifferent to Indian affairs?—Quite, that is why I said that. If you will allow me, may I explain it? Parliament has declared that there shall be no distinction between, say, an Englishman and an Indian or anybody so far as any appointments in India are concerned. The Secretary of State has not carried it out. I believe myself if Parliament were fully aware of the extent to which the Secretary of State has failed to comply with its intentions with the rules as laid down by them that Parliament would have interfered. But Parliament does not know the extent to which he

Mr. *Spoor*—continued.

has failed to carry out its intentions, and I say, therefore, the Secretary of State does not represent Parliament—he does not comply with the intentions of Parliament.

9565. And you believe that if this Select Committee of both Houses is established it will largely overcome that difficulty—it will give the necessary Parliamentary control?—I will not say control, but I believe the Secretary of State will not fail to the same extent as he has done hitherto.

9566. Further on in your Minute you express the view that the report has minimised very much the intensity and volume of that political consciousness that has been quickened in India during recent years. Now I daresay you are aware that we have had a great conflict of evidence here on this matter. It has been suggested by some witnesses that there has been a most extraordinary awakening in India. It has been suggested by others that as a matter of fact the masses of the Indian people are altogether indifferent, that the agitation, that the interest, has been very largely confined to a comparatively small section of the community. I take it that your view is that there has been a general awakening?—Oh, quite.

9567 Even amongst the illiterate classes right through the country?—Yes. You have only to go through the country and see the reception given to the Home Rulers as they pass through the country, and the reception given to officials when they pass through the same districts; you could easily come to your own conclusions. You can go further and compare the feeling in favour of the so-called Moderates and the feeling in favour of the so-called Home Rulers. That also will explain to you the feeling of the country.

9568. You believe that the great mass of people are anxious to take part in political progress?—That I cannot say, but a great part of the people rely upon the political leaders in the country. That statement of mine is an answer to the statement in the report of the Secretary of State and of the Viceroy, which, I believe, is incorrect, that hitherto the masses have been looking to the District Officer for their guidance and for everything that they need, and that the attempt which is now being made to make them look to the ordinary political leaders in the country might even be attended with danger. I think it is an extract from a report of some other official. My minute is really intended as an answer to that.

9569. If the movement is of that extent in India that you suggest, I take it that we want to secure the widest possible electorate. Could you make any suggestion by which it would be possible to widen the electorate beyond the proposals which are already before the Committee?—I think the electorate should be widened. I have not gone so fully into that because I took it that after a Commission has reported upon the matter it will be very difficult to raise the whole question over again, and it would not be advisable to do so. But I felt all along that the electorate in Madras and the electorate in the Punjab in particular ought to be widened. If you will allow me to draw attention to the state of the Punjab, I think the Punjab Legislative Council should have more members than have been given to them in the Bill. I draw attention to it in my Memorandum. In the first schedule the Punjab has only got 83 members; 18 members to be elected by the general electorate. I have suggested an addition of at least 28 more to make it 111. The general electorate is much too small there.

9570. Speaking generally I gather that while you approve the proposals so far as the Provincial Governments are concerned, you are of opinion that there should be a measure of responsibility in the Central Government from the very beginning?—Yes. I do not approve of the proposals so far as the Provincial Government is concerned in regard to Grand Committees.

9571. No; but speaking generally you do?—Yes.

9572. But what you want is a larger measure of responsibility in the Central Government from the very start?—Yes.

9573. I see you suggest with regard to the Viceroy's Executive Council that there should be three non-official Indians on that Council?—Mine is an alternative proposal with reference to that. I would like a Minister in the Central Council to be in charge of certain subjects. If the Committee are not willing to recommend a Minister, then I would have three members. If you are going to allow a Minister, then I would not claim three members.

Mr. *Spoor*—continued.

9574. What you want to do is to increase the power of the Legislative Assembly very considerably. Do you consider that the terms of the pronouncement are in any real degree met unless responsibility is given in the Central Government?—It ought to be given in the Central Government.

9575. But if it is not given?—Then the pronouncement is not met. Not only that, but if the responsibility is not given, that scheme, so far as the Central Government is concerned, is open to all the objections which have been advanced against what is called the Congress-League Scheme.

9576. And you believe that unless responsibility is given in the Central Government we will have continued agitation, and probably continued trouble?—Yes, it would be so. I may state at once that my main reason for the addition of one more member is not only those theoretical considerations which you have advanced, but its absolute necessity for improving the administration of the country, because there are troubles ahead arising out of labour conditions in India in which the Government are directly concerned as perhaps the largest employers of labour, taking the railways as part of the Government; and you have this fact now which you have to face, that the whole Indian commercial community has gone over practically to Home Rule now. The feeling is not due to any sentiment, but, as stated, there it is due to certain grievances under which, at any rate, in their opinion, they suffer. And you have also this third circumstance that all through India there is a feeling that the Executive Government, as now constituted, must not be given a free hand in dealing with all questions of peace and order, a feeling which has been very much intensified on account of the recent Punjab disturbances. And in future you will have to impose heavy taxation on the country. It is essential, therefore, leaving aside the Legislative Council for the moment, that in the Cabinet, the Council of the Viceroy, there should be a strong Indian element. Unfortunately, the policy which has been followed of appointing sectional representatives there—that is, appointing men as Hindoo representatives and as Mohammedan representatives—has led to this result, that the best men have not always been appointed, because where the best man is a Mohammedan, for instance, it may be that they had to appoint a Hindoo; similarly, when the best man is a Hindoo, they had to appoint a Mohammedan. Taking those considerations together, I think three is the minimum. You must have at least three Indians in the Executive Council. I will not say even then that it will be adequate, but it would be a fair Indian representation. It is also essential, of course, that they should be in a position to place their views before the Secretary of State always when they differ from the Government of India. At present they have got no such opportunity, except in certain cases.

Lord *Brodrick* (Viscount *Midleton*).

9577. I wanted to ask you a question with regard to the position of the Secretary of State. You rather suggest that Secretaries of State as a body are not acting entirely in accord with the way that Parliament would act. Have you in your mind any particular case in which Parliament has thought of one thing and the Secretary of State has done another?—Many.

9578. What are they?—I should not like to mention them, but I think that the Secretary of State has in various instances yielded to the opinion of the Government of India in many respects in which he would not have yielded, if he had acted solely in Indian interests. Very often he has felt himself compelled to defer to the wishes of the Government of India—felt himself unable to overrule them.

9579. Taking the debates of Parliament, or the pressure of Parliament, have you in your mind any particular

Lord *Brodrick* (Viscount *Midleton*)—continued.

ticular cases where Parliament has pressed the Secretary of State in one direction and he has gone in another?—That I cannot say. Parliament has said there should be no distinction as between Indians and Englishmen to any post in India. When the Government of India said: "In this case you must appoint so and so, and you cannot appoint an Indian to the post, you have to appoint an Englishman," we have often felt in India that the Secretary of State has yielded to the importunity, or, rather, to the pressure from the Government of India, when he would not have yielded but for that pressure.

9580. Is it not possible that in India people are misled by the strong opinions expressed by certain extreme Members of Parliament, who take an interest in Indian affairs, and have mistaken their views for the views of the general mass of the House of Commons?—I cannot say that when I find the resolutions of the House of Commons not carried out. Take for instance the resolution of the House of Commons in 1832, that there shall be no such difference.

9581. Holding the view you do, you would welcome the institution of a Joint Committee of the two Houses to consider Indian questions?—Decidedly.

9582. And for their greater information?—Yes; and I would like the Secretary of State to take the opinion of that Joint Committee on all questions in which there is a difference of opinion between the Executive Government and the local Assemblies in India.

9583. All questions of difference?—All questions in which there is a difference of opinion between the Legislative Council and the Executive Government in India.

9584. You are taking rather a broader view than has been suggested yet, are you not?—It may be so.

9585. You are anxious that the Houses of Parliament here should sit to decide administrative differences?—No; what I say is this: Supposing there is any question on which a Legislative-Council and the Executive Government in India differ, then that question should be decided by the Secretary of State only after the Joint Committee have expressed their opinion. The result of that then would be that if the Secretary of State has come to a conclusion repugnant it may be to the opinion of the Joint Committee, or has come to a certain conclusion which certain members of the Joint Committee feel is so perfectly indefensible that it should be challenged in the House of Commons, it would be open to any member to raise that question in the House of Commons. All this would be a great check upon the Secretary of State and upon the Executive Governments in India.

9586. There is a time-honoured custom that the Secretary of State, or any member of the Government, is responsible to give an answer and to convince the House of Parliament to which he belongs on any subject on which he is challenged. That is obvious. But you would not go so far as to suggest that on subjects on which differences arise in India, the Secretary of State, without being challenged, should have to refer to anybody in Parliament before making his decision?—No; I say in all such questions the Secretary of State should only act after receiving the opinion of the Joint Committee.

9587. I wanted to ask you one question with regard to the franchise. I think you realise that the great difficulty will be to interest a larger number of the electorate in public affairs in India in the first instance?—That is what I am always told.

9588. It is not very easy in other countries to get the masses of the electorate to consider individual political opinions?—That is so.

9589. That must be of slow growth in India, I suppose?—That is not the view I take. May I explain it? There are many questions now in India which are awaiting solution in which the masses are very much interested.

9590. But, speaking generally, of the whole of the electorate it is proposed to create, do you expect there will be any close touch between them and their representatives?—Yes, I do, certainly.

9591. Are you speaking of particular Provinces or individual Provinces?—I mean all Provinces. May I instance it? Take any one question now, either land revenue or irrigation or the separation of judicial and

Lord *Brodrick* (Viscount *Midleton*)—continued.

executive functions—all those are questions in which the masses are interested, and I have not the slightest doubt myself that when these Councils are constituted and these representatives go to the masses with their programme for the Legislative Council the masses would be able to form an intelligent opinion on those questions. There are many questions on which they will not be able to form an intelligent opinion, but there are many other questions on which they would be quite competent to form an opinion.

9592. Having in view the great diversity of races and religions and languages which may be found, and will be found, even in similar constituencies, do you think that the touch between the member and his constituents will be as great under an electorate such as is to be formed under Lord Southborough's Committee's report, or would the touch between the member and his constituents be greater in the case of a communal electorate?—The term "communal electorate" is used in such a way that it is very difficult to give a clear answer to that question. If you will allow me, I would explain the difficulty. Taking the case of non-Brahmins in the Madras Presidency, who are the foremost in claiming that sort of representation, they are divided into so many castes and classes among themselves that there would only be the same touch between them and their representatives as there would be amongst the territorial electorates if they are not very large.

9593. That is your view?—Yes.

Chairman.

9594. But I suppose that would not apply to a Mohammedan electorate?—No, it will not; there would be greater touch between the Mohammedan representative and the Mohammedan electorate than there would be apparently between a Hindoo electoratee and a Hindoo representative.

Mr. *Montagu.*

9595. Do you deal in any part of your Minute of Dissent or answers to questions with the subject of who is to preside over the meetings of the Legislative Council or the Legislative Assembly?—I do not know whether it is in my Minute of Dissent, but it is in one of the despatches which was forwarded to the Secretary of State. I say it should not be the Governor or the Viceroy.

9596. Whom would you suggest? Would you suggest an elected Speaker?—I would suggest an elected Speaker.

9597. At once?—Yes, or, failing that, a non-official, to be appointed by the Governor or the Viceroy.

9598. Supposing this Committee were to decide that some means should be found for securing the representation of non-Brahmins in Madras, do you believe from your knowledge of the Madras Presidency that the Brahmins and the non-Brahmins could arrive at a concordat between themselves like the Lucknow Compact between Hindoos and Mohammedans?—It is possible. I would suggest referring the question to the Madras Government to take their opinion to settle it.

9599. When you were Member in Charge of Education you also looked after sanitation?—Yes.

9600. You were responsible for the steps taken, so far as they were Government of India steps, for sanitation?—Yes.

9601. Will you tell the Committee whether it was a subject in which Indians were much interested?—Oh, very much indeed. In fact, I have not been able to carry out all their wishes. Representations were made to me wherever I went about questions relating to sanitary conditions.

9602. We have received evidence that if sanitation were a transferred subject there would not be so much energy; there would not be so great an impetus for improvements as there is under present conditions; I wanted your opinion as the member responsible for sanitation whether that is so or not?—It is absolutely incorrect. The fact is that in the case of municipalities and District Boards hitherto they were under the control of revenue officials, and they always paid their chief attention to Communications, and funds were devoted to sanitation and education only after the funds available were devoted to the improvement of Communications.

Mr. *Montagu*—continued.

9603. Have you read the accounts of the work which is being done in Bengal by Lord Ronaldshay's Government with regard to malaria?—Yes. The fact is, we initiated it; it was the Government of India in my Department that gave the first impetus to it.

9604. Am I right in thinking that that has been received with great popular enthusiasm?—I would rather put it the other way: It was forced on the Government by popular feeling.

9605. One word with regard to the separate purse, on which we have spent some considerable time in this Committee. I gather from your Minute of Dissent that you are opposed to that recommendation?—For a separate purse, yes.

9606. May I ask whether you make any distinction at all between the form of separate purse recommended by your colleagues in the Government of India and other forms of separate purse? If I may explain what I mean, the separate purse as recommended by the Government of India was accompanied by a proposal, I think, that neither the transferred nor the reserved part of the Budget was to be voted by the Legislative Council. It would be quite possible to have a separate purse in which both halves of the Budget would be voted by the Legislative Council. Would that sort of difference make any difference to your view?—When you say voted by the Legislative Council, may I understand that it means that it would be open to the Legislative Council to transfer items from the reserved Budget to the transferred Budget, and vice versa, or does it simply mean that they do not accept the proposals with reference to the reserved Budget and the transferred Budget?

9607. That they do not accept the proposals?—That would not make any difference.

9608. It would not make any difference?—No.

9609. They would have much the same powers as Members of Parliament have here?—I do not wish to say anything about the powers here; I do not know that subject.

9610. But that would make no difference?—No.

9611. Now let me take another case. The separate purse which the Government of India recommended allocated particular heads of revenue to the two sides of the Government. There is another form of separate purse in which each side of the Government would have a percentage of the total revenues of the Province?—I am not aware that they allocated; I only know that their proposal was to allocate.

9612. I am glad you corrected me, but it does not make any difference to my question. You have expressed your opposition to a scheme of a separate purse which proposes to allocate separate sources of revenue?—Yes.

9613. There is another form of separate purse which proposes to give each side of the Government a percentage of the total revenue for a fixed period: Would that make any difference?—No, it would make no difference. We considered that in coming to that conclusion, and that would make no difference.

9614. Are you aware that the separate purse was considered in the discussions before the Joint Report was issued?—Yes.

9615. You took part in those discussions?—Yes, I did.

9616. You were a party to the general features of the recommendations of the Joint Report?—Yes.

9617. There is only one other question that I want to ask you. In reference to your answers to questions Numbers 9 and 10 you say: "The Budget as a whole should be placed before the Legislative Council for its assent, and not the proposals for the appropriation only"?—Yes. I am not sure whether I rightly understood your question, and therefore I safeguarded myself by those general terms.

9618. A Budget in India contains proposals for taxation?—Yes.

9619. For the raising of non-tax revenue?—Yes.

9620. And for appropriation?—Yes.

9621. All three?—Yes.

9622. As a matter of fact, in a Provincial Council there is very rarely any taxation, is there? Do Provincial Governments in your experience tax much under existing circumstances?—You exclude land revenue?

9623. Yes; that is what I called non-taxed revenue for the moment. I do not want to argue about it, but that is done by Executive action?—Yes.

Mr. *Montagu*—continued.

9624. Do they ever bring in a Bill imposing a tax?—I do not remember; I cannot say whether they do or not. I do not wish to give any definite reply.

9625. Supposing all new taxes in the Legislative Assembly and Council were introduced in the form of Bills, the only parts remaining in the Budget would be the appropriation and the non-tax revenue, would they not?—Yes.

9626. Do you think that increments in land revenue can appropriately be voted by the Legislative Council?—In my opinion there should be no increment in land revenue without the sanction of the Legislative Council.

9627. That is what I mean. Do I understand by that recommendation from you that each time a new settlement for a particular district is made that individual settlement shall be voted by the Legislative Councils?—Yes.

9628. The other proposal that one has heard is that the instructions which the Executive officers are to obey in making a settlement should be settled by the Legislature, but you want the actual settlement?—Yes. In the Madras Presidency the settlement is usually by districts or parts of districts, and that settlement must be voted upon by the Legislature.

9629. Would you then have your land resettlements incorporated in the form of a Bill or just do it by resolution?—A Bill would be better, but on that point I have not considered the distinction between the two, and so I do not wish to be committed to anything.

9630. All you want is to secure some instrument?—All I want is to secure that the settlement should be carried out in accordance with the wishes of the Legislature.

9631. What you desire is that no new tax or burden of any sort should be put upon a Province without the consent of the Legislative Council?—That is it.

9632. Have you considered in detail the form of this Bill? You said quite rightly that so much is left to rules. Could you suggest any way of obviating that?—Yes; I considered it in detail as a member of the Government of India when it was sent down to us.

9633. Would you suggest any method of obviating such frequent recourse to rules as the Bill proposes?—Do you want my opinion with reference to any particular question, or generally?

9634. Could you mention something of importance which you would suggest should be incorporated in the Bill rather than left to rules?—Yes. I would draw your attention particularly to section 6 (1) (a). That is "Rules under the principal Act may provide for increasing by not more than 5 per cent. the aggregate number of members of any Council." May I draw your attention to the first schedule as it is printed on page 21.? There is a printer's mistake there. The Committee perhaps have noticed it. In the case of Assam, "Communal Electorates 2," I think it ought to be "12" there. That makes a good deal of difference. So far as general electorates are concerned, I do not think it should be in the power of the Government of India or of the Secretary of State to reduce it in any way, because as it now stands the Section allows rules to be framed by which the representations by the general electorate might be reduced. The general policy which we are now following, I understand, is to discourage communal representation as much as possible. As it now stands, the section would enable the Government of India, with the sanction of the Secretary of State, to reduce that list of members to be elected by the general electorate and make them, if the Government of India are so inclined, all communal electorates. I do not think that should be allowed at all, because a general electorate should hold the first place in the system of election.

Lord *Sinha*.

9635. With regard to the question of the separate purse about which Mr. Montagu asked you, you remember that in your own Minute of Dissent of the 5th March, page 69, you suggested that the revenues should be apportioned by the Executive Government as a whole between transferred and reserved subjects. That means the revenue should be allotted between those two, divided between those two, by the Executive

Lord *Sinha*—continued.

tive Government? There must be a division of revenue between the two departments in any case?—Yes.

9636. There has been such an amount of confusion on the question as to what is meant by a separate purse and a joint purse that I am obliged to put this to you. That might be called a separate purse system?—Yes.

9637. But you do not object to that?—No; of course there must be division.

9638. And that division has nothing whatsoever to do with the division of sources of revenue which you object to in your Minute?—No; and it has nothing to do with the question of separate purse or joint purse either.

9639. But the allotment, the division, must take place, each side having a purse of its own after the division is made?—Yes.

9640. You do not object to that?—No; after the division of the joint funds, from whichever source they come.

9641. You do not object to that?—No.

9642. That is necessary?—Yes.

9643. And as long as the sources of revenue are not divided in the way the Government of India propose you do not object?—No; that is what I meant.

9644. Your suggestion is that if the two sides of the Government differ the Governor should decide ordinarily?—Yes.

9645. If instead of the Governor deciding, which, of course, is rather an odious thing for the Governor to do, an independent body is substituted for the Governor, you would have no objection to that?—If it is independent.

9646. Quite?—The whole thing depends upon that.

9647. Upon the independence of the body and its impartiality?—Yes.

9648 If you can secure that you would rather have the duty of decision, when there is a difference put upon an independent body?—I have no objection to that.

9649. And if that is the separate purse system that this Committee agrees to, you would agree to it yourself?—I would not object to it.

Chairman.

9650. What would you consider an independent authority?—That is to say, a body not in any way looking for inspiration to the Governor or to the Executive Council.

9651. Would you consider, for instance, a distinguished official of the Treasury here an independent authority?—Yes; in that respect. That is why I said in all these cases I should have no objection, for instance, to the Joint Committee deciding it. A Joint Committee may not be a proper body for this purpose, but that is the principle I was going on.

Lord *Sinha.*

9652. You have seen, have you not, the list of Central and Provincial subjects proposed by the Functions Committee?—Yes.

9653. As revised by the informal Reforms Committee of the India Office, you have seen that, have you not?—Not as revised by the Committee of the India Office.

9654. With the Chairman's permission, I propose to give you that list. (*The same was handed to the Witness.*) I want to ask you this: Supposing there is to be a division of subjects in the Central Government, which of those do you consider can be transferred? It is very much the same as Mr. Feetham's list?—I should hesitate to give an opinion off-hand on a question like this, but I consider that all the subjects in my department, amounting to seventeen or eighteen may certainly be placed under a Minister.

9655. Those are now going to be transferred subjects in the Provinces?—Many of them; most of them, perhaps.

9656. Therefore there will be very little control, if any, by the Government of India?—Yes.

9657. Therefore, they will hardly be sufficient for transfer to a Minister in the Central body. We have to do all that in the Provinces ourselves?—I should not like to state my opinion off-hand now.

Mr. *Bennett.*

9658. You attach a great deal of importance to the place of the village organisation in establishing your theory that self-government exists at the basis of Indian society. I think that is your argument, and you attach great importance to it?—Yes.

9659. Accepting all that you say as to the vitality and the universality of the village organisation in India, would you say what area the village authority controlled and what was the outlook of the village self-governing authority?—I can answer the second part of the question as to the outlook, but I cannot answer as to the extent of the boundary of the village over which they exercised their control.

9660. Is there any evidence that the village organisations formed a part of groups, first of district groups, and then of Provinces?—There is evidence that they did form part of the groups, but I cannot give any opinion on it whether they were groups within the last 100 years or not. That question I could give no opinion upon.

9661. Were the groups as definite and as distinct as the present Taluka?—That I cannot say. I cannot give a general answer, but what is said in the books is this, that ten villages formed, for instance, a group; 100 villages would form another group.

9662. And they were administrative organisations?—They were administrative organisations. There is evidence of that in the books. There is evidence of the working of the village system in another form, evidence as it existed when the British Government took possession of the districts in Southern India. We had villages, and over the villages a group of villages which had a certain distinctive term in the vernaculars and certain classes of offences, for instance, were always sent up and disposed of by the head of that larger group. That is what is said in the books and in the reports of the British officials.

9663. Did we find that in existence when we went there?—Yes.

9664. In the dominions of the Peshwas was there any other exercise of authority by the central power than in the collection of revenue?—I cannot say; I am not able to give any information about that.

9665. You know of no other exercise of authority but that?—I should say from general considerations that there was no other exercise.

9666. In the matter of famine I think you dispute the suggestion that Lord Sydenham made that the people of India are to-day better equipped for meeting famine than they were a generation ago. You dispute that?—Yes. I will not put it a generation; I will put it further back than that.

9667. Do you contend that there has been no improvement under British administration in the capacity of the people to confront famine?—There has been an improvement in certain classes of people, but, taking the country as a whole, I do not think so.

9668. You, as a member of the Government of India for some years, will be able to say whether or not it was the contention of the Government of India—a contention which they were prepared to substantiate—that the people of India were better suited, were better equipped, for meeting famine than they were in the old days?—I am not aware that they ever said that.

9669. You are not aware that that was the official view?—No. I am aware that they have always said there is no evidence the other way, that there is no evidence that they are not as well equipped as before; but I am not aware that the people are much better off in that respect.

9670. Has it not been said in regard to the recent famine, which was a serious one so far as shortage was concerned, that it affected the people less than any famine in recent memory?—It is difficult to say that in the face of six million deaths on account of influenza.

9671. I am not speaking of influenza; I am speaking of famine?—Yes, but it refers to that.

9672. I am speaking of famine; I do not want to go into that very wide field. With regard to the action of the Government of India in regard to Indian industries, is there any staple industry in England, for instance, for which the Government have done more than they have done for corresponding staple industries in India?—I cannot say anything about that.

9673. You

Mr. *Bennett*—continued.

9673. You do not know?—No, I do not know anything about that, and I cannot say anything.

9674. The Secretary of State put a question to you as to the election of a Speaker by the Legislative Council. Do you attach much importance to that?—I certainly do.

9675. And failing getting a member of the Legislative Council, who by experience and training and other qualifications would be suited for the post, would you object to going outside the Council in order to get the kind of man who would be necessary?—I would prefer a man in the Council, first of all an elected man; if the Committee did not like a man elected by the Council itself, then a non-official member, and, failing that, a nominated member.

9676. You said that the non-Brahmin question should be referred to the Madras Government. Can you explain why I, and I suppose other members of the Committee, have had what must almost be called shoals of resolutions from various non-Brahmin and low-caste bodies in Southern India protesting specifically against the reference of this question to the Madras Government? I ask you to clear up a curious incompatibility. Can you explain that?—It is not that I object to this Committee deciding the question, but I thought, as the Franchise Committee did not take evidence on that point, it might be safer to refer it to them to take evidence on this and settle the question after laying down the broad general principles. But if the Committee consider the materials before them are sufficient, then I do not object. So far as I am concerned, I would raise no objection if the materials are available.

9677. You said that individual revenue settlements should be passed by the Legislative Council?—I did not say "individual" revenue settlements. I said each revenue settlement.

9678. That settlement would include a special area?—Yes.

9679. A group of villages?—Yes.

9680. Had you thought that out before you expressed that opinion? You have, I think, no personal experience of revenue problems?—I have been thinking about it from 1884, when the question was first raised about a settlement in my district. We never had a real revenue settlement before that. The question was raised at that time, and I have been considering the settlement from that time up to the time I became a Judge in the High Court.

9681. Have you, even after all those years of consideration, been able to satisfy yourself that the Legislative Assembly is a body capable of dealing with questions of detail, of scientific data, with individual claims? Even after all those years of reflection and study have you come to that conclusion?—That is why I objected to the term "individual" settlement. The question is not one of individual settlement, but the question is one of the settlement of a district or a portion of a district.

9682. I think we agree upon that point. I quite know what you mean?—Then the question will not arise whether any particular individual would pay a certain amount of revenue or not; questions will only arise whether certain classes of people either with reference to the nature of the land they hold, or on account of other considerations, should pay an increased revenue, or whether their payment should be decreased.

9683. You have the same in Madras as in Bombay, and in Bombay the settlement as such does not deal with individual holdings, but with groups of holdings?—Yes.

9684. We have the same thing in view. You still hold that the Legislative Assembly is a fit body——?—To decide the class of questions which I have in view.

9685. Not principles?—Yes—principles.

9686. But the principles have already been laid down?—No. In no settlement, so far as I know, will you ever find the question discussed whether that district as a whole can afford to pay an increased revenue or not. For instance, take the population in a district; consider what is required for them to live upon, then whether that district as a whole can pay anything more than what they already pay, or whether, considering what is required for them to live upon, the revenue should be decreased or not; that is a question which, so far as I am aware, is not considered in the proposal of any settlement. All they consider is whether any holders of land can afford to pay a higher revenue or not.

Mr. *Bennett*—continued.

9687. You spoke of the Home Rule propaganda in the villages of India: would you tell the Committee from your knowledge how that propaganda is being carried on?—It is carried on by the vernacular newspapers; it is carried on by speakers on public platforms.

9688. How far has it gone down? I am simply asking for information. How far has it gone down into the community?—It has gone into the community within the last three years.

9689. It is not an urban opinion which is being developed?—No, certainly not. You might have said so some years ago, but certainly during the last three years the change has been something marvellous.

9690. How far do newspapers go into the community?—I do not speak now of the whole of India, but in many districts two or three of the villages form a group to subscribe to vernacular newspapers, and those vernacular newspapers are distributed amongst the members of those villages, both men and women, and they exercise tremendous influence.

Lord *Islington.*

9691. The Home Rule propaganda is pretty widespread, then?—Yes, very.

9692. And deep-seated?—Yes.

9693. These papers, I suppose, are taken to the villages, and are then read to those who cannot read?—Yes. A library is formed for a certain group of villages, and the papers are distributed in many cases; in many villages there is a particular place where a man who subscribes for a paper reads it and explains it to all those who come there to hear it. I do not speak with reference to the whole of India; but I have found that in many districts.

9694. Just one word as regards finance, which you were dealing with with Mr. Bennett just now, and Lord Sinha was asking you questions also. You say you want the Budget, as a whole, voted by the Legislative Council?—Yes.

9695. What power would you give to the Governor to control, if he so desires it, the decision of the Legislative Council in that respect?—The Governor could have power to restore it in the interest of the subjects of which he is in charge—the reserved subjects.

Lord *Sinha.*

9696. And as recommended in the Report?—Yes.

Lord *Islington.*

9697. I gather you followed and agreed with the scheme as put forward by Lord Sinha of a joint purse with subsidiary allocations respectively to reserved and transferred subjects?—Yes.

9698. And then you went on to say, I think, that you would prefer to see an independent authority introduced?—Yes. I accept the suggestion.

9699. Where more money was required which would involve either a transference from one branch to the other or taxation to meet that additional expenditure you would like to see an independent authority brought in to report to the Government?—I do not mean that, and I did not understand the question in that way.

9700. That is why I put the question. I want to know exactly what the independent authority is to do?—What I meant was, in the place of the Governor, as put in the Report, substitute an independent authority. Whatever functions the Governor has now to perform, according to the original Report of the Secretary of State and the Viceroy, let those functions be performed by the independent authority.

9701. With regard to the Budget and its allocation?—With regard to the Budget and its allocation.

9702. I want to go a little further on that, because this is one of the most vital questions, as you will agree?—Yes; according to me the most important of them all.

9703. What

Lord *Islington*—continued.

9703. What would be the duties of this independent authority? I take it, first of all, to put a hypothetical case, it would be a case where the Governor finds he wants more revenue for a reserved subject?—You have to go further back than that.

9704. I will put the question in another way. You would like to see allocation made over a period of years?—No.

9705. You do not wish to see that?—No.

9706. Allocation from the pooled Budget—so much for reserved subjects and so much for transferred?—No; not over a series of years.

9707. You do not want to see allocation over a period of years?—No.

9708. You want to see it carried out annually?—Yes.

9709. Then my question, I think, does obtain. I have put this to you. The Governor finds that for some reserved subject he has not enough revenue under the allocation, and he has got to find it in one of three ways: He has either got to find it by a readjustment—at least, I put this to you—as between his own reserved subjects or else a readjustment as between the allocation to reserved and transferred services, or else by the imposition of taxation?—Yes.

9710. Those are the three methods by which he can arrive at the additional revenue for his reserved subject, are they not?—Yes.

9711. Am I right in gathering from your reply just now that you suggest that the decision as to which of those methods should be carried out should rest with an independent authority?—I did not suggest it, but I accept the suggestion made by Lord Sinha that, whether there should be such allocation or not, and whether more money should be devoted to the reserved subjects or not, and in what form that money should be raised, may be left to an independent tribunal.

9712. I am trying to get it into a more definite form, to see how it will work out, and I am suggesting there are only three ways in which the Governor can get his additional revenue—the three ways which I have described?—Yes; I take it from you.

9713. There may be others, but those are the three which occur to me?—I take that from you.

9714. Would that be a subject that you would refer to an independent authority?—Yes; I say I have no objection to it.

9715. You would prefer an independent authority undertaking that work as against its being left to the discretion of the Governor?—That I am not prepared to say. I accept that suggestion, but I am not prepared now to express a preference for the one over the other.

9716. You are not prepared to give an opinion upon that point?—I have not considered it.

9717. You would not say it should be merely a financial expert's business?—No; certainly not. It is not a financial expert's business.

9718. There is an important policy involved?—The financial experts business will come first, as I understand it; that is to say, the Executive Council would say: "We want so much money now, because we have to carry out such and such improvements with regard to the service, or with regard to other objects we have in view." Then the Finance Department or the financial authority, may say: "No; that money will not be sufficient, but you will want so much more money." Or they may say: "You do not want so much money; it is enough if you get so much less." The Minister in charge of the transferred Department will similarly say: "I want so much money in order to carry out the work of my Department." The Finance Department will say: "In order to carry out the object you have in view you do not want so much money; it is quite enough to have so much"; or they might say: "You want more money," and they might make alterations. The Finance Department will then settle what is the amount that is required if the objects of the Executive Council and the Minister are to be carried out. Then the members of the Executive Council and the Ministers will put their heads together and see whether they can make such modifications as to bring it within the amount that can be allowed. If they cannot make that modification, or if they cannot agree to the allocation of it, they will go to the Governor, and I say the Governor's order is the final order. That I understand to be the scheme. Now, I accept Lord Sinha's suggestion—at any rate, I do not oppose the suggestion—that, instead of the Governor, you may substitute an independent authority, in order to settle these questions. That order will have, finally, to be carried either by the Executive Council or by the Minister, as the case may be.

9719. Whilst you are not prepared to dissent from that proposal, I suppose you would admit that quite serious difficulties would be presented to an independent authority from England coming out to adjudicate on a matter like that?—That may be. As I said, I have not fully considered that matter; only at the first blush it struck me as not being objectionable.

9720. Would you not say, on the face of it, it is a matter not merely of finance, but of policy, and therefore one which should be dealt with by the Government on the spot?—It may be so. I do not wish to give a decided opinion upon it.

9721. There is one question, with regard to the Parliamentary Committee. I quite appreciate the reason why you want to see established a Joint Committee of both Houses of Parliament, but I want to gather exactly what the position of that Committee is to be. I think you said, in answer to a question put to you by Mr. Montagu, that the Secretary of State was not to give a confirming or a dissenting decision on a subject from India until he had been given advice by this Committee?—On questions on which there is a difference of opinion between the Legislative Council and the Executive Department; otherwise, I think the Secretary of State should not interfere at all.

9722. In other words, your proposal is that a body of gentlemen from both Houses of Parliament is, practically, to be incorporated into the India Office as advisers to the Secretary of State?—It may be looked upon in that way.

9723. It is another Advisory Committee to the Secretary of State, only in this case it is composed of Members of Parliament?—Yes.

9724. Of course, that advice would not be of any use either to the Secretary of State or anyone else, unless they were furnished with the whole detailed information with regard to the question under consideration?—Yes.

9725. When you advised this had you thought that out, that this Committee should be practically an integral part of the Indian Government at home here?—That was what was intended. So far as the information is concerned all the information, the popular side—would want to be placed before the joint Committee would be furnished by the debates in the Legislative Council. It would also be open to them to supplement such representation as they wished to be placed before the joint Committee. So far as the other side is concerned, the Secretary of State would place before that Committee such information as he might think fit to place before them.

9726. Would that be a constantly sitting Committee, or called together on occasions?—When there are differences of opinion in India, which I do not think are likely to be very great if it is known that there is a joint Committee to arbitrate between them.

9727. Would you confine the functions of that Committee to what you have just described, merely to have the whole material for their decision on subjects which have undergone the process of discussion in the Legislative Council?—Yes, only in cases of differences of opinion between them, because my opinion is that the Secretary of State should never interfere—the Home Government should not interfere when the Executive Government and the Legislative Council agree in India.

9728. Would you confine their duties to that and exclude from it their being the repositories of any deputations or opinions from outside communities in India?—I have not considered the other aspect of the question, but I do not intend that they should consider any other matter.

9729. Do you suggest that this Committee, as you have described it, should sit in addition to the Secretary

Lord *Islington*—continued.

tary of State s Council?—Frankly, I do not attach any importance to the Secretary of State's Council.

9730. Then would you suggest that this should be in substitution for the Secretary of State's Council?—I do not say that because I do not know what the constitution of the Secretary of State's Council is going to be; therefore, I do not wish to say anything about it. But as that is a body that works in secret and is not a popular assembly or representative of a popular assembly, I prefer to rely on the Committee of the Houses of Parliament rather than on the India Office.

9731. I think you said in answer to a question of Sir John Rees that you objected to any power of resumption in the case of a service?—Yes, final resumption.

9732. Do I gather by that that you meant that when the subject is once transferred it is transferred for ever, it will never go back to be a reserved subject in any circumstances or conditions?—Not as a reserved subject; but that is a very different thing. The Governor may resume administration of it for temporary purposes.

9733. That is the distinction you make?—Yes.

9734. You would desire never to see it go back to be a permanent reserved subject, but it might be held under the authority of the Governor with all the forms of a reserved subject at the pleasure of the Government?—Till the purpose is satisfied. I would omit in Section 1 Clause (2) the last words, "except with the sanction of the Secretary of State." Section 3 (3) and (4) is, I think, quite enough. That provides for temporary administration of a transferred subject by the Governor.

9735. Yes, I see your point?—So that final resumption, I think, is unnecessary. Temporary resumption will do.

9736. One word as regards industries. You want to see industries a transferred subject?—The development of Indian industries. I do not mean all industries.

9737. The future development of industries should be on the transferred side?—The future development of industries, so far as India is concerned, Indian industries; that is to say, I do not want to bring English industries or industries which are maintained by English capital or by Englishmen under it.

9738. Would you like to see an extensive develop ment of joint industry—Indian and British?—Yes, certainly.

9739. Joint capital and joint administration?—Yes.

9740. Do you think that that probably may be the most effective progress of industry?—I cannot say that. I do not know the matter sufficiently well to give an opinion on it

9741. In the case of the development of Indian industries you dealt with the village industries that have deteriorated since former days?—Yes.

9742. Do you think that under our modern conditions those industries as they then obtained could successfully exist to-day if an attempt were made to revive them?—I should think it very difficult, though I have heard the contrary opinion expressed.

9743. It would be a matter of very grave consideration before any serious efforts were made to revive those industries?—Yes.

9744. And until it was quite certain that they would be a going concern?—Yes.

9745. In order to that would not you say that European assistance and advice would be vital?—European assistance would be vital, under the control of an Indian Minister. What I expect the state of things to be if my proposals are carried out is that the Indian Minister would call in the English experts in order to advise him how to carry on industries. For example, the Mysore Government utilised the services of Mr. Chatterton to develop the Mysore industries. But the policy is to be guided by the Indian Minister. He lays down the lines in consultation with the English expert, and the result, I expect, will be a great advance. But unless the head of it, the man to carry out the policy and assist the industry, is an Indian, I do not expect such great advance as reasonably ought to come.

Duke of *Northumberland.*

9746. There is one question I should like to ask you with reference to the Parliamentary Committee. Could you tell me what would happen in the event of a disagreement between the Secretary of State and the Parliamentary Committee?—The decision of the Secretary of State would be final. It would make no difference. The responsibility would be on the Secretary of State to disregard, if he likes, the opinion of the Joint Committee.

9747. In the event of a disagreement the Secretary of State and the members of the Joint Committee would both present their cases to Parliament?—No, they need not. The Joint Committee might accept the opinion of the Secretary of State. If the Secretary of State comes to a contrary conclusion, then the Joint Committee might submit to it. If they preferred it, they might go to Parliament and take what steps they liked according to the proceedure which might be open to them.

Major *Ormsby-Gore.*

9748. One question on the concrete proposals you wish to put before us in regard to non-Brahmin representation in Madras. I gather you suggest the reservation of seats as the solution of the difficulty?—I do not say it is a solution, but that is what I suggest.

9749. Now how would you work that reservation of seats? Would you say that individual constituencies which would be scheduled are not to elect a Brahmin or would you group constituencies together in threes or fours and say that not more than so many Brahmins shall be elected?—I should prefer grouping in that case.

9750. Do you think it is practicable to group rural as well as urban constituencies in Madras?—It is practicable in many cases. I am not prepared to say whether it is practicable in all. Where it is not practicable, where you can get a constituency, for instance, composed only of non-Brahmins, then you might form a single constituency like that. The reason why I put that forward is that if you have separate electorates then the non-Brahmins have nothing to do with Brahmins and the Brahmin sentiment may be against non-Brahmins and the non-Brahmin sentiment may be against Brahmins.

9751. In a word, you are against communal representation as it has been advocated by the non-Brahmin Associations before us here, that is to say, the creation of separate Brahmin and non-Brahmin electorate?—I do not support that. I think that would be against the interests of the non-Brahmins themselves very much, because if these Legislative Councils are formed I expect legislative proposals for social reform to be brought forward, and if these Brahmins and non-Brahmins are not made to work together, the Brahmins are very likely to raise the point that such questions should not be settled by the Legislative Council, as they are questions dependent upon the religion of the country, and would excite religious opposition. The result of that would naturally be that the Executive Government will interfere and say: As these are all religious questions you can never interfere with them. I think therefore that it is in the interests of non-Brahmins who would require such legislation that the electorates should be such that they can work together, in which the Brahmins also must be forced to work along with them.

9752. Do you think that the reservation of 33 per cent. of the seats to non-Brahmins would satisfy any volume of non-Bramin opinion in Madras?—I cannot say whether it would satisfy or not, but I think that is reasonable.

9753. Do I gather from the answer you gave to Lord Islington that you are anxious that the Council of the Secretary of State of the India Office should be abolished?—That it should be only an advisory body if it exists.

9754. You have read the report of the Crewe Committee?—Yes. I knew the proposals in India, not in detail, but I read it after I came here recently.

9755. And you think the Advisory Committee which they suggest would be a useful body and better than the maintenance of the Council?—It is better than the

maintenance

Major *Ormsby-Gore*—continued.

maintenance of the present Council. Whether it will be useful I am not prepared to say.

9756. One question on another subject altogether. The Executive Councillors, that is to say, the reserved side of the Government, will, I presume, be appointed by Royal Warrant?—Yes.

Major *Ormsby-Gore*—continued.

9757. Do you think that is a good system?—I have not considered it.

Chairman.] We are very much obliged to you.

(*The Witness is directed to withdraw.*)

MR. BHUPENDRA NATH BASU is called in; and Examined, as follows:—

Chairman

9758. You were an unofficial member of the Bengal Legislative Council?—Yes.

9759. And after that of the Indian Council?—Yes.

9760. And now you are a member of the Secretary of State's Council?—Yes.

9761. And I think you accompanied the Secretary of State to India?—Yes.

9762. And you were also a member of what is known as the Crewe Committee?—Yes.

9763. We have, of course, had the advantage of reading what you have left on record in respect of that Committee, and you have been good enough to answer the questions that we have put before you?—Yes.

The questions and answers were as follows:—

It is noticeable that in changing from one system into another, the eminent authors of the scheme, whose countrymen are the representatives of the present order of things, which in time has yielded great and striking results in many directions, have necessarily felt themselves hampered by an excessive degree of caution. As an Indian working for his own country, I would be prepared on my forward journey to take risks which the scheme has avoided with almost painful elaboration. But whatever may be the drawbacks of the scheme in this respect, it furnishes adequate tests for that proof of our capacity for which we have so long pressed without much success, and provides an almost automatic machinery for further progress towards self-government. The initial stages are obviously beset with difficulties, perhaps somewhat over-estimated, but once we have travelled past them, our further progress will be freer from impediments and will attain an accelerated speed. In this view, after most anxious consideration, I have accepted the scheme in the best interests of my country. I regard it as a carefully thought out and statesmanlike attempt to give effect to the intention of Parliament as expressed in the announcement of the 20th August, 1917.

With these preliminary observations, I proceed to answer the questions.

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? and, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—I accept the proposition. I go further, it is not only desirable, but it has become necessary to bring about progressive realisation of responsible self-government in India, and I would take responsible government in India to mean a government responsible for its actions to the people whom it governs. I accept the proposition contained in the Preamble to the Bill, with the reservation that I am not one of those who would make the Provincial Governments entirely independent of the Government of India. My conception of the India of the future is entirely different from the India of the past, if we exclude from that past the Manryan era, which began shortly after the rise of Buddhism in the 4th century before Christ, and continued for several centuries. I do not wish India, now being welded into one organic whole by British rule after the lapse of nearly 2,000 years, to be split up again into practically independent States, peopled by communities very many of which, though alike in race, traditions and religion, were yet distinct, thus falling an easy prey to outside invaders. Under the influence of British rule Indian sentiment all over the country, from the Punjab to Assam in the East, and Madras in the South, is running in the direction of a com-

Chairman—continued.

mon nationhood, and I should do nothing which will obstruct the channels through which that sentiment is flowing. In all great things affecting the life of the entire country, I would keep some central direction, and except in matters of purely local concern I would have some central machinery for co-ordination and co-relative growth.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—As an abstract question a responsible government in the fullest sense of the term would involve Legislatures wholly elected and on a territorial basis. The state of things in India at the present time has led to certain variations, such as the inclusion of officials, of nominated members, of representatives of special communities and interests which, under existing circumstances, are unavoidable.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—Under certain safeguards, I do not think it would be impossible to vest the Legislatures as are proposed to be now constituted in the Provinces with power to control the actions or the policy of the executive. (1) In certain matters, resolutions might be required to be re-affirmed after a stated interval or passed by a specified majority or approved by a second house or put to the test of a dissolution of the house, or any combination of these. At present the non-officials, though they undoubtedly exercise indirect and appreciable influence, possess no power to control the sections and policy of the executive.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—If the scheme of the Bill, namely, of reserved and transferred subjects, is adopted the control of the Secretary of State in regard to the reserved subjects must remain. I am strongly of opinion, however, that in some of the Provinces at least, this separation of functions may be safely dispensed with.

5. If you accept the propositions stated under questions 1 to 4, do you think that the dual form of government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—Taking the propositions contained in questions 1 to 4 as accepted I think the essential feature of the dual form of Government embodied in the Bill is now the only practical solution. It is undesirable, if not dangerous, to let the waters rise while overlooking an obvious way of escape, we are searching for what we believe may be a better outlet.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? and (ii) does it afford means of judgment, (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—In answer to this question, I may say, without wishing to disturb the solution arrived at by the authors of the joint report, that

 there

Chairman—continued.

there was another solution, which would probably have been better accepted in India at one time. It is not my purpose to go into elaborate details, but if the dual scheme is not accepted by the Committee, the lines I venture to suggest are, in my opinion, worth exploring. My solution was this:—A Legislature with two chambers: the first chamber preponderating ly if not wholly elected, which for brevity I shall call the Assembly; the second chamber partly elected and partly nominated, which I may call the Senate—an Executive half official and half non-official, as in the Congress League Scheme of 1916. The voice of the Assembly to ultimately prevail in all matters, except in certain matters certified by the governor in terms of the formula enunciated in the joint report and confined to the subjects now known as reserved subjects. The Senate should be so constituted as not to be regarded as a mere device to register the decrees of government, and therefore not less than half its members should be elected, and not more than half nominated and of the nominated not more than two-thirds should be officials, the remaining one-third being men of reorganised position in the public life of the Province. It should discharge functions somewhat analagous to those mentioned in Lord Bryce's report on the second chamber in this country, and should have power to formulate revisions which in all non-certified matters, will come before the Assembly for consideration, and which the Assembly after due consideration will be at liberty to reject. In certified matters after discussion in the Assembly without voting, the opinion of the Council to prevail. I would not make it compulsory for the Ministers to resign, except when they feel that they cannot give effect tothe will of the Assembly in non-certifiable matters, and I would impose certain safeguards, namely, that when the Ministers concerned are unwilling to assent to a resolution it must be expressed by a certain specified majority or that it must be repeated at a certain specified interval, and I would give the governor power to dissolve the Assembly if he thought fit, and to call another in order to put the majority votes of the Assembly to test. I do not see the necessity of a Minister resigning when the constitution provides that the will of the Legislature is to prevail, except when he finds himself unable to give effect to it. In my scheme the official ministers would follow the same course as the non-official ministers. I have not gone into the question whether the responsibility of the Ministry should be corporate or separate, but I am inclined to think that in departmental matters not involving any question of general policy, the minister concerned should alone be responsible. The resignation of ministers is a constitutional device, which did not come into existence in this country until after the Reform Act, and does not obtain even now in the democracies of America and Switzerland, and need not, and, in my opinion, should not, be adopted in India at the present moment. We have not yet developed into parties in India. Indian legislatures, specially with communal and sectional representation, will for many years be divided into groups, and steady progress may be regarded by factions and cliques. For some time to come we want continuity and a feeling of confidence, both of which will be lacking if ministers are at the mercy of factions or groups, the experience of some of the Continental countries ought to be a warning. The scheme which I have briefly sketched out satisfies the formula of progressive realisation of responsible government, for under my scheme as the Assembly becomes more and more familiar with its powers the constituencies better informed and instructed, administrators better trained we do away, (1) with the official element in the ministry and the Assembly; (2) with the certifiable subjects; and (3) the nominated element in the Senate, giving rise in course of time to a purely non-official Executive, controlled by a purely non-official Assembly, subject to the steadying and corrective influence of a second chamber (not constituted on the hereditary principle) and less liable to be carried away by some passing storm than the Assembly. I recognise the

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obvious drawbacks of my scheme, such as the mixture of the official and the non-official in the Ministry; but my scheme, while securing the advantage of co-operation between these two elements and of a unified form of government, lays the final responsibility upon the Legislature, except in certain certified matters, and therefore presents no difficulty in the adjudgment of responsibility, when the Statutory Commission holds its enquiry. In one sense it may be a better method of procedure, for the commission will be in a better position to judge of the fitness of the electorate, and therefore of the extension of its powers. I may conclude my suggestions by observing that a properly constituted second chamber, whose authority and weight may be acceptable both to the Government and the people, may help towards the abolition of the reserved and transferred subjects in the Provinces, a question which has excited keen controversy in different quarters.

7, 8. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest? (8) In particular, do you think (i.) that Ministers should hold office "during pleasure," i.e., should be liable to removal if they are unable to support the action decided upon in their Department by the Governor or if they fail to retain the confidence of the Legislature (Clause 3 (1))? (ii.) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilities (Clause 3 (3))? (iii.) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clauce (4))? (iv.) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))? I supose though the forms of the law make them appear formidable, the powers of the Governor as against the Ministers will be merely of influence and hardly of compulsion. Holding this view. I do not contemplate a case where a Governor will overrule his Minister, if the Minister has the support of the Legislative Council. In my opinion the Minister should not be liable to removal unless he finds himself unable to carry out the wishes of the Legislature, in which case he will resign himself, and as the case of a Governor over-ruling his Minister, when the latter has the support of the Legislature is hardly likely to arise, the contingency of a Minister's removal when he holds views not finding favour with the Governor, need not be considered; obviously he should not be so removable. It would be better to remove the misapprehension of the public mind, and the words "during pleasure" should be limited in the sense I have indicated. I should not lightly empower the Governor to disregard the opinion of his ministers. It may give rise to serious difficulties, and may lead to an explosion. If constitutionally this right is thought desirable to maintain, then I should make it compulsory on the Governor to take the opinion of the Government of India and of the Secretary of State before taking such a step, and, through the medium of telegrams, this can be done at once. In case of a grave emergency he may be authorised to take immediate action in anticipation; but he must report immediately to the Government of India, and the Government of India, in consultation with the Secretary of State, may confirm or set aside the action of the Governor's. The instructions should define the nature of cases which may be considered as of grave emergency. (iii) I think there is no Province, which has a Ministry, that should have more than two members of the Executive Council, under any circumstances; a larger Executive Council will be an unnecessary and intolerable burden on the taxpayer. (iv.) It is a necessary and useful power; but a new council must be called at an interval of not more than three months. In regard to the certificate procedure, firstly, as to the Budget: (a) In regard to the reserved subjects, the fear has often been expressed that the reserved subjects may absorb the best part of the revenues, leaving small scope for the transferred subjects, which principally concern the spending departments

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departments. In order to impose on the Governor a greater sense of responsibility, I should strongly urge, where the Governor disregards the vote of his Council, that there should be a reference to the Government of India, as contemplated in the case of legislation under Paragraph 252 of the Report. Nothing will be lost by the delay involved, as Budgets are framed in advance, and the Governors of India will have before them the views of the local government and of the Legislative Council, as expressed in its resolution. In regard to sub-clause (b) Clause 9, which applies, I apprehend, to both reserved and transferred subjects, the Governor's certificate should also be similarly dealt with, and in no case should this power be exercised except under special emergencies, as arose in Egypt when the Ministry resigned and no one was found willing to come forward to frame a new ministry. (c) In regard to legislation, the provision of appeal to the Government of India, as embodied in Paragraph 252 of the Report, was adopted after much discussion, and consideration of various alternative proposals, and should not be set aside.

10. In particular, (i.) Do you think that Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii.). Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i.) Yes. (ii.) The Grand Committee is one of the means; a second chamber, constituted as I have suggested, another. An ordnance, a third. I am absolutely opposed to legislation by ordnance. In the first place, it cannot be done. In the second place, if done, it will lead to very serious trouble, which I desire to avoid. If the Grand Committee is retained, its composition should be as proposed in Paragraph 252 of the Report. This also was adopted after a great deal of discussion with the Councils, such as are contemplated for the provinces, there is no fear that a Grand Committee, constituted as suggested in the Report, will not enable the Government to have its affirmative legislation.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Government?—I think the position adopted in Part II. of the Bill is neither safe nor desirable. Constructive politics must fail if they do not proceed upon the principle of well-known physical laws. The motion of the outer members cannot but affect the central body. Therefore some change in the Government of India in the direction in which the Provinces are moving is inevitable. The authors of the Joint Report have realised this necessity; but, in my opinion, have not given it sufficient weight. They have changed the composition of the Indian Legislative Council, which they have greatly and properly enlarged; they have enhanced its powers of criticism and obstruction without responsibility; these will aggravate the evils so vividly pointed out in the Joint Report in regard to Lord Morley's reforms (vide specially Paragraph 31), and are bound to make the position one of unstable equilibrium specially with the contrast that will be flagrantly apparent between the Governments of India and of the Provinces. Apart from the enlargement of the Council some change should be made similar in nature, though not the same in extent as in the Provincial Governments, and the way has in great measure been cleared by the admirable note of Sir James Brunyate on the report of the Crewe Committee. I can see no possible harm in entrusting the functions therein mentioned to Ministers whom the Viceroy will nominate, and who need not be removable as in the provincial scheme.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—I agree.

13. Do you accept the plan of a bicameral Legis-

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lature as arising out of this, as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which he regards as essential (Clauses 14, 15, and 16)?—I accept.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and 4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—I accept.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council. If not, what are your reasons, and what modifications would you suggest?—I should ask that half the members should be pure natives of India; in any event, they should not be less than three.

16. Do you think that the development of Provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33, and 45 of the Government of India Act (Clause 23)?—I have expressed my views in detail in my note to the Report of the Crewe Committee.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—I am content to accept the procedure, though I should have preferred a speedier process. I regret the absence from the Bill of the provision that the Government of India at the end of five years might consider the question of further expansion of the transferred subjects in the Provinces. As such expansion will not be the result of agitation, but of administration successfully conducted, it would have been a great incentive to effort and to harmonious working between the Legislature and the Executive. This provision in the Report (Paragraph 260) was adopted after careful consideration, and should not have been given up.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—I do not like, and I do not think anybody likes, important matters to be left to rules. Very grave dissatisfaction arose because the rules framed under Lord Morley's scheme to a great extent diminished its liberal character. The same thing may happen again: but I do not see any alternative if reform in the Government of India is to be achieved while there is yet time. I only hope we may meet a better fate this time.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—I do not wish to go into details about the Reports of Lord Southborough's Committees; they are capable of improvement in some particulars, and will certainly require revision. Power should be reserved to the Local Governments from time to time to consider the question of franchise by the light of experience, without alteration in number or proportion of seats, and power should be reserved to the Government of India to consider the question of franchise with a view to further popular expansion. There are some matters, however, in the Franchise Committee's Report to which I feel bound to call attention. Firstly, as regards Provincial Councils. (1) In Bengal the Landlords' representatives in the present Council number 4½ out of an elected number of 28. They will now have five seats in a body, with 105 elected members. If there is to be representation by interests, this is not fair to a very important interest in the province. (2) The European special interests have been given 12 seats. All these special interests, except, probably, the Calcutta Trades Association, are controlled by and included in the Bengal Chamber of Commerce, which has got four seats. The extra seats are an unnecessary reduplication. The European community have, in addition, been given

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two special seats, besides one seat for an Anglo-Indian. This gives an almost aggressively excessive representation to the European community in Bengal, and to my mind, having regard to the general attitude of that community towards the scheme, jeopardises its smooth working, and will make the course of the popular Ministers extremely difficult. (3) In the University seats in all the Provinces the fellows only have been made the electors. Under the Statute more than 80 per cent. of the fellows are Government nominees, and I believe the greater proportion of them are Government officials. In the result, these seats become Government seats. If the University seats are retained, the electorate should include all "registered graduates," an expression known in the Indian Universities as applying to graduates of a certain standing who, by payment of a fee, have registered themselves as voters for the fellowships. It may be found necessary to impose a longer standing on the electors; but it is hardly much use constituting a new and disguised Government electorate. If this enlargement of the electorate is not possible, then the electorate ought to exclude all fellows who are Government officials, as is done at present in the case of Municipalities and District Boards. Secondly, as regards the Indian Legislative Assembly. In my view, the general electorate for the Indian Legislative Assembly, namely, the non-official and non-communal representatives of the Provincial Councils, is not a desirable constituency. It is an easy way of solution which had been placed before the authors of the Joint Report, who did not see their way to accept it, and left the question open. There are difficulties, but the Franchise Committee have presented no real solution; they have cut the Gordian knot, but did not untie it. The question was to find a direct electorate. Failing to find one, the Committee have chosen a small and narrow electorate and have adopted all the methods which have in the past led these elections to be manoeuvred by cliques. I do not think it is impossible to find direct electorates, for instance, in the five divisions of Bengal for five members. If, however, we give up the quest for a direct electorate, a better indirect electorate was as ready to hand as the Provincial Councils. Take Bengal, for an example, which is divided into five divisions, each division is divided into about five districts, and every district has several municipalities within it, district and local boards. These municipalities and district boards have been, so far, electing members to the Provincial Councils. Now that the Provincial Councils are to be directly elected, these electorates may be utilised to vote for the India Legislative Assembly. It will, no doubt, be indirect voting, but it will be a much wider constituency, with less chance of the formation of cliques. These constituencies will have to be rearranged and regrouped, Mohammedan voters who have separate seats being eliminated, and the defects of the present system, under which votes are allotted to the municipality and district boards, according to their income to be remedied. Seats also will have to be readjusted and reallotted. There is another very important matter which the Southborough Committee have overlooked. From their electorates for the India Legislative Assembly they have excluded the Mohammedans because they have a separate representation of their own; but they have included the landholders, the members representing European and India commerce, all of whom have also separate seats allotted to them. The principle of the differentiation is inexplicable, and is entirely unfair to the candidates who, standing ostensibly for the general seats, have to seek the suffrage of the representatives of special interests, which have all a separate representative in the India Legislative Assembly. The evil will be much exaggerated if, as the Committee recommend, each voter is able to give all his votes from four to seven, according to Provinces, to one candidate, for in that case a candidate of the special interest is certain to secure one, if not more, of the general seats. And, thirdly, as regards the Council of State. It is again to be regretted that even in such a Council as this Bengal and Bihar, which have

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probably the largest landholding interests in India, have been given half a seat each; that is, Bengal will have no Zemindar representative for an alternate period of five years, and so also Bihar. This should at least have a whole Zemindar member. The members of the Council of State may be elected by the non-official members of the Provincial Councils, and there again not only Mohammedans should be excluded, as is proposed, but all other representatives of special interests who have separate representatives, and there should be no accumulated votes. It was worth while trying for this Council the experiment of Lord Morley's original idea of an electoral college, composed of representatives of all communities, and electing specified numbers of each. In that case, in one Council at least, we would have, in however small a compass a representation in mosaic as in the Indian of the future. It is highly undesirable that the same constituency should allot members both to the Legislative Assembly and the Council of State, destroying the value of the latter as a revisional and corrective agency.

9764. Is there anything you would like to say in addition?—No.

9765. Would you be good enough to answer any questions?—If you have any questions I should like to answer, but I myself do not wish to add to what I have already said.

Lord *Islington.*

9766. Have you any views to give us with regard to the maintenance of the Secretary of State's Council?—I have stated them in my note to the Report of the Crewe Committee. I have nothing to add.

Lord *Sinha.*

9767. In regard to your answer to question No. 11 with regard to the Central Government, is there any definite proposal which you are in a position to make as to the changes in the Central Government? For instance, would you advocate the introduction of the principle of diarchy in the Central Government?—I would not oppose it. I would assent to it; but if the principle of diarchy was thought inadmissible in the Government of India, I would urge the adoption of its essence, namely, in certain matters set out in Sir James Brunyate's Note, the will of the Legislature might be allowed to prevail; that is, the Executive might in those cases defer to the wishes of the Legislature.

9768. With regard to specified subjects?—With regard to specified subjects.

9769. Would you advocate the definition of the subjects by statute or statutory rules, or would you be prepared to leave it to convention and practice?—Though I should prefer to have them defined by statute, I am not afraid of leaving them to convention.

9770. Could you tell us the subjects, apart from Sir James Brunyate's Note? Could you tell us with regard to the Central subjects any that you think might be transferred if a diarchy were adopted? I do not know if you have seen the list in the Feetham Committee's Report?—I have seen it.

9771. Amended by the India Office Report?—That I have not seen.

9772. Therefore, I do not suppose you have any particular knowledge of the scheme as it is now put forward?—No. I would suggest the same line of cleavage as in the Provincial Governments; that is, the principle being the same.

9773. Are you one of those who consider it essential that there should be larger representation in the Executive Council of the Viceroy than the two members recommended by the Report?—I think so.

9774. That there should be more than two?—Yes, especially as I believe the Executive Council of the Viceroy will have to be enlarged by adding other members.

Chairman.

9775. There is one point I want to get quite clear. Do I understand that you agree with Sir James Brunyate's suggestion that there should be no change now in

Chairman—continued.

in the Council of India, but that there should be a change at the end of the period of probation unless the Statutory Commission otherwise advises?—No, I do not agree with that proposition. I think, without any detriment to the safeguards which the authors of the joint scheme are anxious to maintain, at the present moment you can introduce a system in the Government of India——

9776. I am talking of the Council of India here in London. As you know, the majority of your Committee recommended that the whole responsibility should be taken away from the Secretary of State's Council and placed upon the Secretary of State, that the present Council should be abolished and a new Council of an advisory character established?—I am opposed to that view.

9777. Sir James Brunyate made a contrary proposition?—In my note I have tried to combat the view that the Secretary of State's Council should be abolished, and an Advisory Committee substituted in its place, with no power, direct or indirect, over the Secretary of State.

9778. I am quite aware of this, but I want to get your opinion on the notes?—I am in favour of the whole Council being abolished altogether, but not in favour of the Council being abolished and an Advisory Committee, with no powers of control, being substituted in its place.

9779. You would be in favour of the complete abolition of any Council now?—Yes.

9780. You are not in favour of the abolition of this Council and the appointment of an Advisory Council?—That is so—without any statutory powers.

9781. Nor do you agree with Sir James Brunyate in leaving matters as they are for the next period of ten years?—No. I have suggested changes, and I believe that the Secretary of State's Council, which is really the centre of the Government of India, should respond to the changes which have taken place in the outer spheres, otherwise there will be a great want of correlation between the Secretary of State, who is at the centre, and the Governments in India, who are in many instances the executants of his will.

9782. Assuming that the Secretary of State's Council remains, what changes would you like to see introduced into its composition?—I have suggested that a larger number of Indian members should be taken, not less than half. I have further suggested that not less than two-thirds of this number should be elected by panels in India, panels constituted by the non-official members of the Legislative Council. I have further suggested as regards the other half, which is to consist of Englishmen, that all of them need not be officials. I have said the official view is very well and strongly put always by the Governments in India. It is more necessary for it to have an outside view of those questions than the official view, which is already there.

9783. Would you be in favour of allowing some of the official members to come earlier in their service instead of at the end of their service?—They might come somewhat earlier, but much earlier would not be desirable, because this Council exercises naturally great authority in India, and the character of that authority would be affected if it was composed of men not of very ripe experience.

Mr. *Montagu.*

9784. I have one question arising out of that. Supposing the Secretary of State's Council was abolished, how would you suggest that the Secretary of State should obtain any Indian advice?—When I say the Secretary of State's Council should be abolished, I take a different point of view altogether, viz., that the Secretary of State would be unwilling to interfere, because of his want of reliance upon authority, which he would feel, to save him against any mistake; and therefore under my scheme if the Secretary of State's Council were abolished the Government of India would be more and more centred in India itself, amenable more largely than now to Indian influences. That is my object.

9785. So the Secretary of State would not require Indian assistance?—No, not certainly to any large extent.

9786. Have you ever thought of the controversy between a joint and a separate purse?—Yes. I was a party to it when I was a member of your deputation.

9787. What do you think about it now?—At one time I am free to confess I was in favour of a separate purse, but after very careful consideration I have come to the conclusion that a joint purse would be a better method of procedure and place greater power of control in the Legislature and greater means of association between these two branches.

Chairman.] Thank you very much.

(*The Witness is directed to withdraw.*)

(*After a short adjournment.*)

SIR ELLIOT COLVIN is called in; and Examined, as follows:—

Chairman.

9788. Sir Elliot Colvin, I think you were in the Indian Civil Service on the Revenue side?—Yes.

9789. And you served most of your time in the Political Department?—Yes.

9790. Your last appointment was in Rajputana?—Yes.

9791. What was the appointment you held there?—Agent to the Governor-General.

9792. You retired in 1918, after thirty-five years' service?—I retired at the end of 1917. I think perhaps I ought to mention that, although I have served the greater part of my service in the Political Department, it has so happened that I have always had to deal with a certain amount of British territory. In Beluchistan, for instance, when I was Revenue and Judicial Commissioner of Baluchistan, there was British Baluchistan to be dealt with, and when I was Agent for the Governor-General in Rajputana I was of course at the same time the Chief Commissioner of Ajmer-Merwera; so that the political development in British India is a subject with which I have always been more or less in touch.

9793. I may say that you speak from a very wide experience of India and knowledge of the Indian Civil Service?—Yes.

The following answers by the Witness to questions submitted by the Committee were handed in:—

1. Do you accept the proposition that it is desirable to bring about the progressive realisation of responsible government in India? And, if so, how do you define the expression "responsible government"? And do you generally accept the proposition contained in the Preamble?—(a) Yes. (b) I define "responsible government" for India as the government of the whole of India in accordance with the wishes and sentiments of all those Indians who are genuinely loyal to the British connection and who desire that India should remain an integral part of the British Empire. (c) Yes.

2. Do you think that the realisation of responsible government in the Provinces involves the establishment in Provincial Legislatures of a substantial elected majority (Clause 6)?—Undoubtedly in due time. But see reply to Question 4.

3. Do you think that the non-official members of the Provincial Legislatures should possess power to control the actions and policy of the Executive? Do you think they possess such power at present?—(a) Not for a long time yet, except in the particular matters or functions made over to them. (b) At present, they can exercise considerable influence, but not control.

4. Do you think that there are certain matters or functions of government in the Provinces in which at present the Provincial Executive must remain responsible to the Secretary of State and Parliament, and must therefore be in a position to enforce its wishes?—Certainly.

5. If you accept the propositions stated under Questions 1 to 4, do you think that the dual form of government

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government embodied in the Bill is the best means of securing them? If not, what are your objections to that feature of the Bill, and by what other means would you attempt to secure the objects in view?—I recognise the great difficulty of accomplishing a gradual transfer of power without some form of dualism. But the one essential element of success in this object is harmony and co-operation between Indian and Englishman. I apprehend that the "diarchy" proposed in the Bill will divide every Province into hostile camps, one British executive and the other Indian legislative, and thus introduce and foster the racial spirit which it is our particular aim to avoid. The five Provincial Governors who have advanced an alternative scheme have felt this; and though their proposals are open to the criticism that they fail to eradicate dualism and may lead to a more sudden and violent transfer of power, I believe that their instinct is right. I do not myself see how dualism in some form can ultimately be avoided; but we do not want it now. There has been too much racial feeling about in recent times. We want to start the new era with a fairly long period of harmonious co-operation between Englishman and Indian towards the great object we have set before us. That will be a more substantial step towards our goal than any other conceivable. I cannot believe that when the whole energies of the Government of India and of the Provincial Governments and of the entire civil services are being loyally directed, as they will be, towards carrying the new policy into effect, there will be any failure to advance along the pre-appointed path under a unitary system of government for the next ten years. After that, dualism in some form will be inevitable; but meanwhile arrangements for minimising its dangers and inconveniences may and probably will be evolved. In any case, it appears unnecessarily hazardous to start away at once with so risky an experiment as "diarchy" in all seven Provinces at once. If it is absolutely resolved to proceed with "diarchy" at once, let it be limited at first to one Province.

6. If you have any other method to suggest, does it (i) provide possibilities of advance by stages and facilitate the "progressive realisation of responsible government," and, if it does, in what way (Clause 2, 3, etc.)? and (ii) does it afford means of judgment, (a) to the electors, and (b) to the Statutory Commission which is to examine and report on progress of the sucess or failure in results of the control exercised by the Legislature and those who represent it in the Executive?—(i) Yes. In just the same way as the Joint Report suggests. (ii) Yes. Moreover, in 10 years' time the election machinery will be getting into fairly good order, and the electors will be more representative and therefore more reliable "judges." As to the Statutory Commission, it will be able to push things forward, perhaps also to keep them stationary, but never to put things back, or undo anything that has been done, even though its "judgment" may point in that direction. The force of advanced Indian opinion will compel progression, not retrogression.

7. If you consider a dual form of government acceptable in principle, are there any points of detail the modification of which you regard as necessary? If so, what are those points, and what modifications would you suggest?—In my opinion, the two divisions of government should be independent of control by each other, though influence may be exerted as at present. The control over "reserved subjects" should be frankly claimed and firmly held by the Executive, although the opinion of the legislative bodies should be ascertained on all important matters, and their sentiments and wishes, if expressed by a large majority, should be treated with every respect and consideration, and where possible without serious injury to the administration, should be acceded to.

8. In particular, do you think (i) that Ministers should hold office "during pleasure"—i.e., should be liable to removal if they are unable to support the action decided upon in their department by the Governor or if they fail to retain the confidence of

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the Legislature (Clause 3 (1))? (ii) That the Governor should have power to disregard the opinion of his Ministers if he considers that action in accordance with that opinion is inconsistent with the due discharge of his responsibilties (Clause 3 (3))? (iii) That the Executive Council should in all Provinces normally consist of one official European and one non-official Indian (Clause 4)? (iv) That the Governor should have power to dissolve his Legislative Council (Clause 7 (4))?—(i) Yes. But the power should be sparingly exercised, and it would be well to require a two-thirds majority of the Legislative Council to justify removal on a vote of want of confidence. (ii) Yes. (iii) Please see my replies to Question 10. (iv) Yes. It is to be hoped this would seldom be necessary, for it would mean the breakdown of the dual system of Government, if it occurred at all frequently. But I agree with the views expressed in para. 102 of the Government of India despatch of March 5, 1919.

9. Referring back to Questions 2, 3 and 4, if your answers to the first and third of these are in the affirmative, and if you think that the Legislatures should be given greater powers of control and influence than they possess at present, do you regard the limitations imposed generally by Clause 9 of the Bill upon their financial and legislative powers as (i) suitable, or as (ii) unnecessarily severe, or as (iii) inadequate to safeguard the responsibilities which the Government owes in the last resort to Parliament (Clause 9)?—(i) No. (ii) No. (iii) Yes.

10. In particular (i) do you think that the Legislature should have power with whatever limitations to vote supplies (Clause 9 (2))? (ii) Do you accept the plan of Grand Committees as the means of giving to the Government the power to secure essential legislation in the event of their failure to carry their propositions in the Council? If so, have you any modifications of detail to suggest? If not, what other method would you suggest to secure the object in view?—(i) Not in regard to "reserved" subjects. The Budget for reserved and transferred subjects should be treated separately. The latter should be controlled by the Legislative Councils, who would vote the supplies for them. In regard to "reserved" subjects, the Legislative Councils should see the Budget and advise on it, but they should not have the power to control it. To grant them this power seems to me inconsistent with the scheme of the retention by the Executive of control over reserved subjects. To secure this control I should advise retaining two British members on the Provincial Executive Councils for the present, not necessarily both official. (ii) The plan of Grand Committees appears to me both cumbrous and unnecessary. The Grand Committee will, in fact, be a packed committee, and, unless its numbers are kept low, the packing may be very difficult. Those who are left out will feel outraged. In regard to "transferred" subjects, there is really no need for Grand Committees. For "reserved" subjects, the Legislative Council should, as at present, be furnished frankly with an official plus nominated majority. This seems to indicate the need for two Legislative Councils in each Province, but this would not be nearly so bad as it sounds if it were arranged (and this could easily be done) that one—i.e., the Legislative Council for transferred subjects—should merely be an extension of the other. It would not be so awkward as a Legislative Council and a Grand Committee.

11. Do you accept the position adopted in the Bill (Part II.) that the time has not yet come to give the Legislative Assembly a similar measure of control over the Central Government as that given to Provincial Legislative Councils over Provincial Governments?—Yes.

12. Do you agree that it is advisable none the less to provide for a substantial elective majority in the Indian Legislature (Clause 16)?—Not at present.

13. Do you accept the plan of a bicameral legislature as arising out of this as constituting both a satisfactory machine for the ordinary purposes of legislation and as affording the means to the Governor-General in Council to secure legislation which

Chairman—continued.

which he regards as essential (Clauses 14, 15 and 16)?—No. I think a single chamber similar to the proposed State Council, but slightly larger, would be quite enough in the earlier stages of the transition. There would be room on it for three to five first-rate Indian representatives from each Province. The Government of India must hold control over the whole administration for a long time yet, and does not want a large Legislative Assembly mainly elected in this early period of transition. This would obviate the possibility of continuous friction between the two Chambers, which would be deplorable.

14. Do you accept the provisions of the Bill as to the course of legislation in the Indian Legislature (Clause 20 (3) and (4))? Or do you regard them as unnecessarily restrictive on the popular will, or as an inadequate means of ensuring to the Governor-General in Council the discharge of his responsibilities?—Is answered by the preceding reply.

15. Do you accept the changes made by the Bill (Clause 21) in the constitution of the Governor-General's Executive Council? If not, what are your reasons, and what modifications would you suggest?—Yes; but two-thirds of the members should for the present be British.

16. Do you think that the development of provincial autonomy on the one hand, and of self-government in the Provinces on the other, involves any modification of the provisions of Sections 2, 33 and 45 of the Government of India Act (Clause 23)?—Yes.

17. Do you agree that the gradual realisation of responsible government involves periodical examination of progress by independent authority, and that the provisions of Clause 28 of the Bill are well designed to afford such examination?—Yes.

18. Are there any matters which it is proposed in the Bill to deal with by rule which you would suggest should be provided for in the Bill?—The Bill seems to leave a great deal to be dealt with by rule, but in view of the changing conditions of the situation this is probably wise. I am, however, very doubtful whether the list of transferred subjects in any Province or the relations between the Secretary of State and the Government of India should be open to modification before the report of the first Statutory Commission has been received and considered.

19. Have you any observations to offer on the Reports of Lord Southborough's Committees and of the Committee on the Home Administration of Indian Affairs?—*Franchise Committee's Report.*—India is sharply divided into Urban and Rural communities. The latter are by far the most important section, 226 out of 244 million; but of the 6 per cent. of the population who can claim some degree of education it is probable that the majority live in the towns. When one considers that the utmost limit to whom the vote can as yet be given is 23 per 1,000, that communications in rural areas are still very backward, and that the electoral machinery especially in rural areas is likely to work stiffly and unevenly at first, one feels that the town population will for some time be over-represented and the country population under-represented on the Councils. But, as the Joint Report says, it is our imperative duty to assist and protect the ryot. This, in my opinion, supplies the strongest possible reason for going slow with reforms until the spread of education makes it feasible to extend the electorate. The Franchise Committee's report seems to have overlooked the need which the Joint Report emphasised of help and protection for the ryot.

Report of the Committee on Division of Functions.—For the same reason I advise the transfer of a limited number of functions at first. We are in danger of handing over to the dwellers in towns the interests of the rural population. We should go slow until the ryot is better able to look after himself. It would in my opinion be a serious error to transfer at the present stage the whole subject of "Education" (with the slight limitations proposed) and "Development of Industries"—I agree with the views expressed by the Government of India on these two points. Also, since "Co-operative Societies" affect mainly the interests of the agricultural community, and since they have not yet attained a

Chairman—continued.

full measure of growth in India, I would not permit their transfer at present.

Public Services.—The Joint Report promised protection to public servants in the discharge of their duties under the new arrangements. This is essential, and I do not think permission to retire on a proportionate pension meets the case. We do not want to see the new régime result in British officers trooping out of the country. Until the new arrangements are seen to be working well and with justice to old officials, so long, in fact, as we are still in the stage of experiment, the interests of these men should be carefully watched, and Indians who are placed in authority over them should be advised accordingly.

The Bill debars officials from being appointed Ministers (3 (i.)). Some of the best and most experienced material is to be found in the ranks of our Indian officials, and if they are ruled out it is to be feared that the supply of the necessary material may run short.

9794. You have been good enough to send us in answers to the questions we sent you, and that information is all before us. Have you anything you would like to say in supplement to these answers?—I do not think I have very much to add to what I have already written, but I am very much impressed by a point which is mentioned in the Joint Report, a sentence I noticed at the time that struck me very much, to this effect: "Nor do we overlook the fact that a public opinion, which is, in fact, the opinion of the population of India as a whole cannot be developed until education spreads and until the people have learned to use the vote." I think that is a very important sentence in the Joint Report, and I am not quite sure that in the anxiety to push forward the details in regard to the development of self-government perhaps there has not been a tendency to overlook that very essential point.

9795. Would you say something more to us about the position of the Civil Service under the new constitution? You allude to it in one of your answers, but you do not develop it at all. What effect do you think the realisation of the general scheme of reform adumbrated in the Joint Report, and embodied in this Bill, will have on the Indian Civil Service and what will be the position?—My feeling is that so long as we are really in an experimental period with regard to self-government very strong support ought to be given to all members of the Civil Service lest they should feel that they were placed in almost an impossible position. This might lead to a large number of early retirements, which I think would be very unfortunate for the administration generally. There seems to be a possibility that a great many men, feeling that unless they have the strong support of the Government behind them, they would find it very difficult to carry on under the new arrangements, might go in for retiring at an unduly early period on a proportionate pension.

9796. They will look at it from rather a different angle, will they not?—Certainly.

9797. Of course, the position of a Civil servant, who is not brought by his duty into contact with a Minister, will be the same as it is now?—Certainly.

9798. But a great many Civil servants will have to work under the direction of Ministers in respect of the subjects which are transferred to their responsibility?—Quite so.

9799. And that would be a new experience?—Yes.

9800. I wanted you to tell us how far you think the general body of the Service would be able to meet that new responsibility, with or without difficulty?—Of this I am quite certain, that the whole body of the Civil Service will do their utmost to meet the new situation and carry it out loyally and in every way that is possible to improve the prospects of self-government in India. Now that the Civil Service knows that is the policy of the Government at home. I am quite certain they will do everything in their power to forward it, but, at the same time, difficulties are bound to arise; for instance, a Minister may have a view which the Civil servant finds, perhaps, that he cannot easily accept, and there may arise differences between the two. It would be unfortunate

Chairman—continued.

fortunate thing if, although the Government of India itself were of opinion that the Civil servant was in the right in the matter, nevertheless he should have to leave the country, and accept a proportionate pension and retire.

9801. Where no moral question is involved and it is a question of opinion as to what is wise or unwise, do you think the members of the Indian Civil Service would find difficulty in carrying out the orders of Ministers?—No; I think they would carry out the orders of Ministers in questions of that sort, but other questions might occur in which they would find it difficult to carry out the orders they received. It is possible to conceive it very easily.

9802. What class of questions are you thinking of?—If a Minister desired him to undertake a duty which he did not think it was morally justifiable that he should do he would then be in a position to refuse to do it, and, therefore, a difficulty with the Minister would arise, or he would have to carry out a matter contrary to his own conscience.

9803. Can you, from your great experience, give us an illustration of what might be such a case?—I could give an illustration, but I would rather do it not in public.

9804. Have you been in a position to form an opinion as to whether any considerable number of the Indian Civil Service regard the future with such misgiving that they would like to leave the Service?—Well, it is almost two years since I left India, so I cannot say that I have met men who say they would actually leave the country rather than carry on. I do not think there are many like that.

9805. Have you come across, or heard from others whose imagination is smitten by the chance of a new and very interesting sphere of work?—I think that the whole Civil Service is very glad indeed that the object of the whole future of India has been very clearly defined. I think it has been a great handicap—in fact, I felt it myself in India—not to know to what end one was working. I did not know whether in the end we were going to try to hold India indefinitely under British administration, or whether we proposed in the end to ask the Indians to take it over from us. I should have been glad to know earlier what the policy was, and I think the fact that that policy has now been announced has been a genuine relief to a great many men.

9806. In your political work were you brought into contact with native states governed by Indians?—Yes.

9807. The principal officers of those states were always Indians, I presume?—Yes.

9808. But some of them may have had some European subordinates?—Yes.

9809. In what kind of sphere of employment were those Europeans?—They held various appointments. One man, for instance, was a Revenue Member of the Council, another was a Public Works Officer, and another was a Judicial Officer. In almost every department Europeans have been holding office in native states.

9810. Where would those Europeans come from?—They came from the Services in British India, either the Civil Service or the Public Works Department.

9811. Did you find that it worked easily and comfortably under the Indian officers?—I think, as a rule, it might be said they worked easily under the Indian officers, but I think I ought to point out that the situation in a native state is different from what the situation will be in British India in future, because in a native state you are a servant of the Chief, and nothing else, practically. You have to carry out the views of the native Chief and of his Government, but in the new situation there will be a double duty as it were; you will be in the Civil Service itself under the Government of India, but you will, at the same time, be under the orders of the Minister who is responsible to the Legislative Council. That is where a certain difficulty will come in which does not exist in native states.

9812. Can you remember any cases where these Europeans, in the direct employment of the Chief, were confronted by the kind of moral difficulty you said you could imagine, but would rather not explain in public?—Yes, I can.

9813. You have known cases?—Yes.

Chairman—continued.

9814. That was in your mind when you gave the previous answer?—Yes.

Lord *Sinha.*

9815. As I understand your answers, you suggest that the Majority Report of the Local Governments should be adhered to for the first ten years, and then this scheme of the Bill come in?—The Majority Report of the Local Governments?

9816. The five Local Governments, or rather five Lieutenant-Governors have a scheme of their own to which you referred?—Yes.

9817. You suggest that should be tried for the first ten years?—Yes.

9818. And after that period the scheme now embodied in the Bill should be given effect to?—Quite so.

9819. You would do that, as I understand, because you think just recently there has been a certain amount of racial feeling?—I think we want to create a new atmosphere. At present we have not got in India the atmosphere we want in order to start with any form of dualism. I think if we spent ten years in working together in harmonious co-operation, both the Englishman and the Indian, we should in that time evolve the atmosphere which we want in order to enter upon dualism.

9820. But assuming that under the scheme of diarchy, which has sometimes been misunderstood, you ensure close association between the two sections of the Government, do you not think this would create the atmosphere of co-operation which we all desire?—No, I do not think so.

9821. Why not?—Because I am afraid there will be constant friction.

9822. Assuming that the members of the Executive Council and the members of the Ministry meet together constantly over important questions of policy, and that no decision is arrived at by either section without a full discussion between the two of them, that would be very much the system which is now in vogue, would it not?—There would be this difference, that they would be all working together under one authority, and they would not have two different authorities to consider when they were discussing subjects.

9823. You mean the Secretary of State as representing Parliament on the one hand——?—With regard to reserved subjects.

9824. And the popular assembly on the other?—With regard to transferred subjects—quite so.

9825. You do not think, then, that the association in itself will create the desirable atmosphere?—I think it is not likely to do so. I think that the atmosphere would be created if you had one authority over both for ten years, all working together for the same object, and then during that period it will be possible to evolve a system of dualism which will perhaps work smoothly.

9826. I understand you to say that it is inevitable that dualism should come in at some stage or another?—I do not see any alternative.

9827. I suppose you know that there is a very large mass of opinion in India of what has been called the educated classes, and sometimes the politically-minded classes, which has been expressed in favour of the scheme embodied in the Bill?—Yes.

9828. Have you taken into account the disappointment which would be caused to that section if the scheme of the Bill was abandoned in favour of the scheme of the Lieutenant-Governors?—Yes, I have fully considered that point, and I quite realise it will create disappointment, but I feel it would be right to face that disappointment, because, as the Joint Report mentions, there is not as yet "a public opinion which represents the whole of the population"; and until we can get something more approaching a public opinion which really represents the whole of the population, it is wise to go slow even at the risk of creating some disappointment.

9829. Have you also considered the fact that under the Lieutenant-Governor's scheme the Indian Members of the Executive Government will be more or less amenable to the Legislative Council in almost the same way as they are under the Bill?—The Indian Members of the Executive Council?

9830. Being

Lord *Sinha*—continued.

9830. Being chosen from the elected members—that is their proposal—they will be amenable to the influence of the Legislative Council, and will, in general, try to give effect to the policy of that body as they conceive it to be?—Certainly.

9831. So that from the first you will have in that body two different influences exerting themselves, one of the Secretary of State——?—You are speaking of the Government of India at present?

9832. No; I am speaking only of the Provincial Governments. There would be two Members, the Official Members, who are not elected Members of the Legislature?—Yes.

9833. And, therefore, not so subject to the influence of the Legislative Council as the two other Members, the non-Official Members, who would be appointed from amongst the elected Members?—Quite so.

9834. So that under that scheme you will have the two influences exerting themselves upon two different branches of the Executive?—You want the two influences; if you did not get the two influences the whole scheme would be futile. You must have both influences.

9835. But you would have the two, and the influence of the Legislature would be exerted very much more powerfully and forcibly upon those Members who are taken from the Legislature itself, would it not?—Yes; you want them there in every way in order to have the touch with the Legislative Council, which is so necessary.

9836. Therefore, does it not come to very much the same thing?—No; I do not think it would.

9837. You suggest, as an alternative, that diarchy might be tried if it is introduced immediately in one Province?—I suggest that as a *pis aller*.

9838. Will not that create some difficulty as regards the choice?—I do not think it would be very difficult.

9839. I see you disapprove of the Grand Committee plan?—Yes.

9840. Do you approve of the Council of State plan with regard to the Central Government, the Government of India?—I approve of one Chamber only for the Government of India, whether it is called a Council of State or the Legislative Council.

9841. Therefore you are not in favour of a bicameral system?—No.

9842. Either in the Provinces or in the Central Government?—In the Provinces there would be a Legislative Council.

9843. That is only one Chamber?—Yes, and the Executive.

9844. So that you are against the bicameral system in the Provinces?—It is not proposed, I understand, is it?

9845. Yes, except by the procedure of the Grand Committee, and that you disapprove of?—The way it strikes me is this. The proposal is that there shall be a Legislative Council in every Province, and that, if necessary, after the certificate procedure has been entered upon the Council will resolve itself into a Grand Committee. It seemed to me simpler if there were only one Legislative Council which dealt with all transferred subjects, and a smaller portion of that same body which should deal with reserved subjects. That is the intention of my note, although, perhaps, I did not make it very clear.

9846. Have you seen the lists of transferred and reserved subjects which have been put in before this Committee?—No, I have not; I have only seen the list proposed.

9847. I mean in the Report of the Feetham Committee. Have you seen that list?—Yes, certainly, I have seen that.

9848. Do you approve of the list generally, or those lists rather?—I think it is rather a large number of subjects to transfer as a beginning. I think the whole of education, for instance, is a large matter to transfer at the initial stage.

9849. Do you consider that education might be divided?—I think it can very well be divided by making primary education transferred and secondary and University education reserved. I think that is a very easy line of division to take.

9850. I understand you would also keep co-operation as a reserved subject?—That is my feeling.

9851 I understand from your evidence that you

Lord *Islington*.

prefer the scheme as proposed by the Lieutenant-Governors?—For the next ten years.

9852. And if you were to make an exception to that it would be in the direction of taking one Province and experimentalising with it in dualism?—Quite so.

9853. As regards your proposal, as an alternative to the Grand Committee, you disapprove of the Grand Committee?—Yes. The other system seems to me less likely to cause friction.

9854. Your system with regard to the transferred subjects would be to let the Legislative Council, as constituted, carry through its work?—Yes.

9855. And with regard to the reserved subjects to reduce the number of that Council?—Yes, to deal with the reserved subjects.

9856. What would be the difference between the reduced Legislative Council and a Grand Committee?—The difference is this, that in the one case the whole Council discusses all these subjects, whether they are reserved or transferred, and in the other case they only discuss the transferred subjects—they do not discuss the reserved subjects at all. Only the smaller section of the Council discusses these. That is the difference.

Chairman.] No certification?

Lord *Islington*.

9857. No certification?—No certification.

9858. I do not quite follow it?—May I try to explain?

9859. What you propose looks to me on the face of it, to be very similar to a Grand Committee. The whole Council, of course, as constituted, discusses and votes upon the transferred subjects?—Yes, but there would be no reason for any such procedure as certification. You avoid the certificate procedure altogether if you have only reserved subjects discussed by the smaller Legislative Council.

9860. How would you constitute that smaller Legislative Council?—That is a large matter to tackle straight away, but I think means could be devised.

9861. I want to see where the difference in the constitution of your smaller Legislative Council comes in from the constitution as proposed of the Grand Committee?—Probably it would be much the same, but the point is that in the one case you do not bring the reserved subjects before the whole Legislative Council at all, and in the other you do.

9862. I see your point—the reserved subjects will only be discussed by the official element of the Legislative Council?—Yes, or rather by a Council in which the official and nominated members held a clear majority, so that there would not be the wide discussion and, perhaps, very bitter feeling and great differences of opinion on matters which really lie within the field of the Executive administration.

9863. Would it not be regarded as rather a retrograde proposal in India, taking some of the most important subjects out of discussion by the Legislative Council of the Province?—It no doubt would in a way deprive the enlarged Legislative Council of a discussion on certain subjects which are discussed at present; that would happen, but, on the other hand, it supplies a means of avoiding the possibility of friction which is so likely to occur. It must not be forgotten that the smaller body would continue to discuss all subjects, as the existing Legislative Councils do.

Duke of *Northumberland*.

9864. If your proposal is carried out to introduce the scheme of the Lieutenant-Governors, do you think it will lead to a great increase in the agitation?—I think it will create disappointment undoubtedly, but my feeling is that if we go too fast we shall end in handing over power to a small section of the population instead of to a large section, as it should be.

9865. Do you think it would lead to a very serious situation in India if the scheme of the Lieutenant-Governors were carried out?—I do not think so; I think it would no doubt create a feeling of disappointment, but we have to remember that the whole future of India depends upon our handing over powers to a majority of the people, and if we go too fast we shall hand it over to a small minority.

9866. There is just one other question I want to ask you about the Civil Service. You say you do not

Duke of *Northumberland*—continued.

think that permission to retire on a proportionate pension meets their case?—Yes.

9867. Have you got any scheme in your mind for further safeguarding the Civil servants?—I think it would be wise to say to the authorities who are appointed for the transferred subjects, that after all we are still in a stage of experiment and that, therefore, it would be expected that the British officers should be treated with every consideration.

9868. You would not suggest anything more specific than that?—No, I do not think so.

Major *Ormsby-Gore.*

9869. I see at the end of your Paper you state: "The Bill debars Indian officials from being appointed Ministers. Some of the best and most experienced material is to be found in the ranks of our Indian officials, and if they are ruled out it is to be feared that the supply of the necessary material may run short." You would not suggest, would you, that an Indian who becomes a Minister in a Provinical Government should remain an official, paid as an official?—No.

9870. You would have to terminate his official career?—That is so, to give him a proportionate pension or to treat him in whatever way was decided to be fair; but if I may say a few words about that, Mr. Chairman——

Chairman.

9871. Please?—I have felt, for some time, that some of the most capable Indians that I have met in India are amongst those who are already in the Service, and they have had a great deal of experience in administration, being much more experienced than many of the others who, perhaps, will come forward under the new scheme, and yet those men are not at present admissible as members of the Legislative Councils. The Bill, as it stands, debars them from election.

9872. Unless they leave the Service?—Unless they leave the Service, which very few of them would do.

Major *Ormsby-Gore.*

9873. Your point is that they are not likely to leave the Service and throw up an official career unless they are given a proportionate pension?—Unless they are told, beforehand, that they will receive a proportionate pension if they do. There are a great many very capable men amongst the officials, and that is the sort of class whom I feel might very well, perhaps, stand for election for the rural population of a district. We do not want to have the rural population of a district represented by a pleader at the headquarters town. It would be much better to have them represented if possible by the class who have in the past been officials who have had to deal with them, who perhaps have been doing their Land Revenue settlements, and have constantly been in touch with them. That is the class of man who might very well represent the rural population in the new Councils, and yet, at the present time, as the Bill stands, he is not eligible.

Lord *Sinha.*

9874. He is eligible for nomination, just as much as any other official?—Yes; but he cannot be elected to the Council if he is an official, and yet that class provides a very large number of men who might be of great value to us in those new Legislative Councils.

Major *Ormsby-Gore.*

9875. You have referred to another question. Is your objection to the Council of State and the Grand Committee an objection to the cumbersome method of procedure, or an objection of that kind, or is it an objection *per se* to a second chamber system? Do you object to the idea?—No; it is not an objection *per se* to the second chamber system, but it is a feeling that since the Government of India is not to be treated in the same way as the Provinces are, and that, as far as possible, the old arrangements are to stand with the Government of India, it appears wise to me to go on with the Legislative Council very much on the same lines as we have had hitherto for the Government of India.

9876. You think, when the time comes for the development of the Indian Constitution in accordance with the spirit of the pronouncement of the 20th of August, 1917, eventually there should be a bicameral system introduced as regards the Government of India?—It is very difficult to say what would be done a great many years hence, but I think probably a bicameral system will be the evolution of it.

Major *Ormsby-Gore*—continued.

9877. Some of us are very anxious to know how one could form a second chamber in India. There is the present proposal for the Council of State being derived from the same electorate, with the same authority as the Legislative Assembly of India. Have you any suggestion to propose as to how you could select the sort of men in India who would make the second chamber representatives? Are there Indians who have served in native States, who are in an outstanding position, and who would be useful in the Government of India?—There are many Indians who would be excellent members of a——

9878. Of a Senate?—Yes; a Senate or second chamber; but how to bring them together I must say I have not considered very much. I cannot see how you would do it, except by nomination, really.

9879. Can you tell me what type of man you have in your mind?—At the present time I have in mind a Kashmiri Brahmin who was for a long time a Minister in the State of Jodhpur, an extremely able man. He went from Jodhpur and became Minister in Udaipur, where he remained for about five years. He left Udaipur last year and returned to Jodhpur to a position of still greater importance. He is a man of great ability. I could mention many others, but he is one who occurs to me at the moment.

9880. Do you think that sort of man would be willing to face popular election in a Province in India?—He would not have a chance, because he has never been in the Provinces; his whole time has been spent in the native States; but you will find men of the same kind in the Provinces, no doubt. There are men who would be very excellent members of a Senate, but how to get them together I do not know. I cannot think of any other plan except nomination.

9881. And such nomination would probably have to be by the Provincial Governors, or by the Provinces, rather than by the Governor-General?—It would have to be by the Provincial Governors; no one else would be capable of doing it.

9882. In the native States with which you were concerned, do the same problems in connection with the outcastes and the depressed classes exist in the same way as in British India?—It is not so marked in Rajputana as it is in Madras, of course; but it does exist there, too—it is everywhere the same.

9883. You lay some emphasis in your paper upon the backward nature of some of the rural areas?—Yes.

9884. You see no way of getting these backward elements of the population represented at present other than by nomination?—No, I see no way except by nomination.

Lord *Sydenham.*

9885. I think you are very much impressed by the extreme difficulty of working diarchy, are you not?—Yes.

9886. And it is the diarchy, is it not, which introduces those dangers with respect to the effect on the great public services of which we have heard so much?—Yes.

9887. With a unitary Government, therefore, as proposed by the five Lieutenant-Governors, those difficulties would disappear. One suggestion you made to us which I think is new, is that we should try diarchy in one Province and see how it worked and let the others go on?—That is the second suggestion, but, if I may say so, my first suggestion is that we should try a unitary Government on the lines of the suggestions of the five Provincial Governors for ten years, and if that is not accepted I would suggest that diarchy should be tried in one Province. It could be tried simultaneously.

9888. Do you think it would be a very invidious matter to select a Province in which diarchy should be tried?—You would naturally try it in the most advanced Province.

9889. Do you think there would be a demand to be chosen to have the honour of having the diarchy?—I think very probably they would prefer it to the other suggestion themselves.

9890. I take it you do see that there are very great dangers

Lord *Sydenham*—continued.

dangers in this rift at the very head centre of the Governments of all the Provinces?—I see very great danger there, and I think it is too early to start upon it at present. I feel that we want to create an atmosphere in which we shall all be anxious to work together before we start on actual dualism.

9891. You say that you would retain two British members on the Provincial Executive Council for the present. Is not that almost necessary in the case of Provinces which have received their Governors from England?—Yes.

9892. It is scarcely sufficient, is it, that a Governor at his start should depend entirely on the advice of one man?—Yes.

9893. You have laid stress upon the possible danger of over-representation of the towns population. Do you therefore agree that we should adopt the communal representation, as has been pressed upon us by many witnesses, to ensure that the country population and the lower-caste population should have adequate and real representation in the new Councils?—I am not sure that communal representation would be a very great advantage to the rural areas, but I do think that we should adopt communal representation at the present stage in India to a very large extent.

9894. Do you think that in the proposals of the Franchise Committee there is an undue preponderance given to the urban element?—It is this way: The number of voters from the rural areas is, of course, according to the scheme of the Franchise Committee, very much larger than the number of voters from the urban areas, but it will not work when it comes to practical business, because a great many of the rural voters live at distant places, and they will not trouble to register their votes, and the urban voters will take much more trouble about registering their votes, and the result will be that the rural population will not really get represented owing to the difficulty of understanding what the vote means. Although in the Report of the Franchise Committee the number of rural voters is very much larger than the number of urban voters, still the practical difficulty of working the electoral machinery for the first few years will make it extremely difficult to get a true register of the rural vote.

9895. Do you think it desirable to enforce the residential qualification for the candidates in rural districts?—Certainly.

9896. Do you think there is any difficulty in defining a residential qualification for that purpose?—I suppose the definition would be a residence within the district for rural areas.

9897. For a certain period in the year?—Yes, for the greater portion of the year.

9898. Do you fear that the Civil Servants may be frequently and personally attacked by name in the new Legislative Councils?—I should not think there would be very much attacking of individuals by name.

9899. You remember when the Morley-Minto reforms were instituted it was very widely stated that the Civil Service opposed and obstructed those reforms. Was not that statement, in your experience, quite unjustified?—Yes, I think that is unjustified. I think there were a good many Civil Servants who did not like the spirit of the Morley-Minto reforms.

9900. As a matter of fact they did, and tried to do their best to make those reforms a success?—Quite so.

9901. Now, as regards what Lord Selborne asked you, is it not possible that friction between the Civil Service and the Minister may arise from their having different views on disciplinary matters?—Yes, certainly.

9902. Is not that rather a probable cause of a difference?—Yes.

9903. Now, do not native states largely use European and British servants for special duties when they are wanted?—Yes.

9904. And their case—the case of the Europeans employed in any native state—is entirely different from that of a Civil Servant in British India working under a Minister?—Yes, I think I said that; the cases are very different.

9905. Have you known Indian officers trained in the British service who found moral difficulties when working in native states?—Yes, I have.

Lord *Sydenham*—continued.

9906. You know the system which prevails in a Presidency Government—the Governor is the second member for every subject, and therefore he sees all action which is taken by the Governor in Council. The proposal Lord Sinha made to you that the Governor and the Executive and the Ministers should all be forced to discuss matters together, and that then the Minister should go away and do exactly what he likes, is quite different, is it not?—I am not sure that I quite followed that.

9907. Did you follow what I said about the present procedure?—Yes.

9908. Lord Sinha proposed to you that the Governor and the Executive and the Minister should be forced to discuss together all questions?—Yes.

9909. And then the Minister should go away and do exactly what he liked. That is quite different, is it not in principle from the present practice?—I do not know that I quite understood that from Lord Sinha.

9910. Perhaps I have misunderstood him

Lord *Sinha.*] I do not think I suggested that the Minister should go away and do what he wished, but in the case of difference of opinion in that joint assembly the Ministers should have the right, subject, of course, to the Governor's veto, to decide for themselves in their own subjects.

9911. And would then, of course, have acted as they decided. (To the *Witness.*) You see there is a considerable difference between that proposal and the present one?—Oh, yes.

9912. You say that there is no alternative to dualism, which you contemplate in ten years?—Yes.

9913. Supposing a unitary system was set up and worked well, cannot you go on reducing the European members of the Executive until they are all Indians?—I think that you would have a more violent transition in that way than by transferring subjects. You can only have a limited number of members on the Executive Council, and the day would come fairly early when you had a majority of Indian members, and that would be practically handing over the government.

9914. You think it is a greater revolution to change men than to change subjects?—Yes, I think you could change subjects more gradually than you could change men. You have only four men to deal with.

9915. You are not in favour of weakening the Government of India until the result of the proposed system in the Provinces has been made known?—Quite so.

9916. I think you have said, and we all know, there are Indians who would be capable of administering any transferred subjects. Is not the real difficulty to get those Indians into the posts where they would administer those subjects?—Yes; I am not at all certain—and I have not yet seen any inquiry made on the matter—as to whether there are enough really qualified Indians in the country to man all the Provinces in regard to transferred subjects, if these are at all numerous or important.

9917. Still, there are in the country any number of well trained and experienced Indians?—There are.

9918. And the difficulty will be under the elective system to get those Indians to do the work they can do exceedingly well?—Yes, and, if I may add, some of the very best material, so far as I believe it to exist in the country, is ineligible under the Bill.

9919. I understand you consider it quite vital that a good start of the new system should be made, and therefore it is most important that nothing should be done which might create friction at the outset?—That is what I wish to avoid.

9920. If friction is developed at the outset, is it not certain to go on increasing in bitterness?—I think so.

9921. If we could start well with the system——?—Things would have a much better chance.

9922. And at the end of the ten years' period you could go on?—Yes.

9923. You have had the advantage of a wide experience of social matters in India. I notice that the Aga Khan not long ago wrote those words: "There is less social intercourse between Mohammedans and Hindoos or between Rajputs and Parsees than between any of those races and the English in India. The Englishmen alone receive and have friends among all

Lord *Sydenham*—continued.

classes and races." Do you think that that state of things that he describes there has now passed away?—No.

Sir *Henry Craik.*

9924. Sir Elliot, there was one expression you used which I would like you just to explain a little more. You said that in some respects you rather welcomed this statement, because when you went out to India you did not know whether it was proposed to continue the Government of India in the hands of the English Government or to hand it back to the Indians themselves, and you thought that now an announcement had been made it would clear it up?—Quite so.

9925. Am I to accept that then as meaning that you interpret the announcement made as indicating the intention of handing over the government of India entirely to the Indian people and taking off our responsibility?—I meant that it will be under the Home Government. It will not be an absolutely independent Government; it must stay in connection with the British Empire.

9926. What bonds of dependency do you contemplate continuing?—It will differ slightly from the position of a colony. I think the statement as to the future position which is given towards the end of the Joint Report is a very clear statement of the goal at which we aim.

9927. That is handing over entirely the responsibility of government in India to the Indians?—Eventually.

9928. You would look upon this present movement as meaning that?—Yes, it is the beginning of it, but it will have to be done very carefully.

9929. I am not asking whether it would have to be done carefully or not, but I say do you really contemplate and ask us to contemplate that as the ultimate goal of this? We must test this one way or another, and I want your opinion?—I think the ultimate goal is the one stated——

9930. Just tell me your own view about it?—It is as I have said, government by the Indians of their own country, by those Indians who are genuinely loyal to the British connection.

9931. How are we to judge of that? If it is to be responsible government, who is to judge them? We must act logically in one way or another, and I want your opinion one way or another. We cannot judge them if they are to be responsible; they are the people who must judge?—You mean that I cannot say they are to be——

9932. We cannot say to them, "We were going to give you a responsible government, but now we will not give it because we think that those you have chosen are not loyal to us." Do you think that that is a possible thing to be done?—I think that is the way in which it will gradually work out—that we have got gradually to give it to them as we see that they are content to be a component part of the British Empire.

9933. I do not want to press this point too far——

Chairman.

9934. What I understand Sir Elliot to say is that he accepts the statement at the conclusion of the Montagu-Chelmsford Report?—That is what I say.

Sir *Henry Craik.*

9935. I think, Sir Elliot, you put rather a strong interpretation on it in the words I quoted from your evidence as showing that you now thought that you doubted when you went out to India whether ultimately we were to remain responsible for India, or that ultimately India should be entirely separate, and you thought that now that point had been cleared up?—I did not mean entirely separate from England. If I said that I made a mistake. In fact, you will see my definition of responsible government is that India is to remain a unit of the British Empire.

Chairman.

9936. You mean self-government within the Empire?—Quite so; self-government within the Empire.

Sir *Henry Craik.*

9937. But you will not define that?—It is very difficult; I quite see your point.

9938. I am going to take you to another point, because that is a point we might enlarge upon to any extent. You spoke of the relations of the Civil Service in India to the Ministers. You are to some extent familiar, no doubt, with the relations of the Civil Service to the Ministers here in England?—Yes.

9939. You know that a Civil servant in England has constantly to serve, and to serve with equal loyalty, Ministers who hold diametrically opposite views?—Yes.

9940. And that the members of the Civil Service here have never found any difficulty in doing so?—Yes.

9941. These divisions at home consist, if they do exist at all, of theoretical divisions of opinion, but never on questions where conscience would be involved?—Yes.

9942. If such a difference did arise in the English Service, where conscience was involved between the permanent public servant and a Minister, the permanent public servant would be obliged, of course, to give in his resignation?—Yes.

9943. And all who have served in the public service know that matters will on occasions arise where that is necessary?—Yes.

9944. But there is a great safeguard in public opinion here and in the necessary publicity which would be given to the circumstances in the case of such a breach?—Yes.

9945. Do you think there is such support of the Civil Servant where a case of conscience arises in India either from public opinion or from publicity? Do you think if a case of conscience arises in the case of an Indian permanent servant he would have the same protection of necessarily widely expressed public opinion or wide publicity?—No; there certainly would not be the same protection afforded in that way.

9946. Now, with regard to the Civil Servant at home; you know, on the one hand, although the Civil Servant at home is obliged to show absolute loyalty to the Minister, on the other hand he demands, and always obtains from the Minister at home the most absolute loyalty and support in public?—Yes.

9947. Under no circumstances, whatever error may be committed, is it consistent with the honour of an English Minister ever to betray or to give up his permanent servant serving under him?—No.

9948. Do you think that the public servant in India would have the same guarantee, or could appeal to the same sense as the public servant does to his Minister in England?—No; I do not think so, and that is why I suggest, as I did just now, that support should be given in the matter.

9949. Now, with regard to the Members of the Indian Civil Service serving in native States, I presume if any difficulty did arise they have always this security that they can at any moment they please throw up their appointment in the native State and return and resume their place in the ranks of the Civil Service at home?—Yes; unless they are bound by contract for a certain period.

9950. If a breach comes they have always to fall back upon their appointment in the Government Service?—Yes.

Chairman.

9951. They are not always in the Government Service, are they?—Nearly always.

Sir *Henry Craik.*

9952. The vast majority of them are. I have just one more question. You said you were in favour of a residential qualification for the candidate for the Legislative Council?—Yes.

9953. That seems to us here a very natural requirement. We have had a great deal of evidence to show that it is opposed. To what do you attribute the motive of opposing this residential qualification? Why is it desired to have any residential qualification?—I believe the reason to be that it is apprehended there will not be the sort of man they want in the district, or unit, whom

Sir *Henry Craik*—continued.

whom they would like to have appointed to the Legislative Council.

9954. In other words, very frequently, in country districts, there will be a great danger that the person who will come forward and claim their votes will be a man from the towns, who has no residential qualification at all?—Yes.

9955. You think that the motive of opposing, that is to give greater opportunities to what we, in England, call the carpet-bagger?—That is so.

Mr. *Montagu.*

9956. Sir Elliot, at what period of your service did you leave Bengal?—I left Bengal in 1897.

9957. After about thirteen years' service?—After about fourteen years' service.

9958. And since then I think you told Lord Selborne the whole of your experience has been either in the native States or British territory adjoining?—Entirely in the native States since then; but, as I mentioned, I have always had some British territory to deal with. Ajmer is not quite like a Province; but it enabled me to know what was going on in the British Provinces, because I got all the papers on the subject, and was able to appreciate what the political developments were.

9959. I want to be quite clear that I understand your proposal about the Civil Servants. You do not suggest that a Civil Servant should be a candidate for the Legislative Council until he retires, but you do suggest that he should be allowed to retire in order to stand: Is that it?—Yes. I was speaking of the members of the subordinate Civil Service. I meant to say that he should be allowed to stand, and that if he is elected he should be allowed to retire. That is what I meant.

9960. Then you expressed yourself very forcibly, in answer to Lord Sydenham, against weakening the Government of India?—Yes.

9961. It really all turns on the word "weakening," does it not?—Would you regard it as weakening the Government of India, for instance, to bring to it a more authoritative expression of Indian opinion, so far as it exists?—No; but I think you will get that expression of opinion on the existing Legislative Council, or something corresponding to it.

9962. I am right in thinking that there are 27 elected members of the Legislative Council now?—Yes.

9963. And I am right in thinking that Simla is not one of the liveliest, or most populated parts of India?—No; but the elected members will be deputed from the Province, of course.

Mr. *Montagu*—continued.

9964. The whole representation of India depends at present, while the Government of India is at Simla, on 27 elected members?—Yes.

9965. Does that satisfy you, and would you regard increasing that number as weakening the Government of India? Would it not strengthen it?—If it enabled them to swamp the Government of India, it would weaken the Government of India.

9966. Is not the Government stronger the more it knows the wishes of the people whom it governs?—Yes; but it will have every opportunity of knowing that from what goes on in the Provinces.

9967. They are rather a long way off?—No; the Government of India knows every day what goes on.

9968. By telegrams, do you mean?—By telegrams.

9969. And by letters?—Yes.

9970. Now I come to your own proposal. I understand that you approve, at any rate, of the existence of transferred and reserved subjects?—When dualism comes in, certainly.

9971. Not until then?—Not until then.

9972. There is no real harmony, is there, between yours and any scheme which has yet been presented from India, because the Local Governments, whom you quote as supporting, deliberately adopt their scheme with a view to avoiding that diarchy which they think is dangerous and undesirable, while you adopt their scheme with a view to postponing diarchy for ten years?—I think I am in agreement with at least two of the Provincial Governors about that. If I remember right, Sir Benjamin Robertson said he wished dualism to come later possibly, and I think that is also the view of Sir Michael O'Dwyer.

9973. Anyhow, your view is that diarchy must come?—Quite so.

9974. But it is a thing which you would like to postpone for ten years?—Yes.

9975. Then I suppose you would hope that it would last a very short time?—No, I think it would last a long time before a complete transfer was made.

9976. But the friction which you said to Lord Sydenham must come from diarchy, the difference of point of view, will be less, you think, ten years hence?—It will be much less after we have had ten years in which to prepare for it.

Chairman.] We are very much obliged to you, Sir Elliot.

(*The Witness is directed to withdraw.*)

Die Mercurii, 15° *Octobris* 1919.

MEMBERS PRESENT:

Duke of NORTHUMBERLAND.	Mr. BENNETT.
Earl of SELBORNE.	Sir HENRY CRAIK.
Lord BRODRICK (Viscount Midleton).	Mr. MONTAGU.
Lord ISLINGTON.	Mr. SPOOR.
Lord SYDENHAM.	
Lord SINHA.	

THE RIGHT HONOURABLE THE EARL OF SELBORNE IN THE CHAIR.

MR. WARDLAW MILNE (Bombay Chamber of Commerce); MR. M. DE P. WEBB (Karachi Chamber of Commerce); and SIR BERNARD HUNTER (Madras Chamber of Commerce), are called in; and Examined, as follows:—

Chairman.

9977. You, gentlemen, represent the Chambers of Commerce of Bombay, Madras, and Karachi?—(*Mr. Milne*) Yes.

9978. And you have been good enough to furnish us with a memorandum?—Yes.

The memorandum is as follows:—

Chairman—continued.

VIEWS OF THE REPRESENTATIVES OF THE BOMBAY, MADRAS, AND KARACHI CHAMBERS OF COMMERCE, AS JOINTLY AGREED AT THEIR MEETING AT THE INDIA OFFICE ON THURSDAY, OCTOBER 9th.

1. The representatives regret that at the time their respective Chambers communicated with them these bodies

Chairman—continued.

bodies were not in possession of copies of the Bill, and could not, therefore, forward detailed instructions as to the evidence which they might have desired to give. In these circumstances the representatives have contented themselves with dealing with such points as are likely to arise if and when any such Bill as that now under consideration becomes law, but it is desired to emphasise that the absence in their instructions of any reference to a number of main principles should not be taken as an indication that these bodies are of necessity in agreement with or in favour of the Bill. In this connection we desire to draw the attention of the Committee to the views which have already been expressed in India by the Chambers at the various stages of the Reforms scheme.

2. The following are some of the questions which arise, and upon which the Chambers desire more particularly to put forward their views for the consideration of the Joint Select Committee:—

Ports.—The Chambers consider that the major ports, namely, Calcutta, Bombay, Madras, Karachi, Aden, Rangoon, Chittagong, and Vizagapatam, should be under the Government of India, but that the administration should be left in the hands of the existing administrative bodies, over whom Government control should be reduced to the minimum, thus giving them the widest possible discretion in the development of their respective ports.

B. That all minor ports should be under the Provincial Governments, and be reserved subjects, but that the possibility of it being necessary at some future time for a minor port to be declared a major port, should be borne in mind.

We understand that the Bengal Chamber would prefer that all ports, whether major or minor, should be treated as Government of India subjects.

Light and Feeder Railways.—The Chambers urge that light and feeder railways should be treated as a Government of India subject, and not left to Provincial control. The Chambers are of opinion that the Railway Board being in control of the main lines alone, with subsidiary railways under different control, might lead to a most undesirable conflict of policies. In nearly all cases such subsidiary railways are dependent on the main lines both for working and traffic arrangements, and it is felt that it would be very difficult to make suitable terms or come to agreements with the main lines if the light railways were not under the same authority.

Inland Waterways.—The Chambers are of opinion that the navigable waterways of India should be controlled by a Central Waterways Board, the actual executive work being carried out by Provincial Waterways Trusts acting also as advisory bodies to the Board. Under the Southborough Committee's proposals, the inland waterways would be treated as Government of India subjects to an extent to be declared by or under Indian Legislation, and that otherwise they should be Provincial and reserved subjects. The view of the Chambers is that questions affecting navigable rivers are essentially of an inter-provincial nature, and it is conceivable that the activities of one Province in respect of a particular waterway might be nullified by the actions or apathy of its neighbour over whose policy it would have no control. While it is true that under the proposals of the Southborough Committee the Governor-General in Council would have power under the rules to define the extent to which inland waterways should be all Indian, the Chambers would prefer to see their proposal of a Central Waterways Board given effect to rather than to leave it to the Government of India to take over from a Province the control of a river which might have seriously suffered in the meantime owing to Provincial neglect.

Development of Industries, Industrial Research and Technical Education.—The Chambers entirely agree with the views of the Government of India as set out in paragraph No. 116. of the despatch dated 16th April, 1919, which are briefly that the development of industries should be concurrently undertaken by Local Governments and the Government of India, and that this subject should, so far as Local Governments are concerned, be reserved. The Chambers desire to add that in their opinion the proposed government by Ministries

Chairman—continued.

is by way of experiment, and that the great industries of India are of far too important a nature to be made the subject of any experimental form of government. If such an experiment must be made it should be limited to less important subjects, and the Chambers are naturally apprehensive of the harm that may be done to commerce and industry by unwise legislation, prejudiced taxation, and inefficient administration.

Representation of European Interests.—The Chambers desire to urge that the representation in this respect set out in the Report of the Southborough Franchise Committee should be the absolute minimum, and that there should be at least eight Europeans in the Indian Legislative Assembly and two in the Council of State.

J. S. Wardlaw Milne.

(For the Bombay Chamber of Commerce.)

Approved by:—M. de P. Webb, for the Karachi Chamber; Sir Bernard Hunter, for the Madras Chamber.

9979. There are one or two questions I should like to ask you about that. In the first place, you put on record that you are not authorised to speak generally in respect to the Bill, because the Chambers you represent had not seen the Bill when you received your instructions?—That is so.

9980. I note what you say, that it does not follow from that that they approve of everything that is in the Bill. You draw our attention particularly to certain questions. The first is in reference to the ports. The proposal at present emanating from the Functions Committee is that ports declared to be major ports by rule or under Indian legislation should be central subjects, and that ports except such ports as may be declared by rule or by or under Indian legislation to be major ports should be provincial subjects, and that those minor ports which are provincial subjects should be reserved. That is the present proposal, and I understand that is exactly what you yourselves suggest, or something very like it?—Something very like it. We suggest that certain definite ports should be laid down as major ports, and that there should be the possibility of minor ports being declared major ports at some future time. The necessity for that should be borne in mind. We further suggest that these major ports should not only be laid down now, but that they should be Central Government subjects; that the minor ports should be provincial subjects and reserved.

9981. That is the proposal?—I have drawn attention here to the fact that the Bengal Chamber, which unfortunately is not represented to-day, would prefer all ports to be Government of India subjects, as against the views of the other Chambers.

9982. As regards the inland waterways, you make a suggestion of your own that they should be contributed by a Central Board?—That is so.

9983. Not by the Provincial Governments or by the Central Government, but by a Central Board under the Government of India?—Yes.

9984. What are your reasons for withdrawing inland navigation altogether from the Provincial Governments?—Our idea is that what is required is a Central Board under the Government of India controlling all the inland waterways, because inland waterways are largely inter-provincial subjects in the first place.

9985. Why do you want the interposition of a board?—We consider that a board working, if I may use the analogy, on the same lines as the Railway Board under the Government of India is the simplest method of working inland waterways.

9986. You take the analogy of the Railway Board and apply that to the waterways?—Yes. I have no authority to make that analogy, but that occurs to me as a possible analogy. We further say that the local bodies should act as advisory bodies to the Central Board in addition to doing the actual administrative work of their own waterways.

9987. Then you propose that industrial development should be a Government of India subject?—Yes; we press that.

9988. You know that the Functions Committee propose to make it a provincial subject?—And transferred.

9989. "Central subjects to develop all industries in cases where such development by the central authority

Chairman—continued.

is declared by order of the Governor-General in Council expedient in the public interest." Development of industries including industrial research and technical education would be provincial subjects and transferred?—Yes. Against that we press that the Government of India's proposal should be adopted—that is to say, that the development of industries should be undertaken concurrently by the Central Government and by the Provincial Governments, and that where it is a Provincial Government subject it should certainly be reserved and not transferred.

9990. We have had a great deal of evidence here to the effect that, whether rightly or wrongly, the impression prevails largely in India that the Government of India has not done in the past all that it might do for industrial development. Do you share that view?—I think we do.

9991. And, therefore, these witnesses of whom I am speaking have urged very strongly that it should be made a transferred subject in the Provinces so far as possible, with a view of giving greater encouragement?—I fear we do not think that that would be the remedy for the present state of discontent. We do not think that transferring it in the case of the Provincial Governments is the remedy.

9992. What do you think would be the remedy?—The remedy, it seems to us, would be a more active organisation in the Government of India, more sympathetic interest from the Government of India. Our feeling is that the industries of India are much too important to be transferred at the present stage to what is practically an experimental Government.

9993. You do not say anything, I think, in your memorandum about industrial matters, the development of industries, factories, settlement of labour disputes, electricity and boilers, gas, welfare of labour, including provident funds, industrial insurance, general health, and accidents and housing. The proposal of the Functions Committee is that all those should be Provincial subjects, but reserved, and subject, as to factories, settlement of labour disputes, electricity and boilers, to Indian legislation. You do not say anything about that?—No; I have no instructions on those points.

9994. One witness has represented to us strongly his view that so far as these matters concern the welfare of labour, they should be transferred, and not reserved. I think his argument was that labour organisations would develop in India on the western model, and that it is very much better for the Provincial Governments that the Legislative Council should deal with them rather than that the Governor and the Executive Council should deal with these labour problems. Are you prepared to express any opinion about that?—On behalf of the Chamber I cannot express any opinion. My own view would be entirely to agree with that, but that is merely my personal view. I do not know even what my colleagues may feel about it.

9995. I do not know whether they would be good enough to say?—(Sir *Bernard Hunter.*) I should prefer to see that left as a reserved subject. So long as law and order is a reserved subject I think it is neecssary that the labour disputes, and things of that description, should come under the same Government. (Mr. *Webb.*) I am inclined to share Sir Bernard Hunter's views.

Mr. *Bennett.*

9996. The European Chambers of Commerce have for many years been regarded as a very valuable embodiment of public opinion, have they not—they have been looked upon as a sound, practical, and moderate order of men?—(Mr. *Milne.*) I think we may claim that.

9997. There have been occasions when some of the Chambers of Commerce have even been accepted as interpreting, even more than the commerical interests of their place, the moderate practical opinion of their community?—That is so.

9998. Would you be content that the Chambers of Commerce should be accepted as representing European opinion as such, or would you prefer a special representation of public opinion, a communal representation of public opinion outside the Chambers. Do you think that necessary?—Speaking for the Bombay Chamber I think there is no doubt that the Bombay Chamber realise that there is an electorate outside the Chambers which requires representation, although they also realise that the largest interests of Europeans in India are trade and commerce, which are represented by the Chambers.

Mr. *Bennett*—continued.

9999. Do your colleagues take that same view?—(Sir *Bernard Hunter.*) Do I understand that special electorates of the Chambers are to be done away with, and only communal European representation given?

10000. No, not to be done away with, it is suggested in addition?—Then I agree. (Mr. *Webb.*) I think such additional representation is essential. There are large bodies of traders which are not members of the Chambers; especially the small traders' trades associations.

10001. With regard to the industries, your opinion seems to be in favour of an exclusive concentration of control over the development of industries in the Central Government?—(Mr. *Milne.*) Oh no, not exclusively so.

10002. Would you be in favour of leaving as much of the development of industries to Provincial Governments as is compatible with the due oversight and co-ordination of that policy by the Government of India?—What we feel, if I may explain, is that this subject ought to be taken concurrently, because there are two sides to it. The Government of India in charge of development of industries will be able to engage a higher standard of expert, for example, than Provincial Governments alone could do; also, there is the danger that if it is entirely left to Provincial Governments there will be almost competition, if one may use that word, between the different Governments, overlapping, and consequent waste of energy. On the other hand we think there are certain industries which Provincial Governments can best deal with, and we certainly do not want them to be excluded from very active development of their own provincial industries, but we feel that oversight by the Central Government is necessary.

10003. You are entirely in favour of the Government of India view?—We are entirely in favour of the Government of India view; also in connection with technical education.

10004. Now, with regard to railways, I see you very much object to the development of light and feeder railways being left to provincial control, and you give very definite reasons for that view. Do you recognise the advantage of encouraging local financial initiative with regard to the development of narrow-gauge railways?—We certainly recognise that.

10005. But is it not likely that that will be discouraged if the entire control of these minor railways is left to the Government of India, as the main lines are?—I do not think that that is necessarily the case. The proposals would naturally pass through the Provincial Governments, and the Provincial Governments would be actively interested in developing those railways. Still, the fact of taking the control away entirely from the Government of India would mean that you would have a divergence between the views of the Government of India, as controlling the main lines, and the Provincial Governments as controlling the feeder lines, while the two sets of enterprise cannot be independent of each other.

10006. Would you contend that it must be either all or nothing between the Government of India and the Provincial Governments? Would not the initiative be with the Provincial Authorities, and of course an ultimate co-ordinating authority would be exercised by the Government of India?—I think that would come about in any case.

10007. It is a desirable end?—Yes. I do not think our proposals would stop that in any way.

10008. Have you found in Bombay, for instance, a suspicion that the Government of India is not too rapid in settling proposals for these local lines?—That is distinctly so.

10009. Sometimes they have shown a strange want of cordiality in the matter—it has been thought so?—It has been reported to us that that is so.

10010. Have you ever heard of an enterprising Bombay capitalist going to Simla, and being told by the Minister

Mr. *Bennett*—continued.

Minister in charge of railways that he hated promoters?—I have no knowledge of that.

10011. You do not know that? You have not found hatred of promoters?—I have no personal knowledge of that.

10012. You recognise the advantage of doing as much as possible to encourage the finding of local capital for local railway developments?—Certainly.

10013. And, with that object, giving the Provincial Governments as much initiative as possible?—Certainly.

Lord Islington.

10014. Do the Chambers of Commerce, which you are here to represent, represent European enterprise and Indian, or exclusively European?—Not exclusively European, but largely European.

10015. Preponderatingly European?—Distinctly so.

10016. I gather from the answers which you have just given to Mr. Bennett that you, broadly speaking, regard the most effective way of promoting industries through India as through a central organisation?—Central and Provincial.

10017. A Central and a Provincial organisation?—Yes.

10018. How are you going effectively and satisfactorily to demarcate what is to be done Provincially and what is to be done from the centre?—Our proposal amounts to this, if I may explain it—that in the Provincial Governments what will probably arise will be a director of industries in each Province, who will initiate and look after the development of local industries. You will have also the Central Government, with an overriding controlling director of industries, or department of industries, or whatever it may be called, who will co-ordinate the work of all these Provincial directors.

10019. When you say co-ordinate the work, do you mean control the work?—Yes, to some extent control it.

10020. I want to get at to what extent?—Of course it has never been done. One can only deal with what is likely to happen, but I think to say to control it is not too strong. Then the questions of research and other matters which are essentially a part of industrial development can, in our opinion, better be carried out by the Central Government, at any rate in the first stages, than by the Provincial Governments.

10021. The initiative being taken by the Central Government?—The initiative would probably come from the Provincial Governments.

10022. But the work being carried out and controlled by the Central Government?—Yes.

10023. Scientific institutions, for instance, in Madras would be constructed and controlled from the centre, not locally?—Yes.

10024. Do you think that is the best plan?—I think so for this reason: that in the case of the Provincial Governments working all independently there would be danger, as it were, of competition between one Province and another. There would be a danger of one Province getting an expert on a certain subject and another Province getting another expert, and in that way waste of time, waste of money and waste of enterprise.

10025. I suppose you would not object to a healthy competition as between one Province and another, would you?—Oh, no, there is no objection to that.

10026. It would be to the advantage of the development of industry?—Distinctly, I think.

10027. What you really want is you would like to see the demarcation made very clear in regard to the control that should be allotted to a Provincial Government in its relation to the control of the Central Government?—Distinctly.

10028. Do you wish to see more control on the part of the Provincial Government in the future than has hitherto been the case in regard to industries?—May I ask, do you mean in the control of industries?

10029. Yes, in the development and control of them. Do you wish to see the Provincial Government given more authority in that direction in the future than has hitherto been the case?—Surely, if I may say so, there is a great difference between development and control. I cannot in my own mind—I may be wrong; I have not consulted my colleagues about this—put the two things together. With regard to the development of industries, there cannot be too much enterprise on the part of both the Central and the Provincial Governments. Control of industry is quite another matter. Control of existing industry is a point we are not really touching on in this connection.

Lord *Islington*—continued.

10030. No, but it is an important one, is it not?—Quite.

10031. Assuming that there should be some kind of control?—May I ask what is meant by control? Do you mean the control of existing industries?

10032. Yes, the control which is necessary in the interests of the public as distinguished from the company concerned?—Such as administration of the existing Acts,, Factory Acts and labour?

10033. That the general consumer should be protected in accordance with existing Acts?—We quite agee, but that control could be carried out by the Provincial Governments.

10034. That is what I am asking. I am not laying down anything myself. I am asking you what you would like to see as representing the Chambers of Commerce?—I only wanted to get the point quite clear in order to answer it correctly; I think that that could be quite well carried out by the Provincial Governments.

10035. Therefore you would like to see local control over a concern when it started in the hands of the Local Government?—Yes.

10036. But all the operations connected with the starting of an industry, or most of them, in the hands of the Central Government?—In the hands of both. That is to say, certain functions in the hands of the Central Government and certain functions in the hands of the Provincial Governments. We want, in fact, a co-ordination of the work of development of industry all over the country.

10037. In starting a new enterprise, of course, you will want capital assured, will you not? You will want to secure capital?—Yes.

10038. And assuming you want to secure capital outside India beyond what India is prepared to provide, would you say you would be more likely to secure that in a rapid and effective manner through the instrumentality of the Central Government of India, or through the instrumentality of the Government of India in this country?—I am afraid I do not quite understand that question. I am sorry, but I do not quite follow it.

10039. As a business man, looking to the starting of a new enterprise, would you say you would be able to get a new enterprise started successfully and rapidly better by means of assistance from and general intervention by the Government of India, or through the commercial department of the India Office? I will put it that way?—I think that would largely depend upon the nature of the industry. I think the development of industries as we see it—here I am speaking personally—would be largely an Indian matter, and the Government of India would be all-sufficient. I think the requirement of help at the start from the Home Government would only apply in certain industries. But here I am giving my own view. I have no instructions about it.

10040. You are not prepared to give any very decided view?—I have no instructions on the point.

10041. Now, as regards the co-operation with Indians in commercial enterprise and industrial enterprise of the future, I suppose your Chambers regard it as of the first importance to co-operate in every possible way with Indians and to induce them to come into industries with you?—Most undoubtedly.

10042. Would you prefer to see in the future new industries started and carried out and capitalised by the joint efforts of Europeans and Indians?—Distinctly.

10043. That being the case and regarding the whole political situation, do not your Chambers consider that in this new development of government the Indians should have a very definite voice in the proceedings?—I have no definite mandate from the Chambers to speak on that point. My own view is that all the Chambers would welcome development in that respect in India and expect it.

10044. You do not desire to see industries a transferred subject, do you?—No, not at all.

10045. You

Lord *Islington*—continued.

10045. You would like that to be a reserved subject?—Yes.

10046. Would your Chambers be very averse to seeing that subject controlled by the combined effort of both branches of the new Governments, assuming that they came into existence?—That point has not been before us, but speaking for myself, I do not think that they would object. They object to the idea that industries should be made purely a transferred subject, because, as I have said, they consider that the transferring of such subjects is an experiment, and they consider that industries are too important to be experimented with. Provided that there is no danger in the experiment, they would not object to any transfer. They consider that danger exists.

10047. You are prepared to say that you would welcome in every way the co-operation both in the management and control of Indians?—Yes.

Lord *Sinha.*

10048. You have noticed in the list of the Functions Committee that central agencies and institutions of research and for professional or technical training or promotion of special study are made a central subject. That is left for the Government of India?—Yes, we have noticed that with appreciation.

10049. Beyond that do you desire anything further to be left to the Government of India?—We think there are still functions which should be left to the Government of India beyond that, though there are very important ones.

10050. Supposing there are institutions or agencies for research for purely Provincial industries, you would not advocate control by the Government of India over such agencies, would you?—No, we would not advocate that, but I cannot at this moment realise how there would be necessity of research which would be peculiar to one Province except in very special circumstances.

10051. In so far as they are not peculiar to any Province it would be undertaken by central agencies, would it not?—Yes.

10052. And the whole of that under the scheme proposed would be under the Government of India. Does not that satisfy the requirements which you postulate?—It satisfies them as far as research is concerned.

10053. Also agencies for professional or technical training or promotion of special studies so far as they are to be central, that is to say, so far as they interest the whole of India, are to be left with the Government of India, and it is only, I take it, what concerns an individual Province or at any rate one Province more than another, that will be left to the Provincial Governments. Is not that exactly what you advocate yourself?—If I may so say, do not the last few words rather alter it again—one Province more than another? That is rather a different thing from what concerns one Province alone. If one can conceive research which can possibly affect only one Province in India, and cannot interest any other, it is manifest there could be no objection to that Province carrying out that research; but when it comes to concerning one more than another, that is just the very point where, speaking for Bombay, we consider the Central Government should come in.

10054. Would not that rest very much upon the nature of the subject, or as to how many Provinces or what Provinces it concerned?—I think it would.

10055. And you would be prepared, would you not, to leave that question to be determined as between the Central Government and the Provincial Governments?—I personally should be satisfied with that.

10056. So far as technical education is concerned, and apart from what is provided in that article which I read to you, technical training and promotion of technical studies, it is a matter well known and of general complaint, is it not, that the Government of India has done very little for the promotion of technical education?—I have heard it very generally said.

10057. Do you agree?—I am afraid I am not in a position to give a personal opinion on a matter of that kind.

10058. I think you told Lord Islington that you welcomed co-operation in matters of industry and commerce generally as between Indians and Europeans?—Yes.

Lord *Sinha*—continued.

10059. And I think in Bombay particularly you have got that now?—We have it, yes.

10060. Have you any reason to apprehend that that co-operation would not exist in matters of politics?—None whatever.

10061. May I take it then that the view generally of commercial and mercantile people in India is that a generous scheme of reform will promote the spirit of co-operation between Indians and Europeans in India?—I am afraid I cannot answer for the mercantile opinion of India. I can only answer that in a personal way because we have no instructions.

10062. I should like very much to have your own personal opinion?—My own personal opinion is that reform and progress is necessary and will promote that. I am not prepared to say that this particular scheme will necessarily promote that, at any rate, at once.

10063. But do you know of any other scheme which will promote it better than this one?—I am afraid we are not in a position to put forward alternative schemes nor do I wish it to be understood that we condemn this scheme. I merely say that the attitude of the Bombay Chamber has been that this scheme goes rather further than they would have gone originally, and that the development of the Government of India, the popularising of the Government of India as it exists at present, possibly would have been a better move at the present time. But they also appreciate that it was desirable and necessary that a move should be made, and they are not prepared to condemn this or any other scheme which is put forward to that end.

10064. May I take that to be the opinion of your colleagues also, Mr. Webb and Sir Bernard Hunter?—(Sir *Bernard Hunter.*) The opinion of Madras is adverse to the proposed diarchy. They fear that that will increase the racial troubles at present. They would much prefer to see a more gradual development, more or less on the present lines. (Mr. *Webb.*) The Karachi Chamber approve generally of the scheme of constitutional reform, and they do not fear in the least that trade is likely to suffer under the proposals.

10065. Now I want to ask a general question: Have any of you gentlemen noticed any tendency on the part of capital to be scared from India by reason of the proposed reforms?—(Mr. *Milne.*) Up to this date, do you refer to?

10066. Yes?—I have no knowledge of it. (Sir *Bernard Hunter.*) I think it is quite impossible to draw any conclusions in view of the general abnormal conditions. Capital has not been able to go to India on account of exchange difficulties, even for ordinary trade, quite apart from industrial enterprise. (Mr. *Webb.*) I know of no difficulties up to the present.

10067. Is it not a matter of fact that at the present moment many English companies are thinking of setting up in India?—(Mr. *Milne.*) I do not know.

10068. And large English capital?—I do not know.

10069. I understand they have been discussing this scheme for the last two years?—I do not know of that.

Mr. *Montagu.*

10070. What are the prospects in your own Province in industrial development, apart from English capital? Is there plenty of capital available?—Indian capital do you refer to?

10071. Yes?—There has been plenty of capital available of recent years.

10072. Is that a new phenomenon?—No, it is increasing. It has been increasing gradually in years past as industry is becoming more popular in the Indian mind.

10073. Are there any cases of inter-provincial industrial activity? When you were answering questions just now I seemed to infer that you thought as soon as a particular subject went beyond a particular Province the only alternative to Provincial action was Government of India action. Are there any instances in the past, let us say of Bengal, Madras, or Bombay, or other Provinces concerned meeting together to discuss inter-provincial matters?—I do not know that I can quote cases in which they have met together at all, but I certainly know of cases in which industries are common to more than one Province and in which possible

Mr. *Montagu*—continued.

competition in the early stages between these Provinces is undesirable

10074. It is not controversial, this question. I only want to ask you this: Cannot provincial competition be cured by inter-provincial action, three or four or two or three provinces meeting together to decide on common action, or if there is more than one province involved must it be the Government of India that has to take action?—I do not myself see any objection to a system by which the provinces combine at all if such a scheme be workable. Hitherto in such cases we have known of no method of working except through the Government of India.

10075. With regard to inland waterways is there any existing organisation of inland waterways in India at all?—Not that I know of.

10076. It would be an entirely new thing to make use of inland waterways?—Not to make use of them.

10077. To organise them for use?—With a Central Board such as we have suggested it is quite new.

10078. Provincial boards are in contemplation?—Yes.

10079. They do not exist at present. Now what exactly is it that you visualise by this step in development of industries? It is partly, of course, technical education; it is partly, of course, industrial research. Now, apart from that, what is it that the men in charge of the Development of Industries Department will have to do?—You refer to the provinces?

10080. Yes?—I think the Director of Industries' work, to give him such a title, in the provinces, will largely be in connection with those points you have mentioned. Industrial research, experiment, model factories, and generally the working out of the possible industrial development of such Government departments as exist, such as Forests and that kind of thing. I think on those lines alone he will have a very large field.

10081. But you do not visualise him as being concerned with the raising of capital, do you?—No. I do not visualise that at all.

10082. There has been no industrial development department, has there, in any province up to the present?—Not until recently.

10083. Is there now?—There is a Director of Industries in Bombay at the present moment, I understand. —(Sir *Bernard Hunter.*) There has been for many years in Madras.

10084. What does he do?—(Sir *Bernard Hunter.*) Experimental industries. He started an aluminium industry, and after that proved satisfactory it was turned into a public company, and chrome tanning of leather, and other things, and he took up very largely the well irrigation by mechanical power.

10085. Is the Director of Industry in Madras a Civil Servant?—The first Director was a member of the Educational Service. We have had several who have been members of the Civil Service. (Mr. *Milne.*) In Bombay the present holder, I think, is an Indian Civil Servant.

10086. I do not suppose you can give me an expression of the official view on this subject, but I should be very interested to know whether you think there is any prospect if provision were made for it under the new Bill of a gentleman of Indian commercial experience, who was a member of one of the Chambers of Commerce, agreeing to become a member of the Governor's Executive Council; or in the alternative, if he were a member of the Legislative Council, agreeing to become a Minister?—(Mr. *Milne.*) Do I understand your question to be whether there is a likelihood of such a person accepting such an appointment.

10087. Yes, provided it was possible under the Bill?—I think so, certainly, speaking personally merely.

10088. Supposing there was in Bombay an Indian gentleman or an English gentleman of commercial experience in the Ministry, would not he be likely to be a better Director of Industries than a Civil Servant?—I cannot conceive that a person in the position that you state could possibly fulfil the functions of a Director of Industries as I visualise the Director of Industries; but I have no objection to the statement that either a European or an Indian who is capable of being a Minister, such as proposed in the Bill, would be better than anybody else. It is quite

Mr. *Montagu*—continued.

possible he might be, but I cannot conceive that a person who would be qualified for such a position would become Director of Public Industries.

10089. He might have the Director of Public Industries under him?—Yes.

10090. But he would be better qualified by his experience to look after the development of industries than an official?—He might be better qualified; I do not know that I could say that he would be better qualified. It is purely a personal matter.

10091. Perhaps I have in mind the controversy about business men in the Government here. To go further, would your objection to the transfer of the development of industries be affected at all by the presence in the Government of a man of business experience?—No, it would not be affected at present.

10092. Supposing the development of industry were a transferred subject, it would follow that there would be no expenditure on the development of industry which was not approved by the Legislative Council. Is that one of the reasons why you object to its being transferred?—No; as far as I know that point has not been considered at all. Our reason is exactly what we have stated, that we consider that the government by Ministers is too much in the nature of an experiment to trust industries to it at once, at any rate.

Lord *Brodrick* (Viscount *Midleton*).

10093 Lord Sinha asked you whether you had noticed certain tendencies in regard to commerce in the last two or three years. Would you consider the position commercially of India has been normal during the last two or three years?—It has been very far from normal.

10094. In regard to past experience, having regard to the increasing interference with, or absorption of, commercial pursuits by the Government here, do you think it is likely that in India in future the commercial community will be more dependent or less dependent on the Government than they have been up to now?—I find great difficulty in answering that. In some ways one hopes it will be more dependent; in many ways one hopes it will be less dependent. I do not think the Chambers look with equanimity to the Government taking a very active interest in commerce as commerce, but they look to the Government taking a very active interest in the development of new industries, which is quite a different matter.

10095. You consider it more advantageous to commercial men to manage their own affairs than to have them taken over by the Government?—That is personally my view, and, I think, the general view.

10096. At the same time you recognise that there is a tendency for the Government to shoulder some of the burden with regard to commerce, which may affect the commercial world differently from the past?—Do you refer to this country, or to India? In this country I recognise that that is so.

10097. Now that peace is restored and India is, I believe, prosperous, would you look to a considerable commercial development in the near future?—I do.

Mr. *Spoor.*

10098. You represent European Chambers of Commerce. Am I to understand there are really two distinct commercial communities in India—Indians and Europeans?—I do not know that I can say there are distinct communities. In the first place, the Bombay Chamber of Commerce, which I represent, is not purely a European Chamber. As I mentioned before, the members are largely European, but there are Indian members and foreign members; and that applies, perhaps not quite to the same extent, to almost all the Chambers in India.

10099. The reason why I ask is that it has been suggested by some witnesses here that there has been a really serious decline in Indian industries, and the evidence we have had from other quarters has been rather contrary to that. What I wanted to know was were there really two distinct communities. They may meet and merge in an organisation as you express it in Bombay, but can you divide the commercial life of India into two sections?—I do not know that you can

divide

Mr. *Spoor*—continued.

divide it into two sections, but I think I can agree that there are two distinct communities. In Bombay in addition to the Bombay Chamber of Commerce, which includes Indian and foreign members, there is also an Indian Chamber—exclusively Indian.

10100. There appears to be one point of agreement according to your evidence this morning and the evidence we had yesterday, and that is with regard to the fact that the Government of India in the past has not done enough in the interests of commercial development?—I, personally, feel that very strongly.

10101. That opinion was expressed here yesterday, too. But still you tell us that it would be wise to leave in the hands of the Government of India the future of industries?—A measure of control over the development of new industries, yes.

10102. Would not you agree it is very much in the interests of the Indian people themselves that their industries should be developed, and that they are likely to put into that work the necessary amount of energy, and certainly that they possess the capacity to do it themselves?—I think they are putting increasing energy into it, but I think they want direction.

10103. Would you agree with the evidence we had yesterday that there has been a decline of Indian industries?—No, I do not agree with that.

10104. Would you agree that there is really more poverty in India to-day, and that there has been an increase in poverty?—I do not think that is true.

10105. I do not know whether you were present when the evidence of Sir Sankaran Nair was given?—No, I was not.

10106. You state in your memorandum here regarding this question of the development of industries, that the industries are far too important a thing to be made the subject of any experimental form of government. By that, of course, you simply mean they are too important to be handed over to an Indian Government?—Not entirely. It would not really matter whether it were Indian or European. The point is we think it should be reserved for the present Government until the new form of government is tried and proved.

10107. You go on in the same paragraph to speak of the danger that might follow unwise legislation, prejudiced taxation and inefficient administration. Are you apprehensive that these will follow if this Bill is passed?—We are certainly apprehensive that they may follow, especially in the earlier stages.

10108. I would like to ask you a further question as to your opinion as to what will be the effect in a few years upon British capital invested in India. Some time ago one of the witnesses who attended the Committee suggested that in the course of time as Indian credit improved there would not be a need for British capital, and that the time would probably arrive when British capital would be altogether eliminated. What is your view of that. Do you think there will be a decline?—My personal view is that there will be an increasing amount of Indian capital available, but that there always will be need and welcome for British capital provided the Government is stable.

10109. I would ask you one last question on the industrial conditions in India. In answering Lord Selborne two of your colleagues preferred that the whole question of industrial conditions should be reserved, and you yourself expressed your opinion that it should be transferred. Might I ask you this: Does your Chamber of Commerce do anything in the interests of the industrial worker?—May I say that I expressed an opinion that the control of labour and such questions might well be transferred? It has nothing to do with the development of industries.

10110. No. I am talking about the industrial question, and by that I mean the labour question?—The present Chambers of Commerce, as bodies, have nothing to do with labour questions at all, but individual members, of course, have a great deal to do with them.

10111. What I wanted to get at is this: Is anything done in the way of initiating improvements in the conditions and lot of the Indian workmen?—Individually?

10112. By organisations attached to your Chambers of Commerce?—No directly perhaps by organisations attached, but I know that individually a very great deal is done.

Mr. *Spoor*—continued.

10113. And do you believe that that ameliorative work is on the increase?—Distinctly so. Sir Bernard Hunter can specially speak to that.

Lord *Sydenham.*

10114. When you speak of the major ports being under Government of India control you do not mean that Provincial Governments should cease to take any interest in them?—Oh, no.

10115. And you would value the pressure which the Provincial Governments may be able to bear upon the Government of India with their greater knowledge of the local requirements?—Certainly.

10116. You wish, of course, to maintain the existing Port Trusts? Do you think that they require more liberty than they now have?—We do.

10117. You would give them greater freedom of action? You wish to impress upon the Committee the necessity of keeping matters of commerce and of industry in the hands of Government at present?—I am afraid I do not quite follow that.

10118. You wish to impress upon the Committee the necessity of keeping matters of commerce and industry for the present under the control of Government?—As reserved subjects, yes we do.

10119. Is not there a difficulty in getting Indians with large experience of these matters into the Legislative Council?—There is a difficulty.

10120. And except in the special electorates do you think they will have much chance of election?—My own feeling is that they would not certainly at first, but I speak personally there.

10121. Does not that difficulty exist in almost all the big municipalities, which cannot get enough men of business capacity and business experience to enter them?—I am afraid I cannot say from my own knowledge.

10122. Can you say, Mr. Webb?—(Mr. *Webb.*) That is so.

10123 Is not that a reason for the considerable financial trouble into which some of these popularly governed municipalities very frequently get—the want of business experience upon them?—(Mr. *Milne.*) I cannot myself answer that. (Mr. *Webb.*) I should think so.

10124. Now with regard to Mr. Montagu's suggestion that there should be a business Minister or a business Executive Councillor, would it not be impossible for men, either Indians or Europeans of large experience, to give up their business work and devote themselves to the rather exhausting task of being Ministers?—(Mr. *Milne.*) I do not think it would be impossible; I think they would be difficult to find.

10125. But it would be necessary if ever an Indian or a European man of commerce took up that position that he should sever his connection entirely for the time. from his business.

Lord *Sinha.*] That is not the Bill; the Bill provides for the contrary.

Lord *Sydenham.*

10126. I want Mr. Milne's opinion?—That point was raised some years ago, to my recollection, and, speaking entirely from recollection, I think the Chambers were in favour of complete severance, but we have noticed that the Bill does not insist upon that.

10127. Do you think it is reasonable, without considerable scandals, that a Minister should have large financial interest in the town in which he lives?—Speaking personally I am of opinion that such a Minister must sever his connection, but I cannot speak for the Chamber, because I have no authority on that point.

10128. You have seen the proposals of the Franchise Committee. Do you think that British interests, commercial and industrial, and Indian commercial and industrial interests, are adequately represented by those franchise proposals?—We have already in the case of Bombay, and I think I may say in the case of all the Chambers, put forward proposals regarding that representation expressing our agreement, if not satisfaction, with the proposals of the Franchise Committee, provided they are not whittled down in any way. These are the minima.

10129. The Indian piece-goods merchants of Bombay have

Lord *Sydenham*—continued.

have complained to us that they have been disfranchised. Do you think that they have a grievance in that matter? You know that body?—I know that body. I did not know that they had been disfranchised.

10130. Do you think that they ought to have a representative of their own?—I am not in a position to answer that. I think a great many of these bodies require representation as a general matter, but I cannot refer to a special case.

10131. Sir Thomas Holland said the other day that the Bill has had no depressing effect whatever on the desire of Europeans to extend their commercial and industrial operations. Do you confirm that opinion?—Speaking personally again, I can only say that I do not think there is any evidence one way or the other at the present moment. I think European capital will be forthcoming in the future provided Europeans are satisfied as to the conditions of government. I think there is an apprehension, but I do not say it has had any effect yet.

10132. Do you think that the very serious rebellion in the Punjab lately had any effect in causing anxiety among the European population?—I think it certainly had.

10133. Sir Sankaran Nair spoke yesterday of the increase in poverty in India. I understand you to say that you do not agree with that view at all?—I do not agree with it.

10134 He also spoke of the destruction of Indian industries. I suppose that you would not quite agree with that point of view?—I do not know of any case of the destruction of Indian industries at all.

10135. I suppose he meant the disappearance of the old hand industries of India which, of course, power has disposed of?—To some extent I think that was inevitable; in other cases I do not think they are disappearing; I think there is an increase.

10136. Is it not true that Indian industries and Indian trade have shown enormous expansion since 1858, when the Crown took over the Government of India?—Distinctly.

10137. Is not the gain of this commerce to India shown by the remarkable drain of the precious metals towards India in recent years?—I believe so.

10138. Sir Sankaran Nair told us that Indian industries had not had fair play: Do you think there has been any discrimination on the part of anybody, Provincial Government or Supreme Government, against Indian industries?—No, I do not think there has been any such discrimination.

10139. Do not you think it would be more true to say that the Government in India generally has been impartially unsympathetic to commerce and industry?—I do. (Sir *Bernard Hunter.*) If I might intervene, it is commonly said that Presidency banks finance only European trade and industries, and ignore the Indian trade. The Indian Press is constantly making that attack, and I can assure this Committee, speaking from inside knowledge of Madras and Bombay, that that is very far from the facts. At least 70 per cent. of the trade advances that are made by those Presidency banks are to Indians and to Indian industrial affairs, and not to Europeans.

10140. We have it in evidence that there are "very large concessions made to English firms which ought to pass into Indian hands, as they have been built up by the Government with Indian money, by taxation." Have you any idea what that statement means?—(Mr. *Milne.*) I cannot follow it myself. I know of no such case that could be referred to by the speaker. It is very difficult, of course, to answer without knowing exactly what he was referring to.

10141. The particulars were not given to us; but you think at all events it is extraordinarily improbable?—I think it is extremely improbable, if not untrue.

10142. Do you think that the sudden expansion of Indian industries at the expense of agriculture might be a somewhat serious matter, having regard to the general shortage of labour in India and to the overcrowding in the towns?—No, I cannot say that I look upon that as a danger, but I agree that there is great shortage of labour.

10143. On the whole you would rather see a gradual development of the industries of India than a sudden and violent expansion?—I would not object to the sudden development if it were on sound lines, but I do not think it can possibly be sudden and on sound lines. It must be gradual to be on sound lines.

10144. I understand you leave the encouragement of purely local industries in the hands of the Provincial Governments?—Yes.

10145. Do you think factory legislation can at present be left in the hands of elected Councils?—I have no authority to answer that. I think it is a matter of considerable difficulty. I should not care to commit myself to the view that it is safe to leave it to purely elected Councils; on the other hand I have no authority to say it would not be safe.

10146. Do you recollect the opposition to the Factory Act in Bombay at the time it was introduced?—I remember it.

10147. You remember the disastrous failure of the Swadeshi institutions, and the large amount of fraud which was disclosed in that matter?—Yes.

10148. Had that the effect of making Indian capital shy of such undertakings?—Undoubtedly, in my opinion.

10149. Is it not the fact that Indian capital is always readily attracted to British undertakings?—Generally speaking, I think that might be said.

10150. You have told us that in matters of business in Bombay British and Indians work in complete harmony: Does not that happy result happen elsewhere also?—I think so.

10151. It may be said generally, may it not?—Generally of India, as far as I know.

10152. Now, do you think that the reckless propaganda of the Home Rulers during the period of the war has tended to create racial bitterness, which did not exist before?—I do not think it has tended to create racial bitterness between those particular people you have just spoken of, but, generally speaking, undoubtedly so—that is to say, it has created, I think, distinct racial bitterness in the minds of Indians who had no bitterness before. But as regards the educated or largely educated business population, British and Indian, I think they perhaps realise that working together is possible.

10153. It has affected the masses of the people, you think, but has not penetrated or in any way interfered with the relations between commercial men on both sides?—That is my view.

10154. You have noticed the attacks which have been made in some quarters upon the British commercial community?—Yes.

10155. I suppose we may hope that these are only the attacks of the minority?—Yes, I think these are the attacks of a minority, and they are attacks largely from want of knowledge and want of education as to what the European commercial community has done for India. That is a matter that we feel is not perhaps entirely appreciated by the Government itself.

10156. The result of all this propaganda has been to create an atmosphere which is not exactly favourable to the starting in the best conditions of the new régime?—That is so.

10157. Sir Bernard Hunter, is it not the case that the British-owned mills in Madras are among the best managed in India, having regard to the comfort of the workmen?—(Sir *Bernard Hunter.*) I think there is no question about that whatever. The management of European mills in Madras have taken a special interest in the welfare of their employees. They have started their own schools inside the mills for the half-timers, and they have also provided restaurants for the workers, who get their meals in, provident funds, and generally are working for the benefit of their employees.

10158. Was it not in these mills that there were labour troubles last year?—That is so.

10159. Now do you agree with the European Association in deprecating the too rapid substitution of Indians for Europeans in the Indian Civil Service?—I agree with that.

10160. Do you Mr. Wardlaw Milne?—(Mr. *Milne.*) Yes, I do.

10161. And you, Mr. Webb?—(Mr. *Webb.*) Yes.

Lord *Sydenham*—continued.

10162. You all think that this process should be a gradual one?—(Mr. *Milne.*) Yes, we do.

10163. Do you see any reason for discarding the proposals of the Services Commission in that matter?—I see none.

10164. Do you agree with the European Association again in regarding it as unsafe to weaken the authority of the Central Government at a time when critical experiments are to be made in the Provinces?—I do.

10165. Do you all agree to that?—(Mr. *Webb.*) Yes. (Sir *Bernard Hunter.*) Yes.

10166. Do you expect that the passing of this Bill will cause the cessation of agitation in India?—(Mr. *Milne.*) I do not personally.

10167. You none of you do?—(Mr. *Webb.*) No. (Sir *Bernard Hunter.*) No.

10168. But if the agitation should continue with the violence which we have seen, and if further outbreaks like that in the Punjab and elsewhere were to occur, do you not think the credit of India might be seriously affected?—(Mr. *Milne.*) It is a very difficult question to answer. It might be seriously affected, undoubtedly.

10169. Speaking generally, you would say that the credit of India must depend upon the acknowledged stability of the Government?—Undoubtedly.

Chairman.

10170. I do not quite understand whether you have any definite instructions from your Chambers of Commerce to make any statement to us about the European representation in the Legislative Councils of the Provinces, or in the Legislative Assembly of India?—I have just received the Bombay Chamber's representations made to the Government of India on that subject. But, speaking generally for the Bombay Chamber, they have accepted the proposals, making a special point of the fact that they should not be reduced in any way. I cannot speak for the other Chambers at all. (Mr. *Webb.*) The Karachi Chamber have pressed for additional representation on the Supreme Council. They have no representation at present. (Sir *Bernard Hunter.*) I have no definite instructions from the Madras Chamber on this point.

10171. You have nothing you wish to add on this subject?—(Mr. *Milne.*) No.

Mr. *Bennett.*

10172. May I ask you, Mr. Wardlaw Milne, a supplementary question? Lord Sydenham asked you about the representation of the Bombay Piece-Goods Association. They complain not only of being themselves disfranchised, but they associate that complaint with the fact that the Ahmedabad Millowners' Association have, I think for the first time, been given a seat. Now you have got a seat for the Ahmedabad Millowners' Association, and a seat for the Bombay Millowners' Association. Do you regard that as an economic distribution of representative power?—(Mr. *Milne.*) I am afraid I have not gone sufficiently into the question to reply. You are speaking now of the Provincial Council?

10173. Yes?—I think both the present bodies require to be represented, but I do not think that necessarily means that the other body does not also require representation.

10174. The point is this: is there any distinction of interests between the Ahmedabad millowner and the Bombay millowner? They have practically the same interests, have they not?—Their interests must be largely identical. (Mr. *Webb.*) May I supplement the remarks of Mr. Milne in two respects? With regard to the development of industries, I think the feeling in Karachi is that the more the Government stands aside, and the less control they exercise in the matter, the better. Our feeling is that if the industries of India cannot develop by the energy and enterprise of the Indians and the Europeans in India, no amount of Government assistance will help them. On the subject of the increasing poverty of India I would like to say from my personal experience and observation that I am convinced that India was never richer than it is at the present day, and I should like to add that never in my knowledge has there been so much capital available for investment in India as at the present day.

Lord *Sydenham.*

10175. May I ask one more question? As regards the representation of the Millowner's Associations, at the present moment Ahmedabad and Bombay have alternative members, have they not?—(Mr. *Milne.*) I am not very certain as to the most recent arrangement. I think that is the arrangement.

10176. Therefore, their interests being, as you have said, practically identical, there is something to be said for the separate representation of the Bombay Piece-Goods merchants?—I think there is, distinctly.

Chairman.] We are very much obliged to you, gentlemen.

(*The Witnesses are directed to Withdraw.*)

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APPENDIX A.

PAPER handed in by Lord *Southborough*, G.C.B., G.C.M.G., G.C.V.O., on 23rd July, 1919. (*See* Question 776).

MEMORANDUM ON GOVERNMENT OF INDIA DESPATCH, DATED THE 23RD APRIL, 1919, CONTAINING ITS VIEWS ON THE REPORT OF LORD SOUTHBOROUGH'S COMMITTEE ON FRANCHISE.

General considerations.

The Franchise Committee consisted of two Hindus, one Muhammedan, one European representative of European commercial and non-official interests, and two European officials, with Lord Southborough as Chairman. It had a most difficult task in adjusting the various conflicting claims advanced by separate races, religions, sects, and other interests. It heard voluminous evidence in all provinces, including representatives of all these interests, considered fully the proposals of the Local Governments, and discussed the problems in conference with those Governments. Its report is unanimous, and we deprecate the reopening of any of these difficult problems unless the necessity can be clearly proved. The Government of India did not hear the evidence, and do not seem to realise the dangers and conflicts that will arise from instituting fresh enquiries and upsetting the decisions reached unanimously by the Committee. Some of these decisions are necessarily based on the practical adjustment of delicate conflicting claims, and should be judged from that standpoint and not on theoretical principles alone. Throughout its enquiry the Committee bore in mind the general principles of franchise, and considered the schemes of Local Governments from that standpoint. It endeavoured to secure some measure of uniformity between province and province in essentials, and did not hesitate to depart from the Local Governments' proposals in some important respects—for instance, in the cases of Madras and Bombay. But general principles had to be interpreted in the light of local conditions, and it was found impossible, and even considered undesirable, to attempt to secure full uniformity in the franchise throughout India.

Period within which revision should be allowed.

2. *Para.* 2 *of Government of India Despatch.*—The proposals of the Committee were framed with the expectation that the composition of the Provisional and Indian Legislatures would not be subject to modification until after a full enquiry by the first Statutory Commission. Careful consideration was given to the balancing of the many varied interests requiring representation, and it is undesirable to give immediate opportunities for reopening unanimous decisions, with the certainty of arousing acute contentions between religions and interests.

Subjects of Native States.

3. *Para.* 3.—The recommendation that subjects of Native States in India should not be disqualified for a vote was made in accordance with the great bulk of the evidence. The class most affected consists of traders from Rajputana States (Marwaris and others) whose business is almost wholly carried on in British India, with which their interests are identified, but who still retain an ancestral home in their Native State. It was considered unfair to debar this important class from the exercise of the vote. No objection was raised on the score that this would constitute interference by the subjects of Native States in the internal affairs of British India; their numbers are small, but in some parts their interests are considerable. The Committee's proposal limits the vote to subjects of Native States who are resident and possess the property qualification in British India, and the objection that they have not divested themselves of their status as subjects of a Native State seems to be purely technical. A subject of a Native State is not ordinarily regarded as a foreigner in British India, and it is doubtful whether the present disqualification for a vote has been strictly enforced in the past.

Comparative effect of various qualifications.

4. *Para.* 4.—An attempt was made to ascertain the average incomes of persons with the various property qualifications recommended, but was abandoned as impracticable between province and province. In the same province care was taken to secure about the same standard of income for each qualification, and also between the urban and rural elector, whenever this was possible. The general principle, laid down in the Joint Report and followed by the Committee, was to frame as broad an electorate as possible consistently with the avoidance of a breakdown in the available electoral machinery. In fixing the different qualifications we were guided by the opinions of Local Governments and the evidence, and where these qualifications vary in different parts of the same province the differences are justified by different social and economic conditions particularly the circumstances governing the rent of land and the pitch of rates and house-rent in cities.

Income tax qualification.

5. *Para.* 5.—An important difficulty was experienced in attempting to frame for rural areas a franchise qualification to cover the case of petty traders and persons other than occupiers of land. This problem did not arise in urban areas, where the payment of municipal rates and taxes is available as a qualification. Where a similar system of local taxation is in force in rural areas (*e.g.*, the *chaukidari* tax in Bengal, Bihar and Orissa and Assam, and school-rate in the Central Provinces) it was adopted, but in other parts the payment of income-tax was taken as the only possible substitute, although it is a higher qualification, because it is impossible to ascertain incomes of any lower amount. The raising of the income-tax level from incomes of Rs. 1,000 to Rs. 2,000 increases the disparity, but there is no practical alternative.

Military qualification.

6. *Para.* 7.—The opinion of the Government of India on the question of soldiers' votes referred to soldiers *serving* in the Army, and the Committee followed their view in recommending no exemption from the ordinary qualifications. But it recommended that *retired* and *pensioned* officers of the Indian Army, whether of commissioned or non-commissioned rank, should have a vote even if they do not possess the property

qualification, because they are men of proved character and intelligence who have deserved well of the country. It did not consider that this should extend to the retired sepoy, because he has not the same qualifications, and it would give too great a privilege to military service.

Title-holders

7. The qualification of certain title-holders has been retained in landholders' constituencies, subject to the condition that the title-holder also holds some land, but has been restricted by excluding the lower classes of titles. Although some title-holders may be small landholders, they are men of status and influence, and often the natural leaders of the landholders. The qualification exists at present, and it was considered inexpedient to deprive them of their vote. The number is so exiguously small that no weight attaches to the objection that new titles have an executive origin.

Size of electorates.

8. *Paras.* 8 *and* 9.—It is impracticable to attempt uniformity of standard between province and province in the size of the electorates, consistently with the general principle stated in para. 4 above. Some provinces have a larger electoral machinery available than others. For instance, the Madras Government was very doubtful of its ability to arrange machinery for an election by an electorate more extended than that proposed by the Committee. Indeed, they recommended a substantially higher franchise. If, however, their estimate of the number of voters possessed of the property qualifications recommended for adoption is a serious under-estimate, it may be desirable somewhat to lower the franchise. On the other hand, the Bengal, United Provinces, and Assam Governments were confident of their capacity to manage an election of the size recommended and there seems no good ground for raising the franchise. The Government of India under-estimate the amount of non-official assistance that will be available. In every province the Committee took special care to ascertain that the Local Government would be able to conduct an election with the proposed electorate. Our proposals contemplate that the election should be completed in each constituency in a single day, but not in all constituencies in the province on the same day, so that it may be possible to employ some peripatetic staff. Thus, the total electorate of 122,000 voters in Backerganj district (Bengal) will be divided into five single-member constituencies, which may be polled separately on different days. And the Local Government informed us that in this district the number of voters had been largely over-estimated. As regards Almora (United Provinces) with its 96,000 voters, this includes Muhammedans, who will be polled separately, and in this particular instance the Committee decreased the size of the constituency first recommended by the Local Government. This proposed constituency was specially discussed with the Local Government, who informed us that it could not be conveniently divided, and that the necessary electoral machinery could be provided. There are advantages, as well as disadvantages, in variations of standard between province and province, for they will provide most useful experience when the scheme next comes under review.

Official members.

9. *Para.* 12.—The Committee has provided such number of official members only as will be sufficient to constitute the Grand Committee in accordance with the proposal of the Joint Report. The Government of India reserves this question for consultation with Local Governments, but in para. 80 of their first Despatch No. 1, dated the 5th March, they criticise the Joint Report proposal as not providing sufficient safeguards for compulsory legislation, and recommend that in each province the Grand Committee shall be so constituted as to reproduce the existing proportions of elected, nominated, and official members in the provincial council. This would give a larger margin of safety in all provinces except Bengal, but in the latter province would actually result in an elected majority in the Grand Committee. The position of the Government in Bengal would thus be weaker than under the scheme of the Joint Report, and there is no justification for such differentiation. The proportions in the existing councils have been fixed at varying periods and under different policies, and cannot reasonably be adopted as the basis for the formation of Grand Committees, which are designed for quite another purpose.

Depressed classes.

10. *Para.* 13.—The Government of India propose to increase the number of representations by nomination of the "depressed classes" as follows:—

Madras	from	2 to 6
Bombay	,,	1 to 4
Bengal	,,	1 to 4
United Provinces	,,	1 to 4
Punjab	,,	0 to 1
Bihar and Orissa	,,	1 to 4
Central Provinces	,,	1 to 2
Assam	,,	0 to 1
Total		7 to 24

They justify the increase by the population of this class, and the necessity for giving sufficient representation to save them from being entirely submerged and to stimulate some capacity for collective action. Their proposal ignores the nature of the problem in different provinces. It is important in Madras, less important in Bengal, Bihar and Orissa, Bombay and the Central Provinces, and may be said hardly to exist in other provinces. The Committee's proposals are based on considerations very different from those urged by the Government of India. Where they recommend some representation by nomination, they did not take into account the population of the class concerned, nor did they attempt to give any voting strength, but to provide only one or at most two nominated members for the sole purpose of securing that the particular class or interest should be in a position to represent its own views in the council. Again, it will be quite impossible for the depressed classes to provide the number of suitable representatives recommended by the Government of India; indeed, with the much smaller number proposed by the Committee, it was clear that there would be great difficulty in some provinces in obtaining suitable men from that class for nomination, and that it might be necessary to nominate members of the Depressed Classes' Mission or European missionaries to represent their views. Further, there was the strongest desire amongst all classes of witnesses to reduce the number of nominated members to the lowest possible limit. The acceptance of the Government of India proposals would involve the reconsideration of the amount of nomination recommended for other classes, *e.g.*, the aboriginals, the population of excluded tracts, &c.

University representation.

11. *Para.* 14.—The proposal of the Government of India to abolish separate University representation is contrary to the unanimous opinion of witnesses and of Local Governments. The abolition of this existing privilege, which is supported by British precedent, would be greatly resented. The Committee's intention is that these seats should represent not the interests of the educated classes, but the special interests of University corporations, and the electorate is confined to the members of the Senate and Honorary Fellows. A proposal, widely favoured by the educated classes, to enlarge the electorate by the inclusion of all registered graduates, was rejected in order to avoid the criticism expressed by the Government of India that these constituencies would merely give additional representatives of the professional classes.

Landholders' representation.

12. *Para.* 15.—The reason for proposing the low limit of Rs. 500 land revenue for the special landholders' electorate in the Punjab is that this is mainly a province of peasant proprietors, in which the few landlords, although not holding very large estates, form a separate class, with problems distinct from those of the peasant proprietors. It received full support from all classes of witnesses, and was strongly advocated by the Lieutenant-Governor. It is not understood on what grounds the Government of India desire to re-examine with the Local Governments the proposals for Assam and Madras, which mainly follow the existing system of representation and were accepted by the Local Governments.

The Government of India desire that the distribution of landholders' seats in the United Provinces Council should be changed from five for the Oudh Talukdars, and one for the Agra landlords, to three for each. The Local Government recommended that none should be allotted to the Agra landlords, but the Committee gave one, mainly because they have one at present. The Oudh Talukdars are an ancient body with special land laws and special privileges, and have been an organised body for a very long period. The Agra landlords have only recently organised an association and are not so important a political body. There are a few ancient families, but many are new purchasers, and none possess special rights and privileges. The acceptance of the Government of India proposal would create discontent amongst the Oudh Talukdars

Representation of European interests.

13. *Paras.* 17 *and* 18.—We have not seen the Bengal Government's further proposals for the distribution of the 15 seats proposed for European interests in Bengal, and can, therefore, offer no comment. The presence of a large military population has been taken into account in the proposals for the communal representation of Europeans, although no accurate statistics were available.

Muhammedan representation.

14. *Paras.* 19 *to* 24.—The majority of the Government of India follow the Committee in supporting the Congress-League compact as to the extent of Muhammedan representation, but their support is nullified by their recommendation that it should be broken in the most important province, Bengal, by increasing the number of Muhammedan seats from 34 to 44. The essence of this compact entered into for all the provinces of India (except Assam) is that the provinces with a Muhammedan majority of the population (Bengal and the Punjab) should forego a portion of their representation justified by numerical strength in exchange for substantial increases of representation for Muhammedans in provinces where they are minorities. The effect of accepting the Government of India's recommendation for Bengal will be the repudiation of it throughout India, which will have a most deplorable effect in reopening a grave controversy now settled by general consent. In Bengal the bulk of the witnesses, including Muhammedan and Hindu asseciations, supported the compact, and it was opposed only by a very few Moslem societies representing the old orthodox section. In the Punjab we were told by the Local Government that Muhammedan voters were in a minority, and in any case it is impracticable to refuse communal representation to them if it is conceded to Sikhs.

Non-Brahmans of Madras.

15. *Paras.* 25 *and* 26.—The claim of the large majority of non Brahmans is for a separate communal electorate, and it seems useless to concede the reservation of 30 out of 61 general seats until it is known whether this will be accepted by them as a binding settlement, for such reservation of seats is not justified in principle for a class that possesses a majority of at least four to one in votes. It was also considered that any further efforts to make a settlement of this bitter controversy should not be used as a pretext to delay in the introduction of the scheme into the Madras Presidency, and that the proposal for reservation of seats should only be adopted if the advance came from the non-Brahmans and was acceptable to the communities concerned as an equitable settlement. If such conditions are satisfied, the proportion of reserved seats proposed by the Government of India is not perhaps excessive.

Urban and rural representation.

16. *Para.* 23.—The Committee has not dealt with the separate representation of towns on a uniform plan in all provinces, because the local conditions varied. There are some large towns with distinct urban and commercial interests, which have been formed into separate constituences in all provinces. Below these is the large class of smaller towns and large villages, whose interests are mainly agricultural, in which it is difficult to draw any clear line of divergent interests from the surrounding country. In some parts it was urged that such towns would dominate the larger number of electors in the rural area; in others that the towns would be overwhelmed. We adopted a different arrangement from province to province according to the weight of evidence, and the great advantage of this diversity of treatment is that much useful experience will be available for the next revision of the scheme. The figures suggested by the Government of India indicate a substantially smaller proportion of urban representation than that given by the Commit ee, and would be most unpopular with the educated classes and town residents. It was repeatedly urged with force that the superior intelligence and public spirit of the urban population should receive even greater recognition than the Committee felt justified in allotting. The adoption of a fixed standard of population such as 50,000, suggested by the Government of India, would result either in a very large increase of urban representation or in the grouping of widely separated towns in a single constituency with no community of interest.

Qualifications of candidates.

17. *Para.* 29.—The Committee proposes considerable relaxations in the existing disqualifications of candidates for the legislative councils, but the Government of India desire to retain them almost unchanged, a course that will arose bitter opposition. The minority of members of the Committee (Lord Southborough, Mr. Banerjea, and Mr. Sastri) wished to go further and abolish altogether the disqualification of dismissal from Government service, whilst the majority retain it only in cases where such dismissal involves moral turpitude in the opinion of the Governor-General in Council. There are surely many cases in which dismissal from Government service should not operate as a bar, *e.g.*, an official dismissed early in his service

for dilatoriness, indiscipline, or the like. Similarly, it was felt that action under the preventive sections of the Criminal Procedure Code should not be a bar. We also took into account the absence of corresponding disqualifications in the United Kingdom.

The Indian Legislative Assembly. Method of election.

18. *Paras.* 31 *to* 39.—The duty imposed on the Committee was to frame a constitution for the two chambers of Indian Legislature in accordance with the schemes laid down in the Joint Report, not to discuss the objects and functions of each chamber. The Committee regarded the Council of State primarily as a body designed to secure essential legislation and not as a revising chamber, though it might ultimately develop into a true second chamber. It was fully recognised that the proposal for indirect election to the general seats in the Indian Legislative Assembly is open to criticism, but the Committee was driven to it only after exploring all alternatives for direct election and rejecting them for the reasons stated in para. 34 of the Report. The Committee considered it to be politically unwise to develop provincial legislative councils on the basis of a broad electorate, and to provide only a high franchise for election to the Indian Legislative Assembly, which would restrict its membership to representatives of the rich propertied classes. This would result from the scheme of direct election advocated by Sir William Vincent in his minute of dissent. Election on a broad franchise was regarded by us as open to grave difficulties at the present time. Two or even three elections (if this principle is also conceded for the Council of State) would be a very heavy burden on inexperienced electors, and all Local Governments shrunk from the task of preparing two or three separate electoral rolls and conducting two or three general elections following close on each other. It is true that the Bihar and Orissa Government first recommended direct election on a high franchise, but after our discussion they reconsidered the great difficulties attending direct election and submitted a scheme for indirect election which the Local Government was prepared to accept on the understanding that it is merely a provisional arrangement pending actual experience and that the system of direct elections on the broadest possible basis will be introduced as soon as experience justified this course. Two or three general elections would mean the elective system run to death in a country where general elections on a broad franchise are now unknown. It may be noted that the Bryce Conference for the reform of the House of Lords recommends that the large majority of members should be elected by groups of House of Commons Members, which is a system very similar to that recommended by us. It is true that our recommendation involves the election of members of the Indian Legislative Assembly by a small electorate of members of the provincial legislative councils, but these are themselves direct representatives of a large direct electorate, and will be a more representative body than a very restricted direct electorate.

Composition of the Indian Legislative Assembly.

19. *Para.* 36.—The Government of India criticise in various respects the proposed composition of the Indian Legislative Assembly. Their scheme was fully considered by the Committee. Our main reason for differing from it was the inadequacy of the Muhammedan representation. In our view the amount of that representation is conditioned by the Congress-League compact, and so long as that is accepted there is no room for variation. We also placed much greater stress than the Government of India upon the number of members from each province being proportionate to their importance; for instance, we could not agree that the United Provinces should have a larger number of members than two of the three presidencies. We do not consider that our proposal gives excessive representation to landholders' interests, and our distribution between provinces was influenced not only by their comparative importance in each province, but by the necessity for providing the full proportion of Muhammedan seats without unduly reducing the number of general seats. This accounts for the extra landholders' seat allotted to four provinces. In criticising the proposal for the representation of European interests by seven instead of nine special seats, the Government of India fails to take into account that the European members of the Bengal Legislative Council will be in a position to return a European for one of the general seats, who can represent European interests outside commerce. The European representative on the Committee (Mr Hogg) accepted our recommendation as giving adequate representation for European interests. The important cities of Calcutta and Bombay will secure representation through the general seats, and their importance does not justify separate constituencies. Following our general principle that election is always to be preferred to nomination when a suitable electorate can be formed, we see no reason why the Delhi Province should be relegated to nomination.

20. On the question of the Indian Legislative Assembly the Government of India remark that the Committee have not referred to their proposals for the constitution of the Assembly and did not accept their suggestion for a conference on the possibility of direct election. In the Government's proposals which were not received until within three weeks of the close of the Committee's labours, no scheme for direct election is suggested. The proposals were, however, circulated to the Committee and very carefully considered. The Committee were informed by the official member (Mr. Muddiman), who had been added to the Committee by the Government of India in December, 1918, for the purpose of assisting their deliberations on these questions, and even at their meeting on the 14th February he had received no instructions from the Government as to their views. The Committee accordingly proceeded to formulate the conclusions which, as the result of discussions commenced in the previous November, and of the evidence which they had taken in the various provinces, they had gradually and unanimously reached as to the composition of the Assembly, and the necessity, for the present, of indirect election. On the very day, the 14th February, on which the portion of the Report dealing with this matter was settled, the Government of India proposed to Lord Southborough that the Committee should hold a conference with the Government on the matter. It appeared, however, from informal communications which Lord Southborough, with the Viceroy's permission, at once initiated with the three members of the Viceroy's Council who were more particularly concerned with the matter in hand, that the Government had no arguments to bring forward which had not already been fully considered and unanimously rejected by the Committee, and had still no suggestions whatever to make as regards any method of direct election. In these circumstances Lord Southborough was not prepared at a stage when the Report, which was in fact signed on the 22nd February, was already in proof print, to call upon the Committee to reopen the question for the purpose of a belated discussion which gave no prospect of any useful result.

The Council of State.

21. *Paras.* 40 *to* 44.—The Committee recognised the objections to the election of members of the Council of State by the same electorate of non-official members of the Provincial Legislative Councils who will elect members to the Indian Legislative Council, but here again we could devise no practicable

alternative. A possible alternative would have been to constitute it a wholly nominated body, but this could not be considered under our terms of reference, and in any case would be intensely unpopular in India. The Government of India propose a system of direct election on a very high franchise (the details of which are not indicated), giving an electorate of about 1,000 to 1,500 voters for each province. We unhesitatingly condemn this proposal. An electorate of fifteen hundred amongst a population of 40 millions in Madras, for instance, scattered over an area of 123,000 square miles, is a negation of all the principles of direct election; it involves constituencies of exceedingly large area and a minute fraction of voters, with whom it would be impossible for candidates to get into proper touch. The franchise would necessarily be restricted to territorial magnates, plutocrats, and perhaps a small leaven of other distinguished persons. Again there is surely the gravest objection to a system of direct election to the higher chamber combined with its denial to the lower chamber. The scheme now proposed by the Government of India for the composition of the Council of State is open to objection on the same grounds as those stated in para. 19 above. The amount of Muhammedan representation is smaller, whereas we have followed the principle of the Congress-League compact; no separate representation is given to landholders; the various provinces do not receive the same quota of representation. In our scheme Burma is allotted one seat, whereas the Government of India proposes two; this question may perhaps be left open until the Burma constitution is settled. With this exception, we prefer our proposed composition under a system of indirect election.

22. *Para.* 45.—Finally, we desire to express our disagreement with the proposal of the Government of India for further references to Local Governments. The Committee heard full evidence of representatives of all shades of Indian political opinion, was assisted by an added official member in each province, and held conferences with each Local Government, and we consider that the limits of useful discussion in India have now been reached. There is a general feeling that some finality should now be reached as regards this stage of the constitutional discussion. We believe that however imperfect the proposals of the Franchise Committee may be if measured by an academic standard of constitutional principle, the fact that they represent (save in a few unimportant matters) the unanimous view of a Committee containing many diverse elements justifies their adoption as the basis for the first stage in the development of responsible government in India.

(Sgd.) SOUTHBOROUGH.
F. G. SLY.

APPENDIX B.

MEMORANDUM handed in by Mrs. *Besant* on 29th July, 1919. (See Question 1336.)

The National Home Rule League welcomes the announcement of August 20, 1917, declaring that the policy of His Majesty's Government is the realisation of Responsible Government in India, and it accepts the principle that the advance must be by stages. But while conceding that the advance should be greater in the Provincial Governments than in the Government of India, and that the present scheme is transitional it submits that the maintenance of the "machinery of autocracy" in the Centre (Montagu-Chelmsford Report, para. 289) for the declared purpose of passing "permanent measures, to which the majority of members in the Legislative Assembly may be unwilling to assent," and "to perpetuate the official *bloc*" (para. 276), outside matters directly concerning the peace, tranquillity and defence of the country, Foreign Affairs (excepting relations with the Colonies and Dominions), Army, Navy, and relations with Indian Princes, will cause deep disappointment in India and prejudice the success of the Reforms, and that the principle of responsibility should be introduced into the Government of India by the division of subjects into "reserved" and "transferred," as urged by the National Congresses of Bombay and Delhi, the Muslim League at Bombay, and the Moderate Conference at Bombay, all in 1918. (See *Letter from the Government of India, dated March* 5, 1919, and enclosures for the Congresses and Conference of 1918, pp. 97, lines 1—7; pp. 140, iii, 3 (*a*), 4 (*a*); and 142, 143, "Government of India," (*a*.) It is not desirable to perpetuate in the Indian Legislative Assembly "criticism unchecked by responsibility" (Moderate Conference) and to turn Indian energies away from the duty of good administration to continued public agitation. Moreover, serious friction is likely to arise between the Indian Legislative Assembly and the Executive Government, endangering the prospect of cordial operation. All this may be avoided by a wise concession to the unanimous desire of the Indian Nation to see the disappearance of autocracy in India, as in all other Nations in the civilised world. Its perpetuation in India alone places her among backward Nations, without even the protection which they will enjoy under a mandate from the League of Nations, and is regarded as showing a distrust of India's capacity and attachment to the British connection which she does not deserve after her sacrifices in men, food, clothing and money.

PART I.—(DRAFT BILL).

LOCAL GOVERNMENTS.

Sec. 1 (1)—Rules made in India, as provided under 122*a* of the Principal Act, will need the very careful attention of Parliament so that they may give all that the British Government intends. The Secretary of State for India stated (Hansard, Vol. 116, No. 73, col. 1304) that "the policy of the Rules if not the actual wording of the Rules" will be submitted to the Joint Committee, and we welcome the statement, reiterated in col. 1356. But we venture to urge that the policy shall be so defined that no power given under the Act can be whittled down by the Rules.

(*a*) The transferred subjects as given in the Feetham Report are on the whole satisfactory as a beginning, so far as the Provinces are concerned, but we trust that 6, 7, and 8 (Irrigation, Land Revenue and Famine Relief) will be transferred on the application of Provinces at the end of five years under the proposal of the M.C. Report (para. 260, or Appendix 1, 52), if Parliament should refuse to transfer them now. With these

should go the power, proposed in the same paragraph, to order that the salary of the Ministers should be voted by the Legislative Council. In this respect the Bill falls short of the M.C. Report, and the proposals of para. 260 should be inserted in the Bill by the Joint Committee. There is no reason why the third Legislative Council should not enjoy complete Provincial Autonomy.

Proviso.—A subject once transferred should not be again reserved. The remedy for maladministration should be the dismissal of the Minister concerned.

Sec. 2 (2)—Principal Act 46 (3). The power to revoke or suspend should be vested only in Parliament.

Sec. 3 (1)—The salaries of Ministers should be the same, whether high or low, as those of members of the Executive Council, so as to secure equality of status. (Passed by National Congresses of Bombay and Delhi, 1918, by Muslim League, 1918, and Moderate Conference, 1918.)

Sec. 4 (1)—A provision should be inserted from the M.C. Report (para. 218, or Appendix 1, 26) that one Executive Councillor must be an Indian. (The United Congress and Muslim League of 1916 asked that half the Executive should be Indians elected by the Legislative Council. The Congresses of Bombay and Delhi, the Muslim League and the Moderate Conference passed the same.)

Sec 5 (2)—We endorse the proposal of the Moderate Conference that the Governor should have no greater power over Ministers than over Executiue Councillors, and that whatever power the Governor in Council has to interfere with decisions of Governor and Ministers on the ground of their possible effects on reserved subjects, corresponding power should be given to Governor and Ministers in regard to decisions of the Governor in Council affecting transferred subjects.

In order to carry out the Secretary of State's statement to the House of Commons on June 5 (Hansards cols. 1310—1312, that "The Provincial Government has got to defer to its Legislature by Statute, that is to say, in transferred subjects you have a Government which is responsible to the Legislature"), it is necessary that the Joint Committee should adopt the principle of the proposal of the Congresses and Muslim League, that the relation of the Governor to the Ministers in regard to the transferred subjects shall be the same as that obtaining in the Self-Governing Dominions, with the difference that the Governor in the present scheme is both representative of the King and the Prime Minister. If, "so far as transferred subjects are concerned, we shall have parted with our trusteeship and surrendered it to the representatives of the people of India" (Hansard, col. 1312), the rules made under 5 (2) must carry out the above policy. This is also rendered necessary by Mr. Montagu's criticism of the alternative scheme of the Local Governments, that "there is no certainty of control by the Legislature [in that scheme] because on all subjects, if the Governor certifies it is in the interests of his province, he can override it" (Hansard, col. 1314). We, therefore, urge on the Joint Committee the clear laying down of the principle endorsed by the House of Commons in the second reading of the Bill.

Sec. 6 (1).—We submit that the proposed Councils are too small; the number should be raised in the major Provinces to at least the 150 suggested in the Bombay and Delhi Congresses and the Bombay Muslim League. The United Kingdom had in 1911 (the last census) 670 members, each representing 67,000 persons. Taking Madras as an example—it has nearly the same population—it would have 600 members in its Council. A Council of 250 would give only one representative to 168,000 of the population, and with this must go a lowering of the franchise, as suggested below under 6 (3) (*b*). We prefer the 4-5th elected and 1-5th nominated, as agreed to in the United Congress of 1916 and the League, and confirmed since by the Congresses and League to the less convenient figure adopted in the Southborough Report, Schedule I.

(3) (*b*).—The Rules should provide that no person resident in India who is a subject of a Dominion which puts disabilities on Indians shall be eligible for election or nomination. On this we call the attention of the Committee to the Note to Appendix XI. in the Southborough Report on the Franchise, that "The proposal to enfranchise persons domiciled elsewhere than in the United Kingdom will be subject to any action which may be taken in view of the reciprocity resolution passed at the Imperial Conference held in 1917." In the Southborough report disqualifications, para. 7, women are disqualified; we earnestly beg the Joint Committee to remove a disqualification founded only on sex, now rejected by most civilised countries and alien from Indian traditions. The Congresses of 1918 passed resolutions against such disqualification and many district Conferences have done the same. So far as we know, no Indian conference has voted against woman suffrage. Mr. Hogg (Report, p. 4) pointed out that no strong opposition was shown in the evidence. It is true that the number of women voters would at first be small, but they would be women who are powerful levers in the uplift of their sex. Woman's agitations in India are markedly formidable, as was shown in the removal of indentured labour in Fiji, and in the release of Mrs. Annie Besant and her colleagues from internment in 1917, for they are more indifferent to consequences than men, and public feeling in India would not tolerate any physical violence against women. It will be unwise to invite the agitation which will certainly arise if votes are denied to them, whereas the immediate effect of granting them the franchise will be a stimulus to girls' education and to the already powerful movement against child marriage. It is obviously absurd to grant the franchise to illiterate men labourers and to deny it to women University graduates. We agree with the other disqualifications, but would add one to them by the omission of the words "a ruler or" in 6 (4). The size of electorates as fixed in the Southborough Report, para. 11, p 5, is too small, giving only a total of 5,179,000 out of a population of 245 millions. Supposing that these five millions are all literates, which they certainly are not, at least the remaining three millions of literates should be added to those voting on a property qualification; if the addition would overstrain the electoral machinery, any of them who wrote a demand for a vote, in the presence of the registration officer or his deputy, might be enfranchised. By the end of the term of three years of the first reformed councils it should be possible to be prepared for the registration of a much larger number, and the proposed property qualification should be lowered.

We are not in favour of the extension of communal electorates advocated on pp. 7 and 8 of the Southborough Report, for they perpetuate religious divisions in political life and check the growth of healthy National unity. The Muhammadan communal electorate must remain till Muhammadans themselves demand its abolition. But the Sikhs' interests are not separate from those of other Indians; the Europeans are already sufficiently represented in their separa e electorates; Anglo-Indians are specially favoured by Government, and need no special representation to urge their interests; Christians also are a favoured community, and should unite politically with their fellow-countrymen. The general Hindu communities elect Christians, Parsis, Sikhs and Mussalmans as well as Hindus—a most desirable liberality.

Sec. 7 (1).—After the words "he thinks fit" insert "provided that the intervals between the sessions do not exceed 4 months."

Sec. 9 (2).—Proviso (*a*), (*b*), (*c*), (*d*) are far less liberal than the M.C. Report Proposals Appendix I. 50. where the budget is to be altered so as to give effect to resolutions of the Legislative Council, unless the Governor certifies, for reasons given, that the restoration of sums for the reserved subjects is necessary for peace and tranquility. We con-ider that control of the purse is essential to responsibility and to the due discharge of the important functions entrusted to Ministers. There should be one purse, its allotments being decided by "consultation and joint deliberation on the same policy"—to borrow Mr. Montagu's phrase (Hansard col. 1311), and where there is a deficit it should be jointly borne, and taxation levied jointly for the reserved and transferred subjects. As the Congresses and League have agreed: "It is essential for the welfare of the Indian people that the Indian Legislature shall have the same measure of fiscal autonomy which the self-governing Dominions of the Empire possess. The Budget shall be under the control of the Legislature, subject to the contribution to the Government of India and the allocation of a fixed sum for the reserved subjects; and should fresh taxation be necessary it should be imposed by the Provincial Government as a whole for both transferred and reserved subjects. (*Letter from the Government of India, 5th March,* 1919., p. 141. III., ii., 4 *a* and *b*.) The Moderate Conference also resolved that, saving the Imperial obligations agreed on, the "Government of India, acting under the control of the Legislature, should enjoy the same policy of regulating the fiscal policy of India as the Governments of the Self Governing Dominions enjoy of regulating their fiscal policy." (*Ibid*, 13 , under heading "India and Fiscal Freedom.") On this matter all Indian Reformers are unanimous, and its concession is absolutely necessary to give lasting satisfaction to the Indian public.

9 (3).—The Congresses did not approve the institution of Grand Committees, but if they are instituted, they urge that not less than one-half of their number should be elected by the Legislative Council.

Part II.

GOVERNMENT OF INDIA.

Secs. 14, 15.—We do not deny that during the period of transition the Government should have an instrument for passing what it considers to be necessary lesgilation. But the Council of State—which the Congresses would reject—is so constituted as to enable it to pass any measure certified by the Governor-General in Council as essential to . . . "good government," a vague phrase, and held to include "sound financial administration" (M.C. Report, Appendix I., 15). In *Sec.* 20 (4), the words "interests of British India or any part therefore," are substituted for good government and sound financial administration, but these are equally vague. The Moderate Conference also objects to these words, and would confine certification to foreign and political relations, and "peace and order," and limits its passing of legislation objected to by the Legislative Assembly to "time of war or internal disturbance," without reference to the proposed House of Commons Select Committee, unless the legislation is limited to one year (*Letter of March* 5, p. 143, Government of India, *d. e.*).

The Congresses, on similar lines, propose that if the Legislative Assembly does not pass measures on reserved subjects deemed necessary by the Government, the Governor-General in Council may provide for them by Regulations for a year, to be renewed only if 40 per cent. of the members of the Assembly present and voting are in favour of them (*Letter of March* 5, p. 140.)

We suggest that Grand Committees are more suitable in a condition of transition than a Council of State, which would tend to become permanent. The Grand Committee also implies the introduction of reserved and transferred subjects into the Legislative Assembly, a matter on which all Indian parties are agreed. We urge this for the reasons given in the opening paragraph of this memorandum. Among others, so thoughtful a Moderate leader as the Hon. Mr. S. Srinivasa Sastri has expressed himself strongly on the necessity for agitation if this be not given. Customs, Tariff and Excise Duties at least should be transferred to a Minister, and the Budget should follow the Provincial procedure. The whole prosperity of India depends on its finance being under Indian control, so that the interests of India shall be regarded as primary. The Congresses consider that the reserved subjects should be Foreign Affairs (except relations with the Colonies and Dominions), Army, Navy, and relations with Indian Ruling Princes and matters affecting peace, tranquillity and the defence of the country (*Ibid*).

As Home Rulers we feel that the solid block of an autocratic Central Government should not be placed on the road of advance to complete Responsible Government, and regret that no indication is given in the Bill that that goal of British policy is ever to be realised. There is no "gradual development of self-governing institutions" herein, as promised on August 20, 1917, nor even any suggestion of its beginning. We respectfully submit that unless a beginning of responsibility is made in the Centre, the announcement in the House of Commons will not be fulfilled.

Sec. 16 (2)—We submit it is desirable that the Legislative Assembly should consist of not less than 150 members, 80 per cent. of whom shall be elected.

Sec. 17 (2)—As in the Provinces, after the words "as he thinks fit," insert, "provided that the intervals between the session do not exceed four months."

Sec 21 (1)—The provision that half the Executive Council should be Indians should be inserted. (*See M.C. Report*, Appendix I., 7.) Only "to increase the Indian element" is there proposed, but no provision is made in the Bill.

Part III.

SECRETARY OF STATE IN COUNCIL.

As the Report on this matter is not published we refrain from comment, but see with pleasure *Sec.* 22, transferring the cost of the Department to moneys provided by Parliament.

PART IV.

THE PUBLIC SERVICE IN INDIA.

Sec. 25 (1)—We urge the establishment of simultaneous examinations, without precedent nominations.

We view with alarm any proposals to raise the salaries and pensions of the I.C.S. suggested in Civil Services Commission Report, and endorse the dissenting minute of Mr. Justice Rahim.

PART V.

STATUTORY COMMISSION.

Appendix I., 52 of the M.C. Report, already noted under Part I., *Sec.* (1) (*a*) should be inserted, unless recorded previously, and a similar power should be given to the Indian Legislative Assembly.

The Statutory Commission at the end of ten years should recommend such extensions of responsibility in the Central Government as should ensure complete Responsible Government at the end of another period of five years, and it is very desirable that a definite term should be inserted in the Statute so as to put an end to all agitation, and to direct all Indian efforts to the task of efficient Responsible Government. There would thus be three stages outlined in the Statute for the reaching of the goal, and Britain and India would go forward together as partners in the greatest Commonwealth that the world has ever known. Autocracy would be rooted out of its last citadel, and the ideals with which Britain, the Dominions and India entered on the War of 1914 would be realised.

APPENDIX C.

PAPER handed in by the Hon. Mr. *V. J. Patel*, August 5th, 1919. (*See* Question 1735.)

MEMORANDUM OF EVIDENCE BY THE DELEGATES OF THE INDIAN NATIONAL CONGRESS.

PART I.

GENERAL STATEMENT.

We appear as delegates of the Indian National Congress. We are appointed under a resolution passed at the Thirty-third Session of the Congress at Delhi in December, 1918, instructing us "to advocate and press for the demands of the Congress as contained in its resolutions."

THE INDIAN NATIONAL CONGRESS.

The Indian National Congress was founded in 1885 to advocate reforms in the government and administration of the country and to bring about an adequate measure of popular representation and control over the legislative and administrative machinery. It has for the past 33 years, at its annual sessions and through its provincial and district affiliated bodies, which hold frequent public conferences and in other ways provide scope for public discussion and development of political opinion, steadily and with increasing force pressed for reforms of such a character. Its object is the attainment of self-government within the Empire on the lines of that now enjoyed by the self-governing Dominions. It represents to-day the overwhelming body of opinion among the people of India. Its constitution and organisation are of the widest democratic kind. Its delegates are elected throughout the country by or through the various affiliated bodies and at public meetings, and membership is open to every British subject in India of either sex, and of any class, creed or race, who is willing to attend its session, provided he or she is 21 years of age and has formally subscribed to its Constitution. The session at Delhi was attended by about 5,400 delegates, who included a large number of culivators. The Resolutions passed at the Delhi session are almost identical with those passed at the meeting of the All-India Moslem Leaugue held at the same time, the two bodies having been in consultation through their committees with a view to working on a common ground with a common object.

INDIA'S DEMAND.

We venture to impress upon the Committee, therefore, that the Resolutions of the Congress, which we are here to press for the acceptance of Parliament by embodiment in amendments to the Bill under consideration, represent the considered opinion, in an overwhelming measure, of the people of India, after the fullest public discussion of the proposals contained in the Report of Mr. Montagu and Lord Chelmsford on Indian reforms; and we feel that we should be failing in our responsibility to the great interests we represent and the trust confided to us, if we were not to point out that, so far as public opinion in India is concerned, we speak with an authority which is indisputable; that we are putting forward demands in the form of amendments to the Bill which are the least that can satisfy the people of the country as a fulfilment, in the popular view, of the terms of the announcement of August 20th, 1917, and lead to the acceptance of the Reform Bill as a measure which would help to restore peace and contentment in the country, and provide the opportunities for self-realisation and national development which are as essential to the interests of Great Britain and the whole Empire as they are vital to those of India. We urge most earnestly the full acceptance by the Committee, having regard to the foregoing considerations, of the amendments to the Bill which we have ventured to propose, to give effect to the demands of the Congress. These are explained as briefly as possible hereunder.

"FITNESS" FOR RESPONSIBLE GOVERNMENT.

We desire first, however, to state, without reservation, that the Indian National Congress cannot accept the assumption contained in the Report on Indian Constitutional Reforms that the people of India are as yet unfit for full responsible government. The principle of Self-Determination has been accepted by the

British Government and its Allies as the essential principle to be applied to all civilised peoples. In the case of India, the immediate grant of responsible government, qualified only by the reservations necessary to its position as an integral part of the British Empire (inclusion in which is a cardinal point in the Constitution of the Congress and is fully adhered to, with insignificant exceptions, by every shade of Indian opinion), is the logical expression of that principle. The question of the fitness of a people to manage their own affairs is not to be decided by such specious considerations as are put forward in the Report on Indian Constitutional Reforms. The principle of the right of every people to govern themselves is the basic fact which must be assaulted if that right is to be withheld; and, while there may be reasons sufficiently strong to remove it from consideration, if attempt is made to apply it to barbaric or semi-civilised peoples or races which may be considered to be otherwise disqualified or unequal to such responsibility, these cannot be advanced in regard to a people whose civilisation is the oldest existing in the world, who managed their own kingdoms and empires as large as the British Empire in India long before the establishment of British rule in the country, who possess ancient traditions of democratic government, among whom municipal institutions of an essentially democratic character only ceased to exist after the advent of British rule, whose country is economically in so large a measure self-contained and in need only of free development, and whose claim to the same Imperial protection as that so long enjoyed by the self-governing Dominions is based on the indisputable ground of the immensity of their past and present contributions to the military power and economic welfare of the Empire.

But apart from these broad and unassailable considerations, it is impossible to accept the reasons which prevented the authors of the Report on Indian Constitutional Reforms from proposing a scheme of immediate, full, responsible government for India and resulted in the embodiment in this Bill of the meagre and unsatisfying proposals now under consideration by the Committee. Briefly these reasons are:—

1. The absence of trained electorates of sufficient dimensions.

2. The setting up of an oligarchy of educated classes to govern the illiterate masses whose interests they would not be so well fitted to represent as an alien bureaucracy.

3. Racial diversities and religious animosities.

These are reasons which have not stood in the way of the achievement of responsible government by any modern State. Under the very limited franchise proposals of the Southborough Committee about 2½ per cent. of the population in the provinces of British India would be enfranchised. In Bombay, Bengal, and the United Provinces the proportion is about 3 per cent. Even in the United Kingdom, three years after the passing of the great Reform Bill of 1832, only 3·3 of the total population enjoyed the franchise, and as late as 1881 the proportion had only grown to 8·9 per cent. In 1880 only 1 per cent. of the population could exercise the vote in Sweden, and until 1882 the Chamber of Deputies in Italy was elected by 2½ per cent. of the population. Large electorates in most self-governing countries have only grown up in recent years. It was not until after the Reform Bill of 1884 was passes in the United Kingdom that 15 per cent. of the population became enfranchised, and in the United States as late as 1888 only 17·6 per cent. of the people enjoyed the right to vote. In all countries responsibility in the beginning has been entrusted to a very small section of the people, and government has been in the hands of a small educated minority, who have naturally cared for the interests of the uneducated masses pending the spread of education and the consequent extension of the franchise. The suggestion that the educated leaders of Indian opinion could not similarly be safely entrusted with the welfare of the masses is entirely falsified by the history of the last fifty years, which has been one of constant struggle between them and the bureaucratic administration for redress of the grievances and extension of the rights of the masses. The extent to which this has been the case is amply borne out in the remarkable memorandum which was presented to Mr. Montagu and Lord Chelmsford by Sir Dinshah Wacha and other leaders of the "Moderate" party in 1918, and in the dissenting Minute of Sir C. Sankaran Nair, annexed to the Despatch of the Government of India of March 5th (East India Constitutional Reforms Cmd. 123). But there can be no possible danger of an educated oligarchy coming into power because the constitution would be democratic from the beginning, and, as the franchise is extended, as it is sure to be in course of time, there would be no danger of a small minority ever assuming or usurping power. Nor have racial diversity or religious animosities ever been a bar to the achievement and successful working of self-governing institutions in other countries. This was notably the case in some of the self-governing Dominions of the British Empire. Canada was granted full responsibility at a time when racial and religious animosities were at the most acute stage, and when the population was certainly far below the standard, in respect of education and training, laid down for India in the Report on Indian Constitutional Reforms; yet what is now held to be a bar in the case of India was regarded, and, as it proved, rightly so, as a solvent in the case of Canada. We believe that equally in India the grant of full responsibility and the removal of all her political fetters would prove the surest solvent of all such problems. At the same time we would point out that the difficulties of this kind to which reference is made in the Report, have been greatly exaggerated. Hindus and Moslems have lived for centuries side by side in social intercourse and mutually helpful brotherhood. Nothing has been more striking in the past few years, and is more evident to-day, than their recognition of and devotion to a common nationhood. This was evidenced by the agreement reached at Lucknow in 1917 on the much-vexed problem of Mahomedan representation. Hindu and Moslem leaders sitting round a table found a solution of a question which bristled with difficulties, and in regard to which it would have been easy to excite jealousies and animosity had not the determination existed on both sides to place the interests of India and the Indian people as a nation above everything. The Lucknow compact has been accepted by the Southborough Committee. Religious disputes and consequent disturbances are only spasmodic and local, as they are in other countries; moreover, they are conspicuous by their absence in the States under Indian rule, and they are not infrequently provoked and aggravated in British India by external causes and interference, which need not be described here.

The delegates of the Congress are thus unable to understand why special and peculiar standards of fitness for responsibility, which have never been applied to other countries, should be erected as a barrier against the immediate grant to the people of India of that right to a government set up by and answerable to the people, which has been so uncompromisingly asserted during the past few years by British statesmen, of every shade of opinion, to be the inalienable right of all civilised peoples.

THE CONGRESS AND THE ANNOUNCEMENT OF AUGUST, 1917.

In accepting with satisfaction the declaration in the Announcement of August 20th, 1917, that self government is the goal of British policy in India, the National Congress, at its Session in Calcutta in the following December, repudiated the claim of others to decide for India the time and measure of the stages by which it should be achieved, as a negation of the recognised principle of self-determination. And when it came to consider, at its special session called for the purpose at Bombay in August, 1918, the proposals contained in the Report on Indian Constitutional Reforms, while adhering to the principles of reform contained in the Congress-League scheme and regarding the proposals in the Report as "unsatisfactory and disappointing," it drew up resolutions for the modification of those proposals and abandoned its own scheme, only in order to facilitate the passage of reforms. But even so, it was found that opinion in the country, subsequently very strongly manifested through Provincial and District Conferences, public meetings and even the Legislative Councils, was so definitely and emphatically determined upon the immediate achievement of full responsibility in the Provinces, that, at the following session at Delhi, in December of last year, an amending resolution, calling for full responsible government in the Provinces at once, without prejudice to the claim for a substantial measure of responsibility in the Central Government, was passed by an overwhelming majority, only a few delegates out of over 5,000 voting in favour of the retention of the Bombay Resolution.

We now put the Congress demands before the Committee in the form of suggested amendments to the Bill. Before proceeding to explain them in detail, we would again urge upon the Committee the representative character in which we appear before them as the accredited delegates of the most representative popular institution in India, with a definite mandate to urge upon the Parliament of the United Kingdom that the Indian people cannot be satisfied with anything else.

RESOLUTIONS OF THE DELHI SESSION OF THE CONGRESS.

The Resolutions passed at the Session of the Congress at Delhi in December last, which embody the demands of the Congress, are annexed hereto as Appendix I. For the convenience of the Committee, however, they are summarised below:

THE INDIA COUNCIL.

1. The Council of India should be abolished and there should be two permanent Under Secretaries to assist the Secretary of State for India, one of whom should be an Indian.

2. The salary of the Secretary of State and all charges in respect of the India Office establishment should be placed on the British Estimates.

3. The Control of Parliament and the Secretary of State should be modified only in proportion to the extent to which the Indian and Provincial Governments are made responsible to the electorate.

THE GOVERNMENT OF INDIA.

1. The principle of responsible Government should be applied to the Central Administration by dividing the subjects into "Reserved" and "Transferred." The Reserved Subjects should be Foreign Affairs (except relations with the Colonies and Dominions), the Army, Navy, and relations with Indian Ruling Princes and, subject to the Declaration of Rights set out below, matters directly affecting the peace, tranquillity and defence of the country.

DECLARATION OF RIGHTS.

(*a*) That all Indian Subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal nor administrative law in force in this country, whethe substantive or procedural, of a discriminative nature;

(*b*) That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property or in respect of free speech or writing or of the right of association except under sentence by an ordinary Court of Justice and as a result of lawful and open trial;

(*c*) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary Court of Justice;

(*d*) That the Press shall be free and that no licence or security shall be demanded on the registration of a press or newspaper;

(*e*) That corporal punishment shall not be inflicted on any Indian subject of His Majesty save under conditions applying to all other British subjects.

2. The Executive Council should consist partly of Ministers appointed from among the elected members of the Legislative Assembly and in charge of the Transferred Subjects and partly of other members nominated by Government in charge of the Reserved Subjects. When there are two or more members in charge of the Reserved Subjects, half of their number should be Indians.

3. There should be no Council of State, but only one Legislative Assembly composed of 150 members, four-fifths of whom should be elected directly by the people. The franchise should be as broad as possible without distinction of sex.

4. The Legislative Assembly should have the same measure of fiscal autonomy as the self-governing Dominions.

5. The Legislative Assembly should have full control over the Budget, except in respect of the Reserved Subjects, the allotment for which should be fixed and be a first charge on the Revenues.

6. All Bills must be introduced and passed in the Assembly. Provided that in the case of Reserved Subjects, if the Legislative Assembly does not pass any measure desired by Government, the Governor-General in Council may provide for the same by regulations, such regulations to remain in force for one year, and not to be renewed unless 40 per cent. of the Legislative Assembly present and voting are in favour of them.

Provided also that if the Council of State is to be constituted, at least half of its total strength should consist of elected members and the procedure by certification should be confined to the Reserved Subjects.

7. The President and the Vice-President of the Legislative Assembly should be elected by the Assembly.

8. The Legislative Assembly should have power to make or modify its own rules of business and these should not require the sanction of the Governor-General.

9. There should be an obligation to convene meetings of the Assembly at stated intervals or on the requisition of a certain number of members.

The Provincial Governments.

1. There should be complete separation of the Provincial from the Imperial Revenues with certain defined powers of taxation and borrowing in the Provincial Governments.

2. Full responsible Government should be introduced into the Provinces at once.

3. The Executive Council should consist of the Governor and Ministers responsible to the Legislature.

4. At least four-fifths of the members of the Legislative Council should be elected on a broad franchise without distinction of sex.

5. The Legislative Council should elect its own President and Vice-President.

6. The Legislative Council should have power to make or modify its own rules of business, and these should not require the sanction of the Governor.

7. There should be an obligation to convene meetings of the Council at stated intervals or on the requisition of a certain number of members.

8. The Legislative Council should have full control over the Budget except in respect of the Provincial contribution to the Government of India.

9. All Bills must be introduced and passed in the Legislative Council.

10. There should be no Grand Committee.

Public Services.

The Public Services should be recruited *in India* in a fixed and progressive proportion. The annual recruitment in India for the Indian Civil Service should be 50 per cent. to start with and Indians should be granted at least 25 per cent. of the Commissions in the Army, and this proportion should be gradually increased.

Complete Transfer of Responsibility.

The Congress asks for a statutory guarantee that full responsible Government shall be established in the whole of British India, within a period not exceeding 15 years.

The Determination of the Congress.

We wish again to emphasize one important fact, to which we have already referred in connection with these demands. The Bombay Special Congress, which met to consider the Reform proposals of the Joint Report, resolved that the subjects of Law, Justice and Police should, for a period of six years, be reserved and administered by the Executive Government of each Province. This resolution did not find favour with the people; they pressed for full responsible Government immediately in the Provinces, through the Legislative Councils, Political Associations and public meetings. In response to public opinion, so emphatically expressed throughout the country, the Delhi Congress in December last resolved, in modification of the Bombay Congress Resolution on the subject, that "in view of the expression of opinion in the country since the sitting of the said special Session, this Congress is of opinion that so far as the Provinces are concerned, full responsible Government should be granted at once." The feeling among the Delegates of the Congress was so strong that they, in order to guard against the possible danger of any attempt to minimise their demands on this question, further resolved that the Deputation proceeding to England should advocate and press the demands of the Congress as contained in the resolutions of the Congress."

We submit that the proposals of the Joint Report, intended to solve the political problems of India, have failed to satisfy the aspirations of India as expressed in the Congress resolutions. The Authors of the Report have not carried out substantially the spirit of the Declaration of the 20th August. They have put too narrow and too strict a construction on the wording of that Announcement. They have declined to grant full responsible Government to any Province, and they propose to maintain the Central Government in as bureaucratic a form as ever. The Authors of the Report, in taking this course, have altogether missed the real issue, for the solution of which their task of proposing Constitutional Reforms for India was undertaken. They do not propose to solve the greatest of all problems in India, viz., Fiscal Autonomy, without which all other reforms are almost valueless. We do not find any recommendation in this Report for the abolition of the Indian Council, which is left untouched in the Bill. They do not even suggest the probable period within which the goal of full responsibility can be reached, much less do they recommend the fixing of any such time limit in the Statute to be passed.

The Demand of the Congress for a declaration of the Rights of the people of India as British citizens, viz., that all Indians are equal before the law, equally entitled to a licence to bear arms and to enjoy freedom of speech, writing and meeting, and also the freedom of the Press, and that no one should be punished or deprived of his liberty except by a sentence of a Court of Justice, has been met by the Rowlatt Act, passed in the teeth of the unanimous Indian opinion of the country both in and outside the Legislative Council!

Unsatisfactory Character of the Bill.

Coming to the Bill itself, we regret to say that the proposals contained therein are even less acceptable than the unsatisfactory and disappointing recommendations of the Joint Report. We have carefully gone through its provisions and compared them with the recommendations of the Joint Report. A list of points in which the Bill goes back on this Report is attached herewith and marked Appendix II. We invite the special attention of the Joint Committee to a few of the more important of them; they are points Nos. 7, 10, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 29, 32, 33, 44, 47, 48, 49, 50 in the list.

"Almost Despotic Powers."

In concluding this portion of our Memorandum we desire to impress upon the Committee the danger of allowing the Bill as it stands to pass into law. The salvation of India at this supremely critical juncture, both as regards its individual existence and its position, as one of the basic foundations of the British Empire, lies in the transfer of responsibility and control in the government and administration of the country from the hands of the bureaucracy to those of the representatives of the people. The Bill makes generous provision for the transfer of control, not from the bureaucracy to the people, but from Parliament to the bureaucracy, while allowing only a very limited and tentative experiment in "responsible administration" in order that the people of the country may undergo a training in "responsibility," to be carried out by instructors who have had no such training themselves, but whose mental equipment and experience in the working of forms of government and administration make them singularly ill-fitted to be entrusted with such a task. The limited powers to be granted to the popular representatives are to be surrounded by such an effective entanglement of barbed wire, in the form of checks, safeguards and saving clauses as to leave the Governor of a Province, as Sir Donald Maclean aptly pointed out in the debate on the Second Reading, still in the possession of "almost despotic powers." If this is to be the effect of a Bill which, at the same time, removes to a large extent the control of the Secretary of State and Parliament over executive authority in India, the Indian people will have little for which to be grateful. The speech of the Secretary of State on the Second Reading was the strongest justification of the demand of India for the fullest possible measure of Responsible Government. The Bill gives little more than limited responsibility in municipal affairs, and leaves the people still at the mercy of executive authority in all the departments which vitally affect their interests and without the right to the final voice in the spending of the revenues of the country.

The Government of Bombay make alternative proposals to those of the Joint Report, which show that they are in favour of a scheme for the Provinces which approximates more closely to the demands which we put forward than the proposals of the Bill. In view of the accusation that has been freely made in this country that the Congress has made extreme demands at the bidding of "extremist" leaders, we would emphasize that the Congress, generally speaking, is asking for little more than is proposed by the Government of Bombay under Lord Willingdon. However that may be, we urge that our demands are the least which can be described as a "substantial step" of the kind intended by the terms of the Announcement of 1917, or which can be accepted by the people of India as an adequate measure of justice to them.

V. J. PATEL,
General Secretary.

PART II.

THE GOVERNMENT OF INDIA BILL, 1919.

PROPOSED PRINCIPAL AMENDMENTS TO BRING THE BILL IN A LINE WITH THE INDIAN NATIONAL CONGRESS PROPOSALS.

Preamble.—In the first paragraph for the words "progressive realisation" substitute "establishment within a period not exceeding fifteen years." And omit the word "gradually."

Second paragraph should read as follows :—

"And whereas towards that end it is necessary to provide for devolution of powers and responsibility as between the Parliament and the Government of India on the one hand and the Government of India and the Provincial Governments on the other, subject in each case to a simultaneously corresponding devolution of powers and responsibility to the popular Legislatures and also to secure an increasing association of Indians in every branch of administration."

Third para. should be retained as it is.

The whole of the preamble thus amended should be inserted as a preamble to the principal Act.

Section I, Cl. (1) (a) and (b). These should be omitted and provision should be made for classification and devolution by schedules attached to the Act.

(c) May be retained.
(d) Should be omitted.

Cl. (2). May be retained, omitting, however, sub-clause (i.) and the proviso at the end, and making such changes as are necessitated by amendments suggested to clause (1) above.

In sub-clause (v.), line 30, omit the words "or transferred subjects," and in line 35, after word "transfer" and before the word "and" "insert in the Central Government"

Cl. (3). Should be omitted.

Cl. (4), para (2). Should be omitted.

SECTION II, Cl. (1), para (1). For the words "in relation . . . . subjects" substitute "by the Governor and his Executive Council consisting of Ministers appointed under this Act."

After "Central Provinces" add "and Berar."

SECTION III, Cl. (1), para. (1). Substitute this by the following :—

"The Governor of a Governor's Province shall appoint Ministers from among the elected members of the Local Legislative Council to carry on the Executive Government and administration of the Province, and the Ministers so appointed shall hold office during his pleasure."

Para. (2). For this whole para. substitute the following:—"There shall be paid to every Minister so appointed such salary as the Governor with the sanction of the Legislative Council may determine, subject to a maximum stated in the second schedule for the members of his Executive Council."

Cl. (2). May be retained.

Cl. (3 and 4). Should be omitted.

SECTION IV, Cl. (1 and 2). Omit these clauses and read instead :—"Section 47 of the Principal Act is hereby repealed."

SECTION V, Cl. (2), para (1). Omit words "and with his Ministers."

Para. (2). Should be omitted.

SECTION VI, Cl. (1). In proviso (a) read "80 per cent." instead of "70 per cent." and "15 per cent." instead of "20 per cent."

At the end add "but any such variation shall not increase the proportion of members elected by communal electorates to those elected by general electorates as stated in the schedule."

Cl. (1). Proviso (b) may be retained.

Cl. (2). Add at the end "provided that a writ shall be issued for filling the vacancy within two months from the date of such vacancy."

Cl. (3). Sub-clause (a), line 26, insert "the nominated" before the word "members."

Sub-clause (c), line 36, before the word "and" insert the following:—"Provided that no residential qualification is imposed upon candidates for election and that women shall have the same rights and privileges as men under the same conditions for being voters and candidates."

SECTION VII, Cl. (1). At the end add :—"Provided that there shall be at least one meeting of the Legislative Council every quarter, and that the Governor shall be bound to convene a meeting of the Legislative Council on a requisition signed at least by one third of the total number of the members of the Council."

Cl. (4). Substitute "three" for "six," and at the beginning of the clause insert "Every Governor's Legislative Council shall continue for three years from its first meeting, but."

SECTION VIII, Cl. (2). Omit all words after "British India."

SECTION IX, Cl. (1). Omit the words "sub-sections (1) and (3) of."

As a consequential amendment also omit insertion of section 80 (A) proposed to be made in the Principal Act after section 80 in amendments provided by Part 2 of the Third Schedule (page 27, lines 29-35 of the Bill).

Cl. (2), para. (1). Substitute "sanction" for "assent" and at the end add :—"and the Council shall have full powers to deal with them in any manner they like."

Para. (2). Proviso (a) should be omitted.

Proviso (b). At the end omit words "or for carrying on any department," and after the word "authorise" add "with the sanction of the Government of India."

Cl. (2), (d). Should be omitted.

Cl. (6). For the words "as to the person to preside over" substitute "as to the election of the persons to preside," etc.

Line 7. Omit the words "and for . . . . business in Council," and also the words "prohibiting or" in line 11 of page 9.

SECTION XIII, Cl. (3). Should be omitted.

SECTION XIV. Omit the words "and two chambers namely the Council of State."

SECTION XV. Omit the whole section.

SECTION XVI Cl. (1). Add the word "directly" before "elected."

Cl. (2). Should read thus :—"The Legislative Assembly shall consist of 150 members, the number of non-elected members may be 30, of whom 20 may be official members. The number of the elected members shall be at least 120."

Para. (2). Read "four-fifths" for "two-thirds."

SECTION XVII. Omit all references to the "Council of State" and make consequential changes in the wording of the section throughout accordingly ; and also in proviso (b) after word "extended" insert "for not more than six months."

Sub-clause (c) read "three" for "six."

Cl. (2). Add at the end :—"Provided that there shall be a meeting of the Legislative Assembly at least every quarter, and that the Governor-General shall be bound to convene a meeting of the Legislative Assembly on a requisition signed by not less than one-third of the total members of the Assembly."

Cl. (5). At the end add "that a writ shall be issued for filling the vacancy within three months from the date of the creation of the vacancy."

SECTION XVIII. Omit all references to the "Council of State" in this section.

Cl. (1). Add at the end :—"Provided that for the purpose of this section a Minister shall not be deemed to be an official and a person shall not be deemed to accept office on appointment as a Minister."

Cl. (2). Should be omitted

SECTION XIX. Omit references to the "Council of State"

Cl. (1) (c). At the end add "provided that no residential qualification is imposed upon candidates for election and that women shall have the same rights and privileges as men under the same conditions for being voters and candidates."

(d) Line 40. Omit the word "final."

Line 41. At the end add "without prejudice to any remedy at law."

SECTION XX, Cl. (2). Omit references to the "Council of State" and make consequential changes

For "persons to preside" read "persons to be elected to act as president and vice-president."

Cl. (4). For the words "The Council of State," etc., up to the end substitute—"he shall have the power to pass that law without the assent of the Legislative Assembly, such law to be in force for not more than one year, and not to be renewed unless forty per cent. of the members of the Assembly present and voting are in favour thereof.

After Section XX of the Bill add the following as Section XXA (to be inserted as 67A in the Principal Act):—"The proposals of the Government of India for the appropriation of the revenues of India in any year shall be submitted to the Legislative Assembly for its sanction in the form of resolutions, and the Legislative Assembly shall have full power to deal with them in any manner they like."

"The Governor General in Council shall have power in relation to any such resolution to act as if it had been assented to, notwithstanding the withholding of such assent, if the resolution relates to Army, Navy, foreign affairs or directly affects the public peace or tranquillity of defence of the country, and the Governor-General certifies that the expenditure provided for by the resolution is essential to the discharge of his responsibility for the subject."

"The Governor-General shall also have the power, in cases of emergency, to authorise such expenditure as may be in his opinion necessary for the safety or tranquility or defence of the country."

SECTION XXI, Cl. (1). In place of this clause substitute the following:—"Instead of sub-section (3) of Section 36 of the Principal Act, read as follows: Half the number of the members of the Executive Council, if more than one, shall be Indians. In addition to these the Governor-General shall, by notification appoint Ministers to administer subjects other than those relating to Army, Navy, foreign affairs (excepting relations with Colonies and Dominions), relations with Indian Ruling Princes and matters directly affecting public peace, tranquillity and defence of the country.

Such Ministers shall be paid the same salary as that paid to a member of the Council; bnt no Minister shall hold office for a longer period than three months unless he is or becomes an elected member of the Legislative Assembly."

After Section XXI of the Bill insert Section XXIA as follows—"Between Sections 33 and 34 of the Principal Act insert the following new Section as XXXIIIA:—

"The Government of India shall have indisputable authority in matters directly concerning peace tranquillity and defence of the country subject to the following:—

(a) "That all Indians subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal or administrative law in force in India, whether substantive or procedural, of a discriminative nature.

(b) "That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property or in respect of free speech or writing or of the right of association, except under sentence by an ordinary court of justice and as a result of lawful and open trial.

(c) "That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, and that right shall not be taken away save by sentence of ordinary court of justice.

(d) "That the Press shall be free, and that no licence or security shall be demanded on the registration of a press or a newspaper.

(e) "That corporal punishment shall not be inflicted on any Indian subject of His Majesty save under conditions applying equally to all other British subjects."

SECTION XXII. In line 23 read "shall" instead of "may," and omit at the end "and salary of the Secretary of State, etc."

Also add at the end—"There shall be two permanent Under Secretaries, one of whom shall be an Indian."

After Section XXII add the following:—"The Council called the Council of India is abolished, and provisions relating to such Council in the Principal Act do cease to have any effect. The powers of the said Council under the Act may be exercised by the Secretary of State under rules and regulations made under the Act."

"In Section 67, Cl. (2), sub-clause (a) in the Principal Act shall cease to have any effect."

SECTION XXIV, Cl. (1). In line 10, after the word "employed," insert "in any of the posts mentioned in the third schedule of the Principal Act."

SECTION XXV. After clause (2) add "Provided that not less than 50 per cent. of the total number of the Civil Servants to be appointed in any branch of service in any year shall be recruited in India."

SECTION XXVI. Cl. (2). For "five members" read "six members, three of whom shall be Indians elected by the Indian Legislature."

SECTION XXVIII, Cl. (1). At the end add "Half of whom shall be Indians elected by the Indian Legislature."

Cl. (2). Omit all words after the words "shall report as to whether" and substitute the following—"time had not arrived for granting full responsible government to India."

SECTION XXXII. Omit words "Provided that . . . . officials."

SCHEDULES I, II, and III of the Bill should be amended in the light of and in conformity with the above amendments.

V. J. PATEL,
General Secretary.

PART III.

FUNCTIONS AND FRANCHISE.

I. FUNCTIONS.

As we propose that there shall be no division of functions in the Provinces, we do not feel called upon to offer any detailed remarks on the findings of the Functions Committee Report in this respect. The view of the Congress and the terms of reference to the Committee are diametrically opposed. The Congress holds that the people of India are to-day fit for full Responsible Government and that, at least in the provinces, it should be established at once. The terms of reference to the Committee, on the contrary, left them no option but to divide the provincial subjects into "Reserved" and "Transferred" irrespective of the question whether the people are fit or not. Even then, the Committee could have gone much further than they have done. They have chosen, however, to be ill-liberal. They have sacrificed the interests entrusted to them to the securing of unanimity.

Subject, however, to our fundamental disagreement with the terms of reference to the Committee as regards the division of subjects in the Provinces, it is necessary to refer to some points, which are as follows:—

1. Regarding the list of Provincial and all-India subjects on pp. 19–28, we make the following remarks:—

(*a*) We do not see the necessity, in the Provincial Councils, for the special standing orders required for the passing of Railway and Tramway legislation. The proposal is, in fact, obviously dangerous to public interests.

(*b*) The powers of borrowing and taxation need not be subject to Indian Legislation (page 82), but should be subject only to fixed statutory rules.

(*c*) The establishment and control of new Universities should be left to the Provincial Legislatures without interference by the Central Government.

(*d*) Co-operative societies need not be subject to Indian Legislation.

(*e*) The control of newspapers and printing presses should be left to the government of each province.

(*f*) Prisons and reformatories should be under provincial control.

(*g*) Franchise and Elections for Provincial Council should be left entirely to the Provincial Governments and Legislatures under the rules laid down under the statute.

(*h*) Control of Members of the Services, other than All-India, should be left to the Provincial Councils.

2. We consider that the list of new taxes which may be raised in the provinces, given in para. 75, should be mentioned in a schedule to be appended to the Bill.

3. The division between Provincial and Indian Finances suggested in paras. 200 to 208 of the Report on Indian Constitutional Reforms should be given statutory effect.

II. FRANCHISE.

With regard to the report of the Franchise Committee, we invite the attention of the Joint Committee to the following points.

1. Although "the Franchise and Electoral Law" has been made a transferred subject, subject to Indian Legislation, the effect of the recommendation is lost by the provision of sub-clause 3 of clause 3, which leaves the determination of questions regarding the Franchise and Election to the rules to be framed under the Principal Act. If the recommendation of the Committee has any meaning, the clause ought to provide that such rules shall be subject to any law made by the Indian or any provincial legislation.

2. We cannot reconcile ourselves to the recommendation which imposes on the women of India sex disqualification. We strongly hold that the disqualification should be removed from the outset. We believe that the vast bulk of informed opinion in India is strongly in support of the removal of sex disqualification in the franchise, and it would appear that the balance of evidence before the Franchise Committee was in favour of it.

3. The franchise could have been made much wider. There is no reason why all those who can read and write should not be allowed to vote. In Madras, Bombay and the Punjab particularly the number of voters should be materially increased. The Bombay Government had estimated figures making up a million voters. The Committee's scheme is for only 653,000. In fact, in the Bombay Presidency as many as three to four lacs of people have been enjoying Municipal and Local Board franchise for the last forty years, and the Committee now proposes the enfranchisement of only six and a half lacs for the Provisional Legislature.

4. The recommendation to treat certain kinds of military services as qualifying for the vote is ill-liberal. There should, in our opinion, be no distinction between one kind of military service and another.

5. The size of the Councils and the proportion of the elected members thereon should be as laid down in the Resolutions of the Delhi Congress. The recommendation of the Committee on this question in regard to Provincial Councils, though it does not go far enough, is fairly satisfactory, but in regard to the Indian Legislative Council it is inadequate and disappointing.

6. The recommendation to constitute the Indian Legislative Council by indirect election is unacceptable, and we are strongly opposed to it.

7. The number of seats allotted to Communal and Special Electorates is more than the necessities of the situation justify. We desire, particularly, to protest against the exaggerated representation proposed to be given to capitalistic and trade interests, chiefly European. We cannot understand why the Calcutta Trades Association, an association of shopkeepers, not confined to British subjects, should be entitled to elect two representatives to the Bengal Provincial Council. We do not know what reasonable claim can

be advanced for their representation outside the general European electorate. The Bengal Chamber of Commerce is to have four members, "Jute Interests," two members, and the Indian Mining Association, Indian Tea Association and Tea Planters one member each on the Provincial Council! The absurdity of this is illustrated when it is seen that the people of the province, through their general and communal electorates, representing a population of 45 millions, will return only 78 members, while 11 members will represent foreign trade and capitalistic interests through a handful of commercial and trading firms; while the representation of capitalistic interests in other provinces, if not on so large a scale, is equally objectionable. The proposal to give the Bombay Trades Association, consisting of thirty or forty shopkeepers, representation in the Provincial Council, who are, again, not all British subjects, is, we venture to say, preposterous. We do not know any country in the world where a parallel can be found to these novel proposals for the special representation of capitalists and traders, and we would ask the Committee to recommend its removal altogether.

8. University seats should not be restricted to the Fellows, but all graduates should be allowed a vote.

9. If landholders are to have special representation, a standard of land revenue should be prescribed as entitling them to vote.

10. Dismissal from Government service or conviction for an offence should not operate as a disqualification for membership of the Legislature. The suggestion that the Governor-in-Council should be allowed to decide whether a person has been guilty of moral turpitude or not, in any circumstances, is highly objectionable and dangerous, especially where the individual has been dismissed from Government service, and we strongly urge the removal of these disqualifications.

11. There should be no residential qualification for candidates in any province. The reasons advanced in the Report for the distinctions proposed are unconvincing.

V. J. PATEL,
General Secretary

APPENDIX I.

RESOLUTIONS, BEARING ON THE QUESTION OF INDIAN CONSTITUTIONAL REFORMS, PASSED BY THE INDIAN NATIONAL CONGRESS AT ITS THIRTY-THIRD SESSION AT DELHI, DECEMBER, 1918.

III. That this Congress re-affirms resolution numbers 2, 3, 4 and 11 passed at the Special Session of the Indian National Congress held in Bombay.

"No. 2. That this Congress re-affirms the principles of reform contained in the resolutions relating to self-government adopted in the Indian National Congress and the All-India Muslim League held at Lucknow in December, 1916, and at Calcutta in December, 1917, and declares that nothing less than self-government within the Empire can satisfy the Indian people, and, by enabling it to take its rightful place as a free and self-governing nation in the British Commonwealth, strengthen the connection between Great Britain and India."

"No. 3. That this Congress declares that the people of India are fit for responsible government, and repudiates the assumption to the contrary contained in the Report on Indian Constitutional Reforms."

"No. 4. The Government of India shall have undivided administrative authority in matters directly concerning peace, tranquillity and the defence of the country, subject to the following:—

"That the Statute to be passed by the Parliament should include the declaration of the rights of the people of India as British citizens."

"(*a*) That all Indian subjects of His Majesty and all the subjects naturalised or resident in India are equal before the law, and there shall be no penal nor administrative law in force in this country, whether substantive or procedural, of a discriminative nature;

"(*b*) That no Indian subject of His Majesty shall be liable to suffer in liberty, life, property or in respect of free speech or writing, or of the right of association, except under sentence by an ordinary Court of Justice and as a result of lawful and open trial;

"(*c*) That every Indian subject shall be entitled to bear arms, subject to the purchase of a licence, as in Great Britain, and that the right shall not be taken away save by a sentence of an ordinary Court of Justice;

"(*d*) That the Press shall be free and that no licence or security shall be demanded on the registration of a press or a newspaper;

"(*e*) That corporal punishment shall not be inflicted on any Indian subject of His Majesty save under conditions applying equally to all other British subjects."

"No 11. This Congress places on record its deep disappointment at the altogether inadequate response made by the Government to the demand for the grant of commissions to Indians in the Army, and is of opinion that steps should be immediately taken so as to enable the grant to Indians at an early date of at least 25 per cent. of the commissions in the Army, the proportion to be gradually increased."

IV. (*a*) That this Congress also re-affirms Resolution No. 5, relating to self-government, passed at the Special Sessions of the Congress held in Bombay, subject to this, that in view of the expression of opinion in the country since the sitting of the said Special Session, this Congress is of opinion that so far as the provinces are concerned full responsible government should be granted at once, and that no part of British India should be excluded from the benefit of the proposed Constitutional Reforms.

(*b*) That non-official Europeans should not be allowed to form separate electorates on the ground that they represent the mining or the tea industries, and if they are allowed such representation, they should be limited to their proportion compared to the population of the provinces concerned.

"No. 5. That this Congress appreciates the earnest attempt on the part of the Right Honourable the Secretary of State and His Excellency the Viceroy to inaugurate a system of responsible Government in India, and while it recognises that some of the proposals constitute an advance on the present conditions in some directions it is of opinion that the proposals as a whole are disappointing and unsatisfactory, and suggests the following modifications as absolutely necessary to constitute a substantial step towards respo sible government."

GOVERNMENT OF INDIA.

(1) That a system of "reserved" and "transferred" subjects similar to that proposed for the provinces shall be adopted for the Central Government.

(2) That the "reserved" subjects shall be Foreign Affairs (excepting relations with the Colonies and the Dominions), the Army, the Navy and the relations with the Indian Ruling Princes, and, subject to the declaration of rights urged in Resolution IV., matters directly affecting peace, tranquillity and the defence of the country, and that all other subjects shall be transferred.

(3) The allotments required for the "reserved" subjects should be the first charge on the revenue.

(4) The procedure for the adoption of the budget should be on the lines laid down for the provinces.

(5) All legislation shall be by bills introduced into the Legislative Assembly, provided that if in the case of the "reserved" subjects, the Legislative Council does not pass such measures as the Government may deem necessary, the Governor-General in Council may provide for the same by regulations, such regulations to be in force for one year, but not to be renewed unless 40 per cent. of the members of the Assembly present and voting are in favour of them.

(6) There shall be no Council of State; but if the Council of State is to be constituted, at least half of its total strength shall consist of elected members, and that the procedure by certification shall be confined to the "reserved" subjects.

(7) At least half the number of the Executive Councillors (if there be more than one) in charge of the reserved subjects should be Indians.

THE LEGISLATIVE ASSEMBLY.

(8) The number of the members of the Legislative Assembly should be raised to 150 and the proportion of elected members should be four-fifths.

(9) The President and the Vice-President of the Legislative Assembly should be elected by the Assembly.

(10) The Legislative Assembly should have power to make or modify its own rules of business, and they shall not require the sanction of the Governor-General.

(11) There should be an obligation to convene meetings of the Council and the Assembly at stated intervals, or on the requisition of a certain proportion of members.

(12) A statutory guarantee should be given that full responsible Government should be established in the whole of British India within a period not exceeding 15 years.

THE PROVINCES.

The Executive.

(1) There should be no additional members of the Executive Government without portfolios.

(2) From the commencement of the first reformed Councils the principle of the responsibility of Ministers to the Legislature shall come into effect.

(3) The status and salary of the Ministers shall be the same as that of the members of the Executive Council.

(4) At least half the number of the Executive Councillors in charge of reserved subjects (if there be more than one) should be Indians.

(5) The budget shall be under the control of the Legislature subject to the contribution to the Government of India and to the allocation of a fixed sum for the "reserved" subjects; and should fresh taxation be necessary, it should be imposed by the Provincial Government as a whole for both transferred and "reserved" subjects.

LEGISLATURE.

(1) While holding that the people are ripe for the introduction of full provincial autonomy, the Congress is yet prepared, with a view to facilitating the passage of the reforms, and to save the time which would otherwise be lost in controversy, to leave the departments of law, police and justice (prisons excepted) in the hands of the Executive Government in all provinces for a period of six years. The Executive and Judicial Departments must be separated at once.

(2) The President and the Vice-President should be elected by the Council.

(3) The proposal to institute a Grand Committee should be dropped. The provincial legislative council shall legislate in respect of all matters within the jurisdiction of the provincial government, including law, justice and police, but where the Government is not satisfied with the decision of the Legislative Council in respect of matters relating to law, justice and police, it shall be open to the Government to refer the matter to the Government of India. The Government of India may refer the matter to the Indian Legislature, and the ordinary procedure shall follow. But if Grand Committees are instituted, this Congress is of opinion that no less than one half of their strength shall be elected by the Legislative Councils.

(4) The proportion of elected members in the Legislative Council shall be four-fifths.

(5) Whenever the Legislative Assembly, the Council of State or the Legislative Council is dissolved, it shall be obligatory on the Governor-General or the Governor, as the case may be, to order the necessary election and to re-summon the body dissolved within a period of three months from the date of dissolution. No dissolution of the Legislature shall take place except by way of appeal to the electorate, and the reason shall be stated in writing and countersigned by the ministers.

PARLIAMENT AND INDIA OFFICE.

(*a*) The Council of India shall be abolished, and there shall be two permanent under-secretaries to assist the Secretary of State for India, one of whom shall be an Indian.

(*b*) All the charges in respect of the India Office establishment ahall be placed on the British Estimates.

(*c*) No financial or administrative powers in regard to the "reserved" subjects should be transferred to the Provincial Governments until such time as they are made responsible regarding them to the electorates, and until then the control of the Parliament and the Secretary of State should continue.

(*d*) The Committee to be appointed to examine and report on the present constitution of the Council of India shall contain an adequate Indian element.

MUSLIM REPRESENTATION.

The proportion of Mohamedans in the Legislative Councils and the Legislative Assembly, as laid down in the Congress-League Scheme, must be obtained.

FISCAL AUTONOMY.

This Congress is of opinion that, consistently with Imperial interests, the Government of this country should have complete freedom in all fiscal matters, and that the question of provincial contributions to the Imperial Exchequer be referred to the Provincial Congress Committees for opinions to be placed before the next Congress at Delhi.

V. That this Congress re-affirms the resolution No. 6 of the Special Congress demanding that 50 per cent. of the Indian Civil Service should be recruited in India.

IX. *Women's Franchise.*—That this Congress urges that women possessing the same qualifications as are laid down for men in any part of the scheme shall not be disqualified on account of their sex.

VI. *The Punjab.*—That this Congress views with grave apprehension the attempt made in certain quarters to assign an inferior position to the Punjab in the Reform Scheme, and urges that having regard to its political, military and historical importance, its wealth, education, social advancement, and its magnificent services during the last war, the Punjab should be placed on a basis of equality with Bengal Madras, Bombay and the United Provinces.

XX. *Delhi.*—That this Congress strongly recommends that Delhi should be constituted into a Regulation Province, that it should have a Legislative Council to assist the Chief Commissioner and that it should have at least two representatives in the Legislative Assembly

XIV. *Ajmer-Merwara.*—Having regard to the special importance of Ajmer-Merwara and British Rajputana as a model for the Native States, this Congress supports the claim of that Province that its status should be that of a Regulated Province, and that a council consisting of a majority of elected representatives of the people should be provided in the Reform Scheme, and that two elected representatives of the Province should be allowed on the proposed Legislative Assembly.

VIII. *Self-determination.*—In view of the pronouncement of President Wilson, Mr. Lloyd George, and other British statesmen, that to ensure the future peace of the world, the principle of self-determination should be applied to all progressive nations.

Be it resolved:—

I. That this Congress claims the recognition of India by the British Parliament and by the Peace Conference as one of the progressive nations to whom the principle of self-determination should be applied.

II. That in the practical application of the principle in India the first step should be:—

(*a*) The removal of all hindrances to free discussion, and therefore the immediate repeal of all laws, regulations and ordinances restricting the free discussion of political questions whether in the Press, private or public meeting, or otherwise, so that the legitimate aspirations and opinions of all residents in India may be fearlessly expressed; further, the abolition of the laws, regulations and ordinances which confer on the executive the power to arrest, detain, intern, extern or imprison any British subject in India, outside the processes of ordinary civil or criminal law, and the assimilation of the law of sedition to that of England.

(*b*) The passing of an Act of Parliament which will establish at an early date complete responsible Government in India.

(*c*) When complete responsible Government shall be thus established, the final authority in all internal affairs shall be the supreme Legislative Assembly as voicing the will of the Indian nation.

Resolved further—

(*d*) That in the re-construction of Imperial polity, whether in matters affecting the inner relations of the nations constituting it, on questions of foreign policy or in the League of Nations, India shall be accorded the same position as the self-governing Dominions.

XVI. *Position of Indians in the Colonies.*—That this Congress re-affirms the resolutions passed at previous sessions of the Congress on the subject of the status of British Indians in the self-governing Dominions and the Crown Colonies of the Empire, and once again places on record its sense of resentment and ever-growing dissatisfaction at the continued ill treatment of Indian settlers in the Dominions and Colonies, earnestly hoping that in view of the readjustment of the relations between the component parts of the Empire, the statesmen and people of Great Britain will endeavour to redress the grievances of the Indian settlers.

X. *Industrial Development.*—While generally welcoming the recommendations of the Industrial Commission and the policy that in future the Government must play an active part in promoting the industrial development of the country, the Congress hopes that in the practical application of this principle the object kept in view will be the encouragement of Indian capital and enterprise and exploitation with the sole aim of making India industrially and economically self-contained and self-dependent.

This Congress placed on record its regret at the exclusion of the tariff question from the scope of the Commission's inquiries, and reiterates its opinion that the industrial development of the country is impossible without fiscal autonomy being granted to her.

This Congress agrees with the Commission that industry should have a separate representation in the Executive Council of the Government of India, but it is of opinion that an Imperial Industrial Executive Board is not necessary.

This Congress welcomes the recommendation of the Commission that the Provincial Department of Industries should be constituted at an early date and urges the same on the Government of India.

This Congress urges that Imperial and Provincial Advisory Boards should be constituted for the purpose of promoting industrial development, and that they should consist of Indians elected by Indian industrial and trades associations and by Chambers of Commerce.

This Congress is of opinion that the proposed Imperial Industrial and Chemical Services should be constituted on a scale of salary and with the objects of having them manned fully by Indians, but that Europeans who are experts in each line should be engaged on short term agreements till they can be replaced by duly qualified Indians.

This Congress is of opinion that the Government should invite the Universities to establish Commercial Colleges, and should help them to do so by substantial grants.

This Congress regrets the absence in the report of recommendations for adequate organisations for financing industries, and urges upon the Government the urgent necessity of starting industrial banks on a scale commensurate with the vast and costly machinery recommended in the report.

XII. *Contribution of* £45,000,000.—That having regard to the unprecedented economic strain to which India has been subjected during the period of the war, and considering the injury likely to be caused to the infant or nascent industries of the country by the addition of any further burden of heavy taxation, as well as by the facilities enjoyed by competing foreign industries, and in view of the cessation of hostilities, this Congress urges that the Government will, as indicated by Sir William Meyer in his introductory speech, reconsider the matter and relieve India of the burden of the contribution of £45,000,000 for war purposes.

V. J. PATEL,
General Secretary,
INDIAN NATIONAL CONGRESS

APPENDIX II.

IMPORTANT POINTS IN WHICH THE BILL FALLS SHORT OF THE MONTAGU-CHELMSFORD REPORT.

(1) Sec. I (1) cl. b. provides for devolution of authority from the Central to the Provincial Governments in respect of provincial subjects; but it does not provide for the limitations on such devolution contemplated in para. 213 of the Report, viz., "We recognise that, in so far as Provincial Governments of the future will still remain partly bureaucratic in character, there can be no logical reason for relaxing the control of superior official authority over them, nor, indeed, would any general relaxation be approved by Indian opinion."

(2) As regards final devolution, the Report clearly contemplated a clear and well-defined separation of all sources of revenue between the Central and the Provincial Government. (Vide para. 202 of this Report.) The Bill leaves everything to the Government of India (vide sec. I (1) cl. b.).

(3) Sec. I (1) cl. d. leaves the admittedly most important question of the division between reserved and transferred subjects to be determined by the Government of India; but the report in para. 238 clearly contemplated that the list for each province should be settled by the Committee to be appointed for the purpose.

(4) In sec. I (2) (i), the Government of India are given power to make rules to "regulate the extent and conditions of such devolution, allocation and transfer." With regard to all those matters, the Report lays down broad principles which do not find a place in the Bill. In fact, the whole thing is thrown into the melting-pot by the Bill, and the Government of India virtually made the final arbiters.

(5) The proviso to sec. I (2) authorises the revocation or the suspension of the transfer of any subject with the sanction of the Secretary of State in Council, any time after the introduction of the Reforms. The Report in para. 260, clearly contemplated that for the first five years at least the list of transferred subjects was not to be altered.

(6) The Report, in para. 240, provided for powers of intervention by the Government of India in transferred subjects only under certain contingencies which were to be defined exhaustively by the Committee to be appointed for that purpose. But sec. I (3) leaves it to the Government of India to determine when and under what circumstances they will interfere with the administration of transferred subjects. Such limitation as is contemplated in the section is vague, and in practice may be made to mean anything or nothing.

(7) Under the scheme of the joint Report, the relation of the Ministers and the Governor, in respect of transferred departments, was defined thus:—"The portfolios dealing with the transferred subjects would be committed to the Ministers, and on these subjects the Ministers together with the Governor would form the administration. On such subjects, their decisions *would be final, subject only* to the Governor's advice and control." . . . . "But we do not intend that he should be in a position to refuse assent at discretion to all his Ministers' proposals."

According to the Bill, however, the whole position is reversed, for in sec. 2 (1) it is provided that in respect of transferred subjects, the administration is to consist of the "Governor acting with the Minister." This is not a mere verbal change, for sec. 3 (3) distinctly says, "In relation to a transferred subject the Governor shall be guided by the advice of the Minister in charge. . . . ."

(8) The Report does not contemplate that any of the major provinces, described in the Bill as Governor's provinces, should be administered under the new scheme, without any transferred subjects at all. Yet the Bill says in sec. 3 (1) that even in Governor's provinces the Governor *may* appoint Ministers, thus making it optional for him to appoint or not to appoint Ministers.

(9) Provision in the Bill that one at least of the members of the Executive Council shall be a person who has been for twelve years in the service of the Crown in India seems opposed to the spirit of the scheme (vide para. 271 of the Report).

(10) Provision in the Bill that a Minister may be dismissed by the Governor, and that his salary may be fixed by him (Governor), is opposed to the spirit of the scheme of the Report.

(11) Provision in the Bill that the Governor may appoint any person not being an elected member of the Legislative Council to be Minister for a period of three months is opposed to the recommendation of the Report in that behalf contained in para. 218.

(12) The Report provided in para. 260 that "the Government of India may, after the first five years, direct that the Ministers' salaries, instead of any longer being treated as a reserved subject, and therefore protected in the last resort by the Governor's order from interference, should be specifically voted each year by the Legislative Council, or failing such direction by the Government of India, it should be open to the Councils at that time or subsequently to demand by resolution that such Ministers' salaries should be voted, and the Government of India should thereupon give effect to such request. The Ministers would in fact become Ministers in the parliamentary sense." These provisions do not find a place in the Bill at all.

(13) Sec. 3 (4) introduces a new provision not found in the joint Report. It is not clear what are the circumstances under which the temporary administration of transferred subjects in the absence of Ministers is to be provided for.

(14) Sec. 5 (2), second part, provides that the Governor may make rules and orders for regulating the relations between his Executive Council and his Ministers for the purpose of the transaction of the business of the Local Government. Now this leaves it open to the Governor to keep the Ministers from having anything to do with the administration of reserved subjects. This does not carry out the ideas contained in the Report, para. 218—"They (the Ministers) would be members of the Executive Government, but not members of the Executive Council." And para. 221, "It is our intention that the Government thus composed and with this distribution of functions shall discharge them as one Government. It is highly desirable that the Executive should cultivate the habit of associated deliberation and essential that it should present a united front to the outside. We would, therefore, suggest that, as a general rule, it should deliberate as a whole. . . "

(15) Proviso (a) to sec. 6 (1) authorises the rule making authority to vary the proportions which the classes of members of Provincial Legislative Councils bear to one another, the only limitation being that at least seventy per cent. of the members shall be elected members. This is against the spirit of the recommendations contained in paras. 227–232 of the Report about Communal representation.

(16) The Report contemplated complete financial devolution to the provinces. In para. 210 it is stated, "We think the best means of freeing the Provincial Governments in this respect will be to schedule certain subjects of taxation as reserved for the provinces. . . ." Sec. 8 (3) (a) leaves it to the rule-making authority, viz., the Government of India, to make the schedule.

(17) In respect of legislative devolution, the Report, in para. 212, specified the purposes for which the Government of India should have a general over-riding power of legislation over the provinces. But sec. 8 (3) (f) leaves it to the Government of India to declare any provincial subject as "subject to Indian legislation," and thus prevent the Provincial Council from legislating on it without the previous sanction of the Governor-General.

(18) Sec. 9 (2) (b) gives the Governor a new power which was not contemplated in the Report. The words are, that "the Governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary . . . . for the carrying on *of any department.*"

(19) Sec. 9 (2) (c) provides that proposals in regard to expenditure and declared by rules to be a permanent charge on provincial revenues shall not be submitted to the Council. This is contrary to what was stated in para. 256 of the Report, viz., that the budget as a whole will be laid before the Council.

(20) The Report, in para. 252, gives the Governor power to nominate to the Grand Committee a bare majority exclusive of himself. Sec. 9 (3) authorises the Governor to nominate an unlimited majority.

(21) The same sub-section gives power to the Grand Committee to "reject" laws. This is against the spirit of the recommendations of the Report about the Grand Committee, an institution proposed merely for the purpose of securing to the Executive Government power of affirmative legislation, under certain contingencies.

(22) Sec. 9 (4) authorising the Governor to certify that a Bill is necessary for the discharge of his responsibility for a reserved subject does not provide for the appeal contemplated in para. 252 of the Report. . . . "It will at this stage be open to the Council by a majority vote to request the Government to refer to the Government of India the question whether the certified Bill deals with a reserved subject."

(23) Sec. 9 (5) evidently refers partly to mixed legislation, treated of in para. 254 of the Report. But the powers of the Governor under this sub-clause are much wider than those contemplated in that paragraph. There the Governor was only to certify in case the Bill trenched on a reserved subject. The sub-section may also refer to proposed legislation on a reserved subject where the Governor may certify that it is essential to the discharge of his responsibility for the peace or tranquillity of the province or of any part thereof. But the Bill provides for the Governor certifying under other circumstances also, which were not contemplated in the Report, viz., "The safety or tranquillity of another province," or "The *interests* of a specified reserved subject."

(24) There is no provision in the Bill that the elected element on the Grand Committee shall be elected ad hoc by the elected members of the Legislative Council on the system of transferable vote, and that not more than two-thirds of the nominated members shall be officials. (Vide para. 252 of the Report.)

(25) There is no provision that a certificated Bill, after being debated in the Grand Committee and modified as may be determined, will be reported to the whole Council, who will have a right to pass a resolution recording any objection which refers to the principle or details of the measure, and that such resolution will accompany the Act when it is submitted to the Governor-General and the Secretary of State (vide para. 253 of the Report).

(26) Para. 236 of the Report provided that while the existing rules of procedure should continue to govern the Provincial Councils, they should have the power to modify them, with the sanction of the Governor. But sec. 9 (6) and (7) do not carry into effect this recommendation.

(27) Sec. 10 (1) gives new powers to the Governor which do not find a place in the Report, viz., a power of recommending amendments to the Council, and a power of reserving a Bill for the consideration of the Governor-General (see para. 254 of the Report).

(28) Sec. 10 (3) also gives a new power, not found in the Report, to the Governor-General to reserve a provincial Act for the signification of His Majesty's pleasure thereon.

(29) Sec. 12 (1) and (2) authorises the Governor-General in Council to place any part of a Governor's province under a Deputy-Governor, or to declare any territory within a Governor's province a backward tract, and thus exclude those areas from the operation of the Reforms or parts thereof. This is a much more general power than that contemplated in para. 199 of the Report, which concludes thus :—"The typically backward tracts should be excluded from the jurisdiction of the reformed Provincial Governments, and administered by the head of the province."

(30) Although the Report in para. 218 contemplates that members of the Executive Council shall be only two, the Bill does not propose amendment of sec. 47 of the Government of India Act, which permits the appointment of four members.

(31) Although the Report in para. 234 recommends that the term "Additional Members" as applied to all members of the "Legislative Council other than ex-officio" members should be dropped, the Bill makes no provision to carry out that recommendation.

(32) Although the Report in paras. 235 and 285 recommend the appointment of standing Committees of the Legislative bodies both in the provinces and in the Government of India, the Bill makes no provision to carry out that recommendation.

(33) There is no provision in this Bill extending the right of supplementary questions to any member, whether he be the asker of the original question or not, neither is there a provision restricting the existing unlimited discretion of the Governor to disallow questions and resolutions (vide para. 236 of the Report).

(34) There is no provision in the Bill that the Ministers shall be Indians, as contemplated in the Report.

(35) Sec. 16 (2) does not fix any limits on communal representation in the Indian Legislative Assembly such as are contemplated in the Report.

(36) The Report did not give any power to the Governor-General to require the attendance of the Members of the Legislative Assembly to hear him address them. This power is now given by sec. 16 (3).

(37) Sec. 17 (b) authorises the Governor to extend for an unlimited time the life of the Legislative Assembly and the Council of State. He was to have no such power under the Report.

(38) The Report, para. 286, stated ". . . . . We think that the rules of procedure for both bodies should be made in the first instance by the Governor-General in Council. The Assembly and the Council of State should both have power to modify their rules with the sanction of the Governor General. . . . ." Sec. 20 (2) leaves it to the Government of India to make all the rules. And, once they are made, sec. 30 excludes the jurisdiction of the Indian Legislatures to repeal or alter them.

(39) Sec. 20 (3) gives a new power to the Governor-General of returning Bills for re-consideration to the Legislature, which is not found in para. 279 of the Report.

(40) The Report, para. 279, contemplated the passage of laws in the Council of State, without reference to the Legislative Assembly, only in cases of emergency so certified by the Governor-General in Council. But sec. 20 (4) authorises such legislation even in cases other than those of emergency.

(41) Sec. 23 authorises the Secretary of State in Council to divest himself and the Governor-General in Council of the powers of superintendence, direction and control vested in them; but does not give statutory effect to the principles enunciated in the Report, viz., that the devolution should be only in proportion to the development of responsible government in India.

(42) Sec. 28 (2) authorises the periodic Commission to report as to what extent it is desirable to modify the degree of responsible government then existing in any province, without expressing the limitation on that power contained in para. 261 of the Report, viz., that such recommendation should be made only if serious maladministration were established.

(43) Sec. 29 was not contemplated at all in the Report.

(44) There is no provision in favour of the appointment of a Select Committee of the House of Commons on Indian affairs. (Vide para. 295 of the Report.)

(45) Sec. 32 of the Bill gives a new power to the executive in India to treat certain officials as non-officials for the purpose of enabling them to stand as candidates for the Legislative Assemblies.

(46) Sec. 33 (2) gives very wide powers to the Executive not contemplated by the Report

(47) There is no provision, as recommended in paras. 233 and 275 of the Report, that nominated official members shall have freedom of speech and vote except when otherwise directed.

(48) There is no provision in the Bill abolishing all racial distinctions in Acts and Regulations for appointment to public services as recommended in para. 315 of the Report.

(49) There is no provision requiring the establishment of a system of recruitment in India to all public services side by side with recruitment in England, while such a step is recommended in para. 316 of the Report.

(50) There is no provision guaranteeing that in the Indian Civil Service the percentage of recruitment in India shall be 33 per cent. of the superior posts, increasing annually by $1\frac{1}{2}$ per cent. until the position is reviewed by the proposed Parliamentary Commissions and fixing the definite percentages of recruitment in India with specified rates of increase for all other public services. (Vide paras. 316 and 317 of the Report.)

V. J. PATEL,

General Secretary,

INDIAN NATIONAL CONGRESS.

APPENDIX D.

PAPER handed in by Mrs. *Sarojini Naidu* on 6th August, 1919. (*See* Question 2145.)

A PLEA FOR THE FRANCHISE OF INDIAN WOMEN to the Members of the Joint Parliamentary Committee on Indian Reform, by Mrs. SAROJINI NAIDU, K.I.H., Fellow of the Royal Society of Literature, Great Britain and Ireland; Vice-President of the Bombay Branch of the All-India Home Rule League.

Not without a due sense of my great privilege do I venture to lay before this Committee, in briefest outline, some of the reasons on which the women of India base their claim to equal franchise in the scheme of reforms to inaugurate responsible self-government for India.

I may observe that my sole title to be regarded as an All-India representative of my sex on a question of such far-reaching importance lies in the fact that I am intimately aware of every shade of orthodox and progressive opinion alike, throughout the country, and I am closely associated with all the larger public movements of the day, especially in relation to the vital and delicate problem of the Hindu-Muslim unity.

There are two reasons why I desire to dwell for a moment on the ancient and historic Indian tradition of woman's place and purpose in the civic and spiritual life of the nation, and to recall the versatile and illustrious record of her contribution to the national achievement by her wit and wisdom, her valour, devotion and self-sacrifice, as scholar and statesman, soldier, saint; queen of her own social kingdom and compassionate servant of suffering humanity.

Firstly: To refute the reiterated argument of the illiberal or uninstructed opponent of women's suffrage as being too premature, or too novel and radical a departure from accepted custom likely to offend or alarm a sensitive and stationary prejudice.

Secondly: To demonstrate that the Indian woman is essentially conservative in her impulse and inspiration; and so far from demanding an alien standard of emancipation, she desires that her evolution should be no more than an ample and authentic efflorescence of an age long ideal of dedicated service whose roots are deep hidden in the past.

I do not for one instant deny that the story of her progressive development has suffered severe interruption and shared in that general decline—I had almost said decadence—that befalls a nation with so continuous a chronicle of subjection to foreign rule; but of recent years the woman of the Indian renaissance, largely owing to the stimulus of invigorating Western ideas and influences has once more vindicated herself as not wholly unworthy of her own high social and spiritual inheritance. And already she is beginning to recover her natural place and establish her prerogatives as an integral part of the national life.

It is indeed a curious and startling irony of fate that the trend of a doubtless conscientious, but over-cautious, official decision is to withhold from her a formal legislative sanction for a privilege which is already hers in spirit and substance, tacitly acknowledged and widely exercised, for the power of the Indian woman is supreme and her influence incalculable in the inner life of her own people. I do not exaggerate when I assert that there is no summit to which she might not aspire or attain in any sphere of our national energy or enterprise unhampered save by the limitations of her own personal ambition and ability.

Wherein has her sex disqualified the Indian woman, or disinherited her, from the rich honours she has earned in equal emulation and comradeship with her brother in every field of intellectual or patriotic endeavour?

In our older universities she has won brilliant distinction in the arts and sciences, medicine, law, and Oriental learning. She holds office in the courts and senates of our younger universities, like the Hindu University of Benares and the Women's University of Poonah and the National University, as also in the Bombay University.

She has evinced her creative talent in literature and music; she has proved her consummate tact and resource in administering vast properties and intricate affairs, and demonstrated beyond all question her marvellous capacity to organise and sustain great educational institutions and large philanthropic missions for social service. She has been pre-eminently associated with the political life of the country, uplifting the voice of her indignation against all measures of unjust and oppressive legislation, like the Partition of Bengal, the Press Act, and the Rowlatt Bill; she has accorded her cordial support to all beneficent social and economic measures, like Gokhale's Bill for free and compulsory education, the Civil Marriage Bill of Mr. Basu, the Inter-Caste Marriage Bill of Mr. Patel, and the Swadeshei Movement inaugurated by my friend and leader Mahatma Gandhi, and all efforts to ameliorate the condition of the depressed and afflicted members of our Society

Moreover, not only has she participated in the programmes of our great periodic national assemblies, like the National Congress, the Muslim League, the Social Reform and Social Service Conferences, but has not infrequently been called upon to guide their deliberations, direct their policies, harmonise their differences, and unite their ideals towards a common goal of self-realization.

Where then lies the logic of their refusal of a franchise to Pandita Ramabai, or Swarna Kuman Ghosal? To Ramabai Ranade or Kamala Satthianadhan? To Kamini Sen or Shireenbai Cursetji? To Nagutai Joshi or Anasuya Sarabhai? To Abola Bose or Cornelia Serabji? To Indira Devi or Saralei Devi? To Mrs. Chandrasekharier, of Mysore, or Mrs. Sadashiviyer of Madras?

And what of that group of women in the seclusion of the Purdah, whose culture and accomplishment rival the golden age of the Saracens Sultan Jehan of Bhopal and Nazli Raffia of Janjira, Abru Begum, Tyaba Begum, Khujista Sultana Begum; Abadi Banu, the lion-hearted mother of the Ali brothers; the courageous young wife of the poet Hasrat Mohani, the late Suharwardya Begum who, from her sequestered corner, set papers in Oriental Classics for the Calcutta University, and Amina Hydari, who won the Kaiser-i-Hind decoration for her selfless services in a time of tragic distress in the Hyderabad State.

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But it is the Purdah which constitutes the chief weapon in the armoury of opposition against franchise for Indian women. I readily concede that it might in its initial stages seriously inconvenience and complicate the electoral system, and perhaps even be attended with temporary danger of fraudulent votes.

Although it is no part of either my mandate or my mission to ask for any concession or preferential treatment for women, I am still constrained to say that I fail to understand, when the interests of small political minorities of men are safeguarded with a scrupulous care, why it might not be possible in course of time to extend a similar chivalrous consideration to the Purdahnashin in those local and limited areas where this custom is rigidly enforced, for I am sure that her vote would usually be exercised with intelligence and discretion and prove a valuable acquisition to the country.

Without discussing the merits or demerits of this old social custom, I am convinced that, like all time-honoured but already obsolete social observances and usages, the Purdah system can no longer remain immutable, but must readjust itself to the needs and demands of a widespread national re-awakening. And after all, the terrors of the polling booth would scarcely daunt the Purdahnashin who in the course of her religious pilgrimages habitually encounters immense multitudes and becomes no more than a casual unit of a heterogeneous pilgrim democracy.

What, however, of the unsequestered women of Malabar and Madras, the Maharashtra and Gujrat; of the enlightened women of the Sikh, Parsi and Christian Communities, of the Arya Samaj of Punjab, and the Brahmo Samaj of Bengal? Whether the franchise be one of literacy or of property, their inclusion would in no wise disturb or deflect the normal electoral arrangements.

In the name of the women of India, I make my appeal to the statesmen of a glorious country whose cherished freedom is broad-based upon a people's will. There is not one citadel of Hindu civilization, or one centre of Islamic culture where I have not scattered broadcast my message of India's duty and destiny among the free nations of the world. I have spoken to the youths in their academies, to the women in their walled gardens, to the merchants in the market place, to the peasants in the shade of their fig and banyan trees, but how shall my prophecy be realised and how shall my country take her pre-destined place worthily in the noble world-federation of liberated peoples until the women of India are themselves free and enfranchised, and stand as the guardians of her national honour and the symbols of her national righteousness?

APPENDIX I.

WOMEN'S LITERACY IN BRITISH INDIA.

(Statistical Abstract, 1915–1916.)

Community.	Vernacular Proficiency.	English Proficiency.
Hindus	814,810	23,596
Muslims	135,867	3,940
Parsees	31,218	8,347
Christians	252,295	112,643
Jains	24,120	209
Sikhs	17,280	238
Aggregate Literacy	1,600,763	152,026

Standard of Education.	Public Institutions.	Private Institutions.
Arts Colleges	469	1,873
Professional Colleges	131	—
Secondary Schools	193,997	—
Primary Schools	993,459	73,400
Special School Instruction	2,405	—

APPENDIX II.

WOMEN'S OCCUPATION IN BRITISH INDIA.

(Census Report 1911.)

Women living on their own Income	62,614
Department of Medicine	11,298
Department of Instruction	25,745
Letters, Arts and Sciences	88,471
Aggregate of Women following Professions and Liberal Arts	402,586

APPENDIX III.

SOME LEADING NATIONAL MOVEMENTS IN WHICH INDIAN WOMEN HAVE TAKEN A PROMINENT PART.

All-India Movements.

Indian National Congress.
Social Conference.
Social Service League Conference.
Medical Conference.
Music Conference.
Industrial Conference.
Muslim League.
Home Rule League.
Mohomedan Educational Conference.
One-Language Conference.
Temperance Conference.
Humanitarian Conference.
Arya Samaj Conference.
Sikh Conference.
Ladies' Conference.
Muslim Ladies' Conference.
Hindu Sabha Conference.
Theistic Conference.

Provincial Movements.

Bombay, Madras, Sind, United Provinces, Panjab — Provincial, Political, and Social Conferences.
Bombay Educational Conference.
Madras Students' Convention.
Beha Students' Conference.
Bombay Students' Federation.
Depressed Classes Mission.
Andhra Library Movement.
Satyagraha Movement.
Swadeshi Movement.
Seva Sadan.
Bharat Stree Maha Mandal.
of Bengal, Malabar United Provinces and Panjab

APPENDIX E.

STATEMENT handed in by Sir *Frank Sly*. (*See* Question 2167.)

I am a member of the Indian Civil Service, and have served for 32 years in India, mainly in the Central Provinces, but I have also been employed with the Government of India and on special duty with several committees. I have consequently visited most provinces on several occasions, and have thus enjoyed opportunities for wider experience than usually falls to the lot of an Indian civil servant. My last employment was as Deputy-Chairman of the Franchise Committee presided over by Lord Southborough. In his evidence before the Joint Parliamentary Committee, Lord Southborough has already given a full account of the work of the Franchise Committee, with which I am generally in full agreement, but I should like to supplement it on some important points.

2. I am doubtful whether it was made sufficiently clear that our proposals, which in most cases received the assent of the local governments, varied frequently in material respects from the first schemes put forward by local governments. The first schemes were tested by us during the examination of the official witnesses; we also gave full weight to the evidence of the non-official witnesses and the views of the added members. It was only after consideration of all the material before us that conferences were held with the local governments, and as a result of which final schemes were prepared generally commanding their approval. An examination of the papers will show that our proposals often vary materially from the first scheme of the local government, for instance in such important matters as the franchise qualifications, the proposed constituencies, rural and urban, the extent of the representation allotted to communal and other special interests, the size of the legislative council and the like. Thus we did not follow blindly the first schemes of local governments, but formulated proposals after full consideration of all the available material and after personal discussion of that material with the local government. The Government of India did not favour us with their views on any of the general questions involved, with the exception of the memorandum on the Indian Legislative Assembly (page 21 of the White Paper).

3. We enquired with a considerable amount of detail into the machinery available for the conduct of elections, both in the evidence of witnesses, official and non-official, and in our conferences with local governments. For instance, we enquired into the working of elections to local bodies, municipal and district council; we discussed the classes and numbers of officials suitable for employment as polling officers, the classes and numbers of non-official gentlemen suitable to supplement the official agency, the number of voters that could be polled at each station on the election day, and other similar matters. Not only did we secure the assurance of local governments that elections could be carried out on the franchise proposed by us, but we also satisfied ourselves, so far as we could, that there was a reasonable prospect of this assurance being made good by a suitable election agency.

4. We followed our terms of reference in making the franchise as broad as possible, consistently with the avoidance of any such inordinate extension as might lead to a breakdown of the electoral machinery through sheer weight of numbers. We discussed a proposal for a literacy qualification in addition to a property qualification, but rejected it, partly because we did not see sufficient justification to depart from the principle of a property qualification, and partly because there was no suitable test of literacy. We also endeavoured to find a qualification based on income at a lower level than the income tax limit, but failed except in provinces where there was some form of local taxation on smaller incomes. A qualification based on wages earned would have to rest largely on information supplied by employers under the system of piece-rates usually followed in factories, and under existing conditions such votes would often be at the command of the factory owner. Moreover, much of the factory labour is migratory. It would also involve unfair discrimination in favour of one class of labour.

5. I desire to confirm Lord Southborough's impression that most of the supporters of woman suffrage advocated is more on account of its educative influence for the advancement of women than for its practicability. I also formed the opinion that it was often advocated as a badge of political enlightment likely to influence favourably India's claim for responsible government. An important point is that before us it was urged mainly by men, and not by women. The women witnesses before us represented the All-India Women's Association only, and I am sure that this Association can claim to represent only a very minute fraction of the women of India. I myself tried to induce several educated women to appear before us in support of the claim, and invariably received the reply that they preferred to leave politics to the men and the home to themselves. And I know that one of my Indian colleagues made the same effort on a much larger scale and also failed. We enquired into the working of female suffrage in elections to some local bodies which admit woman suffrage, and our enquiry showed that it is generally exercised very sparingly, except, perhaps, in Bombay City, where the custom of the seclusion of women is not so prevalent as in most other parts of India. In Madras it prevailed until 1897, but was then withdrawn by a new Local Self-Government Act, without attracting much notice or discussion, which shows how little the right was then appreciated. The effective demand for votes for women was not strong in the provinces first visited by us—Bihar and Orissa, United Provinces, and the Punjab, but increased in volume as our enquiry proceeded, and reached its maximum at Bombay. I am opposed to the suggestion that the right might be conceded in some provinces but disallowed in others. Such a course would result in inequality, and in my opinion the question should be decided on the same lines as other general disqualifications. Most of its supporters urged that it would be necessary to arrange separate polling stations for women, and further that female polling officers should be appointed to visit each woman voter in her home and record her vote. We considered that, apart from the danger of personation and other possible abuses, it was quite impracticable to provide an agency of female polling officers on such a scale.

6. In order to assist the Committee in their deliberations on the very important question of communal representation, I wish to give an outline of how the question has presented itself to me during my 32 years of service, even at the risk of mentioning some elementary facts that must be already well known to several members of the Committee We all know that the Indian population is composed of communities of diverse races and religions, who generally live on friendly terms with each other, but liable to burst into antagonism at any moment should a course of real dispute arise. The feeling of antagonism still lies near to the surface, as some recent events have shown. Amongst the Indus the dominant factor is the difference of caste, but even caste is not altogether static. I have seen wealthy and influential individuals force their way into a superior caste. I know a Rajah, whose family was aboriginal but has become Rajput in two generations, and accepted as such by at least some Rajputs. Not infrequently lower castes desired to raise themselves in the social scale of the Hindu religion. A caste, or a section of it which has grown in wealth and importance, discards customs considered impure by a higher caste, and forms itself into a new caste or section of a caste, superior to the old. The later growth of national as apart from communal feeling has somewhat obliterated such separatist tendencies. This growth of a national feeling is most prominent amongst the educated classes, but it permeated to other strata, and amongst backward communities and castes expresses itself not so much as formerly in the desire to raise themselves in the social religious scale, but in trying to raise their status by education, and by taking its place in local affairs. As regards political matters, the backward communities were still largely content to rely on the Government for the protection of their political rights. The politicians found that they could not move forward at the pace they desired, unless they carried the masses with them. Much effort has thus been made to enlist the masses in political propaganda, and to improve their position. The general demand for the extension of primary education and the movement for raising the position of the depressed classes are striking instances. The position was abused by some extremists in the sedition movement. Since the publication of the Montagu-Chelmsford Report, separatist tendencies have again become prominent. It is the irony of fate that the publication of this report, with its powerful presentment of the case against communal representation, has evoked the strongest expression of communal feeling that I have experienced throughout my service. Small communities felt that they could no longer rely on Government, but must have separate communal representation, and that not merely in proportion to their numerical strength. This was the position taken up almost without exception by their representatives before the Franchise Committee. Communal representation was opposed in principle by the advanced politicians of the extreme schools whose idealism often seemed to me to overcome their regard for facts, and it must be remembered that they usually belonged to a majority community; but minority communities, backward classes, depressed classes, separate trade interests and associations, all urged their claims to separate representation, often on an extravagant scale. The most striking instance occurred in the Punjab. The Muhammadans, who form 54 per cent. of the population, reiterated their claim for separate communal representation in common with the rest of India. The Sikhs, with only 11 per cent. of the population, claimed one-third of the representation on the plea that they had given one third of the recruits raised in the Punjab; and also demanded the recital of the orthodox Sikh religious creed at the election by every voter claiming to be a Sikh. The Hindus (33 per cent. of the population) urged that they would be squeezed out between the Muhammadan and the Sikh. There were only one or two isolated witnesses who claimed to be Indians with common interests in the Punjab, and ready to entrust them to a general electorate. Another striking instance is the non-Brahman movement in Madras. Although opposed to the admission of their claim for a communal electorate, I fully admit that this seemed to me to be a genuine movement with growing strength behind it, not confined to the principal towns, but extending to some outlying districts. But it is not common to all non-Brahmans. One section appeared before us, and opposed communal representation, although in favour of reservation of seats. Our report states that the non-Brahman exceed the Brahman electors in the proportion of at least 4 to 1. This estimate is taken from the statistics at page 113 *et seq.* of the Blue Book, the exact figures being 4·77 to 1. It must be remembered that this relates to the franchise proposed by the Madras Government, and that the proportion on the much lower franchise proposed by us will be far greater. The statistics also show that the Braham electors are largely concentrated in five districts (25,541 out of a total of 52,234), so that the voting strength of the non-Brahman will be still more overwhelming in the remaining 20 districts.

7. In regard to the question of direct election to the Council of State, I have examined the outline of the scheme advocated by the Government of India, and find that it results in general constituencies of the average area of 46,600 square miles, or more than one-third of the area of the United Kingdom. It may thus be compared to an arrangement under which England and Wales would return one member, Scotland one, and Ireland one, and that for a country where all kinds of communication are infinitely more backward. The average area of the Mohammedan constituency would be 112,000 square miles, or nearly as large as the whole United Kingdom. The average population of each general constituency would be 15,000,000, which approximates to the combined population of Scotland and Ireland. A scheme under which some 1,500 electors would be scattered over such a large area amongst such a large population is surely a negation of all right principles for direct election. A system under which elections to provincial legislative councils will be conducted under a fairly wide and democratic franchise, whilst election to the Council of State is made by a very restricted electorate, which must be formed on a plutocratic and aristocratic franchise, and under Indian conditions, will be dominated by large territorial magnates, seems to me a dangerous form of political constitution. I also invite attention to the objections of local governments to introducing a system which involves two general elections, and if direct election is also made to the Indian Legislative Assembly, three general elections, at the present juncture in a country where neither the people nor the Government has any experience of even one general election.

F. G. SLY.

1st August, 1919.

APPENDIX F.

Handed in by Mr. *Richard Feetham* and Mr. *H. L. Stephenson.* (*See* Question 2348.)

MEMORANDUM ON GOVERNMENT OF INDIA DESPATCH, dated 16th April, 1919, commenting on the Report of the Committee on Division of Functions.

Introductory.

1. In dealing with the Government of India's criticisms of the Report of the Functions Committee, contained in their Despatch of 16th April, 1919, it seems convenient to take the points in the same order as that adopted in Mr. Dawson's analysis of the Report and Despatch, *i.e.*, to deal first with the more general criticisms, and to leave the alterations proposed in the lists of subjects (All-India, Provincial and Transferred) to the last.

The general criticisms, apart from the points raised on the lists, are discussed in the first part of this Memorandum under the following heads:—

Administrative Control.
Legislation.
Powers of Governor and Governor in Council in relation to Transferred Subjects.
Public Services.
Finance.

PART I.

General Criticisms.

Administrative Control.

2. *Para.* 10 *of Government of India Despatch.*—The intention of the Committee was to avoid any such differentiation between the Ministers and the Executive Council as might be regarded as invidious. It seemed desirable, therefore, to lay down either by instructions or by rule, that personal responsibility is to rest on the Governor for seeing that the orders of the Government of India are given effect to, whether in relation to reserved or transferred subjects.

This recognition of the Governor's personal responsibility is not intended to absolve from responsibility the Members of the Executive Council in the one case or the Ministers in the other. If the Governor's personal responsibility for seeing that the orders of the Government of India are complied with were, by the terms of his instructions or by rule, confined to transferred subjects, this would look like relieving the Ministers of responsibility and subjecting them to a supervision which, if it did not apply also to the other side of the Government, might be regarded as objectionable. In fact, the special personal responsibility of the Governor must in theory be recognised in the case of reserved subjects as well as in the case of transferrred, for it would be his duty in the last resort to overrule his Council if necessary in order to secure compliance with an order of the Government of India.

The question as to the Governor's position in this matter was originally raised in connection with the question of the method of communicating the Government of India's orders (*see* para. 12, Annexure II, Functions Report). The question of the method of communicating orders, which is merely a question of form, should not be confused with the question of responsibility for seeing that they are carried out. Presumably all orders would be addressed to the Local Government, or to one of their Secretaries, and would be dealt with by the Governor in Council or Governor and Ministers according as they affected a reserved or transferred department.

Legislation.

3. The proposals of the Government of India on the subject of the powers of the Indian and Provincial legislatures are contained in paras. 4, 11–21, 33 and 109 of their Despatch.

4. *Para.* 4.—In para. 4 they deal with the powers of the Central Government to intervene in transferred subjects, and propose to retain as one of the purposes for which the Government of India may intervene in a tranferred subject the following:—

> "To secure uniformity of legislation where such legislation is considered desirable in the interests of India or of more than one Province."

It appears, however, from what follows, that, when they speak of "securing uniformity," they do not contemplate that such uniformity will be secured by requiring provincial Bills on certain subjects to be submitted for previous sanction, but only recognition of the right of the Indian legislature to legislate on provincial matters in respect of which uniformity of legislation is desirable, coupled with the power of protecting such legislation from provincial amendment except where previous sanction has been obtained. This being so, it seems best to keep this proposal with regard to legislation separate from the question of the purposes for which the Government of India may intervene in a transferred subject by administrative action.

5. *Paras.* 11–13.—It is not necessary to recapitulate the proposals of the Functions Committee as to the division of legislative powers as stated in the Report, but some explanation appears to be required on two points which have perhaps been treated with undue brevity.

(A) The first head-note to the list of All-India subjects states the intended effect of declaring any provincial matter "subject to Indian legislation" to be that "legislation regulating that matter and powers "reserved by such legislation to the Governor-General in Council are made an All-India subject, and that "the provincial legislature is precluded from legislating thereon without previous sanction." The Government of India remark on the wide powers which might conceivably be conferred on the Governor-General in Council under cover of this provision. It is quite true that the Indian legislature might pass a

Bill on a transferred subject declared to be subject to Indian legislation which would confer on the Governor-General in Council the power of directly administering the subject, but such a proceeding under normal conditions would, of course, be wholly inconsistent with the recognition of the subject as a provincial subject; the real object of the provision is twofold:—

(1) To secure a reserve of ultimate authority in the Government of India, which in abnormal circumstances could be brought temporarily into play for the purpose of giving effect to the provisions of Acts passed by the Indian legislature, and thus to meet the objection raised as to separation of legislative and administrative powers; and

(2) to enable the Government of India to exercise limited powers of control in respect of such parts of certain provincial subjects as should be recognised as having more than merely a provincial interest. —For instance, in the case of University legislation certain powers of visitation could be reserved to the Governor-General in Council as is proposed in the Report of the Calcutta University Commission.

(B) With regard to the question of scheduling certain Laws as Laws which may not be repealed or altered by provincial legislatures without previous sanction—the object of this proposal is to prevent tinkering by provincial legislatures with certain Indian Acts of a comprehensive character which, though forming part of or dealing mainly with All-India subjects, also govern or contain provisions affecting provincial subjects.

If the power of the Provinces to legislate on provincial subjects which, though in a sense forming part of All-India subjects, are treated as excluded therefrom for the purposes of the division made, were to be freely exercised in such a way as to alter in its application to these subjects the general framework of the law of the country as laid down in the Indian Codes and other Acts regulating commercial and business relations, serious confusion might result. The reason for the inclusion of particular Acts in the Schedule as proposed by the Functions Committee will appear on reference to the Lists of Subjects; for instance, Civil Law and Criminal Law are made All-India subjects, while the Administration of Justice is made a provincial subject. The Schedule includes the Criminal and Civil Procedure Codes, the Indian Penal Code and the Indian Evidence Act. Again, Commerce (including Banking and Insurance) is an All-India subject, while Industrial Insurance is made a provincial subject. The Schedule includes two general Acts relating to insurance. Trading Companies and other Associations are treated as an All India subject, while Co operative Societies (which are also trading companies of a kind) are made a provincial subject. The Schedule includes the Indian Companies Act. Again, Ports are divided between the Government of India and the provincial governments; the major ports being treated as an All-India subject, and other ports as a provincial subject. The Indian Ports Act (which contains the general law as to the management of ports) is included in the Schedule.

The Schedule thus affords necessary supplementary protection to certain important All-India statutes. The bulk of Indian legislation which requires protection will, however, be safeguarded by the general restrictions proposed, namely:—

(1) By debarring provincial legislatures from legislating on All-India subjects, except with previous sanction, and

(2) By making certain provincial subjects in whole or in part subject to Indian legislation; and to that extent rendering provincial legislation thereon subject to previous sanction.

The Schedule as proposed by the Committee may require some amplification, but in considering this question, the fact that many Acts of the Indian legislature are already fully protected by these general restrictions should be kept in mind.

6. The Government of India's general criticisms of the proposals made by the Functions Committee on the subject of legislation are:—

(1) That they are too complicated.

(2) That, in the case of transferred subjects, the requirement of previous sanction, where applied involves undue interference with the control to be exercised by Ministers over transferred subjects.

The Government of India's alternative proposals are put forward as being at once more simple and more liberal, but it is open to doubt whether this claim to greater simplicity and liberality can in fact be sustained on any single point of importance; while the general effect of these alternative proposals is to blur the line of division between the functions of the Indian and Provincial legislatures, and thus to defeat the main object of the scheme proposed by the Functions Committee.

7. The proposal of the Government of India to retain for the Indian legislature the right to legislate on any provincial subject for the purpose of "securing uniformity" is open to the following objections on general grounds:—

(1) If this right is recognised, the Provinces will not be able to call any portion of the legislative field their own, because, on the plea of uniformity, the Indian legislature may legislate on any subject. It will always be open to question which are the provincial subjects in which uniformity is desirable, and what is the degree of uniformity to be desired in such subjects.

(2) It is to be noted that this power is to be reserved not to the Government of India, but to the Indian legislature. The Government of India discuss the matter in para. 12 as if no legislation would be initiated in the Indian legislature except at the instance of the Government itself, and speak as if the power that is being reserved were a power reserved to the Government, instead of to the legislature. The legislature will claim to put its own interpretation on its own powers, which is not likely to be a restrictive interpretation.

(3) While too comprehensive as applying to all subjects, the power of legislating for the purpose of securing uniformity would be found too narrow when put to the test in respect of particular provincial subjects.

8. *Para.* 109.—Apart from these general objections, it is necessary to consider the effect of the Government of India's proposals with regard to certain subjects specially affected.

The objection of the Government of India to the proposal of the Functions Committee, that certain provincial subjects should be declared subject to Indian legislation, in so far as that proposal applies to subjects which are to be transferred, might seem to involve an extension of popular control over the subjects affected but the tendency of the alternative proposals put forward by the Government of India is in the result to limit rather than to extend the sphere of popular control.

Their proposals are to retain control of Provincial legislation in relation to transferred subjects in two ways:—

(1) By providing for recognition of the right of the Indian legislature to legislate on any provincial matter in respect of which uniformity of legislation is desirable (para. 12 of Despatch):

(2) By including in the Schedule of Indian Laws which cannot be amended by Provincial legislation without previous sanction certain laws relating to transferred subjects.

Their theoretical objections to giving the power to the Indian legislature to legislate with regard to transferred subjects, and to previous sanction being required for Provincial legislation on transferred subjects, also apply to the two methods of control which they themselves propose.

To take in detail the transferred subjects with reference to which this question arises:—

(1) *Local Self-Government*.—The Government of India propose that the borrowing power of local authorities shall be regulated by Indian legislation, which will be protected from amendment without previous sanction by Rules framed under the new section 79; and, with regard to taxation by municipal bodies, they propose that the previous consent of the Government of India shall be required for taxation, not included in the provincial schedule, which goes outside the existing scope of local taxation. It is not clear by what machinery effect is to be given to the latter restriction, but it is obvious that the Government of India propose in effect to retain in both these matters the control which, if their objections to the Committee's scheme were well founded, they ought to abandon.

(2) *Education*.—The Government of India get out of the difficulty by proposing that Secondary and University education shall not be transferred. If Secondary and University education are transferred, then the power to legislate for the purpose of securing uniformity could not reasonably be interpreted as covering, *e.g.*, the legislation which will be required for the purpose of giving effect to the recommendations of the Calcutta University Commission. If the pretext of uniformity were to be used for the purpose of justifying any legislation which it might be thought expedient to pass in relation to Universities and Secondary education, the uncertainty of the title of Provincial Legislatures under this arrangement to any part of the field of legislation would be clearly illustrated.

(3) *Registration of Deeds and Documents*.—The Government of India propose to include the Indian Registration Act in the Schedule under section 79, so as to protect it from amendment without previous sanction.

In the case of Co-operative Societies, Registration of Births, and Weights and Measures, it is presumed that the Government of India contemplate that any legislation which it is considered expedient to pass would be covered by the proposed provision as to securing uniformity; but in so far as such legislation is passed, and is protected from amendment without previous sanction, the result will be much the same as under the proposals of the Functions Committee.

9. *Paras.* 14 *and* 15.—The Government of India object to the proposals with regard to the reservation of Bills as too complex. They seek to simplify them by omitting any provision for compulsory reservation, and propose to give the Governor a general discretionary power of reservation in the exercise of which he is to be guided by his instructions. The reply to this criticism and proposed modification is threefold—

(1) Very little is gained as regards simplicity by eliminating the provision for compulsory reservation:

(2) The requirement that certain classes of Bills shall be reserved is in conformity with precedents established in Colonial constitutions, and is a convenient device for securing special supervision over legislation on certain subjects, and for re-assuring interests affected:

(3) The Government of India recognise that three out of the four classes of Bills which it is proposed to require the Governor to reserve deal with subjects as to which some safeguard is necessary, while they are unwilling to recognise the possible existence of the fourth class.

The Committee's proposal is that the Governor shall be required to reserve—

(*a*) Bills affecting religion or religious rites and usages;

(*b*) Bills regulating the constitutions and functions of Universities;

(*c*) Bills which have the effect of including within a transferred subject matters belonging to reserved subjects;

(*d*) Bills providing for light railways or tramways other than tramways within municipal areas.

As to (*a*), the Government of India propose that a portion of the ground at present covered by section 79 (3) (*e*) of the Government of India Act, under which any Bill affecting the religion or religious rites or usages of any class of British subjects in India requires previous sanction, shall in future be protected by a clause requiring previous sanction to any Bill affecting any fundamental (or general) principle of Hindu or Mohammedan law (para. 19); a wide provision which might be so interpreted as to involve almost as much restriction on provincial initiative as is imposed by the present sub-clause (*e*); and with regard to religious endowments, they propose to invite the Indian legislature to pass a Bill dealing with the subject, and to provide that provincial legislatures shall be debarred from amending this legislation without previous sanction.

As to (*b*), the Government of India propose to retain their control of University legislation by making University education a reserved subject. Similarly in the case of (*d*) they propose that light railways and tramways, other than tramways within municipal areas, shall be a reserved subject.

As to (*c*), the explanation as to the Bills which the Committee had in view when referring, in para. 37 of their Report, to "Bills which shift the boundaries between transferred and reserved subjects" is to be found in the note against local self-government in the list of Provincial subjects for transfer:—

"It is contemplated that other matters will from time to time be entrusted to local authorities by legislation: where such matters form part of reserved subjects the Bill will be reserved for the consideration of the Govenor-General."

The Committee contemplated that the powers of local authorities might be extended from time to time so as to enable them to deal in their own areas with matters which at present are included in reserved subjects, *e.g.*, Gambling, Prevention of Cruelty to Animals, Control of Motor Vehicles, Fisheries, and Village Forests. As the subtraction of any part of a reserved subject for the purpose of entrusting such part to the control of a local authority has the effect of making such control a part of the transferred subject of local self-government, the change does, incidentally, involve some shifting of the boundaries between reserved and transferred subjects. Any such change involves a reduction in the powers of the Government of India, owing

to the fact that its control over transferred subjects is to be much more restricted than its control over reserved subjects, and it therefore seemed proper that any Bill effecting such a change should be reserved for the consideration of the Governor-General. It was not contemplated by the Functions Committee that in any larger sense the boundaries between transferred and reserved subjects would be shifted by provincial legislation.

It may be pointed out that, under the provisions embodied in the Bill with regard to the certification of Bills, it will always be open to the Governor to block any proposed measure which would have the effect of making a portion of a reserved subject a transferred subject.

10. *Para.* 16.—The Functions Committee contemplated, as is apparent from para. 36 of their report, that the Governor would always have power to return a Bill to his Council for further consideration, apart from any question of reservation.

With regard to the proposal that where a Bill has been reserved, its subsequent return for consideration by the Provincial Legislative Council should be "by the personal Orders of the Governor-General," it seemed to the Committee inexpedient to bring the Governor-General into direct relations with a Provincial Legislative Council. The Committee's proposal, therefore, was that, in the case of a reserved Bill, the Governor himself should be responsible for returning the Bill for further consideration by the Council, with any recommendations as to its amendment, after consultation with the Governor-General, and subject to the Governor-General's consent being obtained. The Governor will, normally, from his acquaintance with the local situation, be in a better position than the Governor-General for judging whether anything is likely to be gained by returning a Bill for further consideration.

11. The latter portion of para. 16 appears to contemplate the return by the Governor-General of a provincial Bill for further consideration by a Provincial Legislative Council in cases where the Governor himself has not reserved the Bill, but has assented to it. This seems contrary to the whole idea of the process of reservation. Once the Governor of the Province has assented to the Bill, the Provincial Council cannot be invited to alter it. If the Governor-General finds himself unable to assent to a Provincial Bill in the form in which it has been assented to by the Governor, it must either be vetoed or reserved for his Majesty's pleasure under clause 10 (3) of the Bill. If a Bill could be returned to the Provincial Council for further consideration after the Governor had given his assent, the distinction between assent and reservation would for practical purposes disappear, and with it the responsibility of the Governor of the province for assent to legislation, which the Government of India are anxious to preserve intact.

12. *Para.* 17.—It appears from this paragraph that the Government of India contemplate that, under the power which they wish to reserve to the Indian legislature to legislate upon any provincial subject for the purpose of securing uniformity, general laws will be passed dealing with diseases of men, animals and plants, and the destruction of pests, and that such laws will not be subject to amendment by provincial councils without previous sanction. The proposal of the Functions Committee (para. 40) was that in regard to these matters, "It should be definitely recognised that it is open to the Indian legislature to legislate, notwithstanding that they fall within the limits of provincial subjects which are not classified as subject to Indian legislation. The provinces will, however, retain their own freedom to legislate on these subjects without previous sanction, except that, where the Indian legislature passes a law of general application dealing with these subjects, it will be open to that legislature to prescribe that a provincial legislature shall not be competent to amend such a law without obtaining previous sanction."

This plan is objected to as involving "an indeterminate treatment of the question" and as "introducing a complication which the circumstances hardly justify." It may however be remarked that the Government of India's method of dealing with the matter is at least equally indeterminate. Their proposal—that the Indian legislature should retain the right to legislate on any provincial subject for the purpose of securing uniformity—applies this indeterminate treatment to the whole field of provincial legislation. The difficulty with regard to the proposal of the Functions Committee is really one of form rather than of substance. The proposal in itself is simple enough—to leave the Provincial Councils the power of initiating legislation on these various matters without the requirement of previous sanction, but to keep a door open for intervention by the Indian legislature, by using such terms as will prevent the application to these subjects of the convention as to non-intervention in provincial subjects. All that it is necessary to do in order to give formal effect to this proposal is to insert some reference to the powers of the Indian legislature in the description of the provincial subjects in question. For instance, if the description of provincial subject No. 3.—Public Health, Sanitation and Vital Statistics, is amended to read—"Public Health, Sanitation and Vital Statistics, subject to Indian Legislation in respect to infectious and contagious diseases to such an extent as may be declared by any Act of the Indian Legislature"—the object in view will be attained. The descriptions of the other provincial subjects affected can be similarly amended.

13. *Para.* 18.—In the proposal contained in para. 41 of their report, the Committee simply adopt the suggestion made in para. 212 of the Joint Report, as to the power of the Indian legislature to pass model legislation on provincial subjects, which it should be open to the provinces to adopt. The Committee did not wish to exclude this suggested plan, but they did not attach any great importance to it. There is a precedent for such a provision in the Canadian Constitution (B.N.A. Act, section 94), but it does not appear that any legislation has yet been passed in Canada under this provision. The Committee assumed that a model law passed by the Indian legislature on a provincial subject, not declared subject to Indian legislation, would require a provincial Act to bring it into force in any province; they did not contemplate that it would be open to the Indian legislature to pass laws on any provincial subject, not subject to Indian legislation, which could be brought into effect by executive decision of the local government of a province. Such an arrangement would obviously expose the field of provincial legislation to serious encroachments. The Government of India refer to this subject in terms which might be taken to suggest that such procedure, which has been found convenient under existing conditions, should continue to be available; but the convention against intervention by the Indian legislature in the provincial field should clearly exclude the possibility of its adoption.

14. *Para.* 19.—The question of requiring previous sanction in the case of provincial Bills which affect the fundamental principles of Hindu or Mohammedan Law has already been referred to in dealing with the question of compulsory reservation.

The proposal in the latter part of para. 19—to substitute the word "affecting" for "regulating" in certain sub-clauses contained in the new version of section 79 of the Government of India Act—must have been put forward without realisation of the results which would ensue from its adoption. It is hardly too

much to say that no Secretary of a Provincial Council could ever certify that a Provincial Bill dealing with a provincial subject did not "affect" any All-India subject—the form which his certificate would have to take if he were made responsible for the application of the rule as to previous sanction in the terms proposed by the Government of India. The substitution of the word "affecting" for "regulating" in the sub clauses concerned would, therefore, practically involve the submission of all provincial Bills for previous sanction.

15. *Para.* 33.—The Government of India take exception to the reference to "Indian Legislation" in items 6 (*d*), 10 and 20 of the All-India list, and wish the extent of the authority to be exercised by the Government of India in relation to Ports (*i.e.*, the selection of "Major Ports"), inland waterways, and the production and distribution of such supplies as need control by a central authority, to be defined, not by Indian legislation, but by rules made by the Secretary of State, and notifications made thereunder by the Governor-General in Council.

The alternative plan of employing the rule-making power for the purpose of defining the precise extent of the Central Government's authority in the matters referred to may, in some cases, prove preferable, and, when the draft rules are prepared, the extent to which they should include detailed provision on these points will require careful consideration; but the idea that the Indian legislature is to be in no way concerned with this question of division of powers between central and provincial authorities is surely mistaken. The remark of the Government of India that "To require legislation in these cases would not only be inconvenient and pro-"ductive of serious delays, but would also impose on the Indian legislature a function which has never "belonged to it and which it is not well qualified to discharge" seems to betray some failure to recognise the facts of the new situation which the Reforms Scheme will create.

The Indian legislature has in the past had a good deal to do with assigning functions to Local Governments, but under the old system of subordination to the central authority this assignment has not involved any question of constitutional importance.

Under the new condition of things it is inevitable that the Indian legislature should take its share in working out the relations between the central and provincial authorities. Such a share is implied in proposals which the Government of India accepts—*e.g.*, that it shall be open to the Indian legislature to protect its own Acts from provincial amendment, in whole or in part, by requiring that provincial amending Bills shall be submitted for previous sanction, and that Bills shall be introduced in the Indian legislature limiting the references to the Governor-General in Council required under existing statutes.

With regard to the control of supplies, it was contemplated by the Functions Committee, as is indicated by the terms used—"articles in respect of which control by a central authority is declared *by or under* "Indian legislation essential in the public interest"—that a Bill would be passed in the Indian legislature conferring certain powers on the Governor-General in Council with regard to the control of supplies, and enabling the Governor-General to apply the provisions of the law, by notification, to various commodities from time to time as occasion might require: this seems to be a proper matter for legislation, as it is not merely a question of the division of authority between the central government and the provinces, but of the definition and regulation of the authority to be exercised by the central government in an important matter closely affecting commercial and industrial interests.

Similarly the control of inland waterways by the Government of India must inevitably be the subject of legislation by the Indian legislature, so that the constitution and powers of whatever administrative body may be established for the purpose of exercising such control may be properly defined.

On the other hand, the selection of Major Ports, with regard to which there may be some serious conflicts of opinion between different provinces, and between the central and provincial governments, is perhaps a question which can better be dealt with in the first instance by the Secretary of State rather than by the Indian legislature.

Powers of the Governor and Governor in Council in relation to Transferred Subjects.

16. *Para.* 87.—The Committee contemplated that a power of retransfer would be vested in the Secretary of State, and one of their objects in providing for temporary administration of a transferred subject in an emergency was to prevent the Secretary of State being forced into sudden action, and to secure a reasonable interval for discussion and adjustment of questions in dispute before the extreme step of retransfer was taken.

From the constitutional point of view, the Governor in Council, as the other branch of the local government, seems the proper alternative authority where, owing to a Ministerial vacancy, a transferred subject can for the time being no longer be administered by the Governor and Minister, and from the practical point of view it seems desirable that the Governor should have the assistance of his Council in the temporary administration of a transferred subject at a time of crisis, and that, as the members of Council will become responsible with him for administration of the subject should the crisis end in retransfer, they should also share with him the responsibility for any interim action.

17. *Para.* 88.—This paragraph, which has to be read in conjunction with paras. 103—105 of the first Despatch, deals with the procedure to be followed—

(1) in cases of doubtful jurisdiction as between reserved and transferred departments, and

(2) in mixed cases, *i.e.*, cases which affect both a reserved and a transferred department.

It is necessary to keep in mind the distinction between these two classes of cases, which overlap but are not coterminous.

The Committee's proposal is that in "mixed cases," where there is disagreement between the Executive Council and Ministers which joint deliberation has failed to remove, the Governor shall decide the matter. The Government of India prefer that the decision shall nominally be left to the section of the Government which has jurisdiction to take the particular action required, subject to the overruling power of the Governor. Possibly there may not be very much difference between these two proposals in their net result, and it will be easier to judge of the procedure proposed by the Government of India when the draft rules to which they refer are received. It seems clear, however, that in cases where the interests of both reserved and transferred departments are substantially affected—and it is not contemplated that a case would be treated as a "mixed case" unless departments of both categories could claim serious interest in the matter—the real decision must, in case of disagreement, rest with the Governor, who alone is a member of both sections of the Government, and has the responsibility of securing that the two sections work together, and it is desirable that the form of procedure adopted should correspond with the facts of the situation.

18. *Para.* 89.—The Government of India propose certain alterations in the suggestions for the Governor's Instructions contained in para. 67 of the Committee's Report.

The phrase "peace and tranquillity," in the first suggested clause, was taken from the Joint Report (para. 252), but it is clear that "safety and tranquility," which is the phrase used in the Government of India Act, is preferable, and there can be no objection to the suggested amplification of the clause.

As regards the clauses referring to Education—

(1) The Government of India propose that the instruction should be extended so as to ensure that the Muhammadan community get their fair share of all increased facilities; the wording proposed is that "in all extensions of educational facilities adequate provision is made for the special needs of the "Muslim and any other minority community." The instruction suggested by the Committee was framed because of the fear expressed by some Muhammadan witnesses that the facilities given them by existing local governments would be withdrawn if Education were transferred, and similar protection was not demanded by any other minority community. The instruction as drafted by the Committee raises a clear issue, and one that can be decided by an appeal to facts; it seems undesirable to alter its scope in the way proposed by the Government of India, because the question of what is "adequate provision "for the special needs of the Muslim community" in the case of extension of educational facilities is one that can be hotly contested from different points of view, and the Governor would find himself in a very difficult position if he were bound by a published instruction on which such very different constructions could be placed.

Clause (2) was drafted to meet views expressed on behalf of missionary bodies, whose representatives were anxious at least to secure that the assistance, monetary and other, in reliance upon which they had built up their educational institutions, should not be withdrawn or diminished without an opportunity being given for full consideration of their case. They referred especially to the Despatch of 1854, which is the basis of the Grant-in-Aid system. In para. 89 of their Despatch the Government of India "prefer to lay down that "no changes such as those referred to in the clause shall be adopted 'which are inconsistent with educational "interests'"; but in their draft instructions they do not carry this out. The draft runs that the Governor is to secure "that the interests of existing educational institutions maintained or controlled by religious bodies "are duly protected in the event of any changes of educationalpolicy affecting them adversely." The proposal in the body of the Despatch would only protect these institutions from the effects of changes which are inconsistent with educational interests, and it is clearly not wide enough to give the protection which they legitimately desire. The draft instruction, on the other hand, seems too wide; it is difficult to see what "due "protection" is to be given when once the change of policy adverse to the interests concerned has been adopted, nor is it right that the interests of particular institutions should stand in the way of the development of a policy which is considered to be in the true interests of education as a whole.

In sub clause (3), the Government of India propose to extend the protection given to backward classes in educational matters in Madras to the backward classes in all provinces, and to widen its scope to include their "advancement and social protection." Madras stands by itself in this matter, and the Committee were reluctant, by extending the provision, to give currency to the view that Indians as a whole are not alive to the interests of the backward classes.

Para. 90.—The Committee limited themselves to making certain suggestions for the Govenor's instructions on matters directly arising under their reference; they did not attempt to draft a complete instrument, as this would have involved going beyond the task assigned to them.

The Public Services.

19. *Para.* 121.—The proposal of the Government of India in regard to which the Committee felt difficulty was that every new permanent post created in the provinces must be added to the cadre of the service to which its duties most closely correspond. The object of this proposal was to protect the All-India services against the creation of appointments similar in purpose to those ordinarily filled by those services, but kept technically outside the cadres. Difficulties must arise under this proposal in all services where there are All-India as well as provincial cadres; *e.g.*, in the Educational Service, to which cadre do the duties of a headmaster of a Zilla school correspond? Some of these appointments are actually held by members of the All-India service and some by members of the provincial service. The Committee proposed to attain the desired end by adopting another suggestion made by the Government of India, that their sanction should be required to all new provincial appointments on a salary of Rs. 1,000 or over; these are the only appointments that are likely to affect seriously the interests of the All-India services. The Government of India are in charge of "All-India services," and they have the right to intervene to protect the interests of this All-India subject; the submission of such new appointments for their sanction will afford them an opportunity of exercising this right when they consider that the interests of an All-India service are endangered.

20. *Para.* 123.—The Government of India agree that the posting of Indian Medical Service officers should require the Governor's concurrence, but apparently they do not see any necessity for special provision for these officers, because they expect the Governor to interest himself personally in the posting of all officers of the All-India services. The distinction drawn by the Committee does not appear to have been appreciated. By requing the Governor's "personal concurrence" the Committee intended that the Governor should take the responsibilty of the posting, and satisfy himself that it was right; in the case of other services it would be the duty of the Governor to intervene if a posting was obviously unsuitable or involved an injustice, but otherwise he would normally act on the advice of the Minister. In the case of the Indian Medical Service a posting may involve a continuing loss of emoluments as long as an officer is posted to a particular station, and it may be impossible to remedy the injury done to an officer's prospect by any subsequent alteration of the orders. This is not ordinarily the case with other services, and sufficient protection is proposed to be given to them (*a*) by imposing on the Governor responsibility for the protection of all members of the public services in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and priveleges, and (*b*) by the individual officer's right of memorialising, and the provision that orders on such memorials require the Governor's personal concurrence, and further provisions as to joint deliberation and right of appeal.

21. *Para.* 124.—The Government of India object to the provision for joint deliberations by both halves of the Government before any order adversely affecting emoluments or pensions, conveying formal censure, of disposing of a memorial is passed to the disadvantage of any officer of an All-India service, whether serving

in a transferred or reserved department. The grounds they put forward are (1) that this provision obscures the respective responsibility of each half of the Government; (2) that in the case of transferred subjects the plan proposed comes near to formal intervention by the Governor in Council; (3) that in the case of reserved subjects there can be no reason for bringing in the Ministers, except as a purely reciprocal arrangement. The first two objections appear to overlook the fact that in joint deliberation there is no voting, and the order issued is the order of the Governor and Minister, or the Governor in Council as the case may be; there is no obscuring of the responsibility, and no intervention by the Governor in Council in a transferred subject. The only effect of the provision is to deprive the Governor of his discretion as to whether he shall summon both sides of his Government for joint deliberation in a particular matter or not. The object which the Committee had in view was to ensure that in all cases the officer concerned shall have the certainty that the facts come before those members of the Government who have been through the mill themselves, and know the difficulties of administration, and are probably better judges of the circumstances; they will place their view of the circumstances on record, and it will be available for the appellate authorities. The Committee have reason to believe that this is a point to which the services attach very great importance. Without this precaution, it would be possible for an officer to be condemned by a Governor new to the country, and a Minister who had no experience of administration; it is true that there would be an appeal, but it would go to men possibly ignorant of the circumstances of the Province, and would, in any case, be weighted by the unanimous adverse verdict of the provincial authorities.

The third objection taken by the Government of India is to the Ministers being brought in when the case arises in a reserved department. But apart from the question of reciprocity, to which some members of the Committee attached considerable importance, there will be cases in which, though an officer's conduct in a reserved department is in question, his conduct in respect of a transferred department may be relevant in explanation or mitigation. There is, further, the important question of unity of policy; it is essential that officers, whether serving in transferred or reserved departments, should be dealt with on uniform principles, and it will be more difficult to obtain this if the Ministers are rigorously excluded from the knowledge of how these questions are dealt with on the reserved side of Government.

The proposal of the Government of India regarding officers serving under both a reserved and a transferred department is that the control for posting, discipline, etc., should vest in one side of the Government only, and that the other side of the Government, if dissatisfied with work done for its department, should represent matters to the Governor, and that for the purpose of deciding which half of the Government should have control, the criterion should be the head under which the officer's salary is provided. The Committee found that for budget purposes an officer's salary is often divided; *e.g.*, the Collector's salary is debited partly to Law and Justice and partly to Land Revenue administration, and the criterion provided might, therefore, prove inapplicable. In any case, it seems necessary to recognise that where both a reserved and a transferred department are availing themselves of the services of the same officer, questions relating to that officer may affect the interests of both departments, and may therefore have to be dealt with in accordance with the procedure provided for mixed cases.

As regards recruitment for the transferred provincial services, the Committee only recommended that alterations in the rules affecting transferred services should be dealt with as mixed cases. The Government of India practically admit that this is necessary, and they only differ from the Committee as to the proper method of dealing with mixed cases, a question which is discussed in paragraph 17 of this memorandum.

Finance.

22. *Para.* 125.—The Committee wished to give the Governor a discretion as to whether the Finance Department's report should be laid before the Legislature or not, because, while it would clearly be undesirable that the Finance Department should feel itself hampered in its freedom to criticise proposals coming from a transferred department, a very difficult situation might be created in the Legislative Council as between the two sections of the Government, in cases where such criticisms had been disregarded, if the Council had the right to insist on production of the Finance Department's report so as to render its criticisms available for purposes of debate.

The last point, to which the Government of India state that they do not attach much importance, is as to the power of the Governor to override the Finance Department, under section 50 of the Act, if the Department refuses to concur in a transfer of funds, or in unbudgeted expenditure being incurred. The point that the Committee wished to secure was that the Finance Department could not hold up expenditure in a transferred department in opposition to the views of the Governor when the Legislature did not happen to be sitting. The Government of India do not, apparently, contemplate that the Finance Department should have such power, but wish to ensure that where the transfer has been made, or the expenditure incurred, without the concurrence of the Finance Department, the subsequent approval of the Legislature shall be necessary.

PART II.

List of Subjects.

23.—The Government of India accept the main lines of division as laid down in the lists of All-India and Provincial subjects proposed by the Committee, but put forward a number of detailed criticisms and suggestions for additions and alterations. Had time allowed, the Committee would probably have adopted the course of submitting draft lists for Government criticism; and the Committee anticipated, as appears from paragraph 13 of the Report, that their lists would require some amendment in the light of such criticism when received (*vide* para. 13 of Report). We do not, therefore, wish to appear to claim rigid adherence in detail to the classification as proposed by the Committee, but it is, nevertheless, necessary to examine closely the changes suggested by the Government of India, both with respect to the specific points raised, and for the purpose of seeing how far they are consistent with the Committee's general scheme of division.

Some of the amendments proposed to the lists are drafting amendments only. It is proposed to confine this memorandum in the main to questions of substance, and only to refer briefly to drafting amendments. As to these drafting amendments, one general observation suggests itself—there is a tendency to propose amendments which would have the effect of substituting catalogues of a number of separate items for the general headings contained in the Committee's lists. As a matter of form it seems preferable to use general

headings in the lists themselves, and to leave the catalogues of items to be supplied by way of commentary and interpretation. There is always a danger that, where a definition by catalogue is attempted, it will not be complete, and that room may therefore be left for the inference that items not specifically mentioned were intentionally omitted. As conceived by the Committee, the object of the lists is to make a division on general lines with reference primarily to subjects dealt with rather than to specific acts of administration.

In dealing with the lists we propose to take the items as they appear in Mr. Dawson's summary, which shows the lists as proposed by the Committee with the various additions and alterations recommended by the Government of India introduced in their appropriate places.

All-India Subjects.

24. (*Items* 1 *and* 1A *of List*) *Para.* 28 *of Despatch.*—The amendments proposed are drafting amendments. It may be better to introduce the general heading "Defence," and to make the first item read—"Defence of India and all matters connected with His Majesty's Naval, Military, and Air Forces in India, etc." It is not clear what forces are intended to be covered by the term "Armed Forces" which would not fall under the other terms of the definition. The reason for specifically including "Naval and Military Works" in the list was in order to negative the possibility of their inclusion in "Public Works" (Item 5 of Provincial List). 1A is open to objection as an attempted catalogue obviously incomplete, as is shown by use of the term "Etcetera."

(3A) *Para.* 41.—"Political Charges" appears to be an item which deserves separate mention, but, unless usage has attached some special meaning to this term, it is open to objection on the ground of obscurity.

(4A) *Para.* 43.—There can be no objection to the special mention of the Andaman and Nicobar Islands.

(5A) *Excluded Areas.—Paras.* 29 *and* 84.—On this matter the further proposals of the Government of India must be awaited.

(6 (*a*)) *Para.* 30.—The Government of India agree that light and feeder railways within the Province should be made a Provincial subject in some form, though railways in general are essentially an All-India subject. The Committee proposed to give the Provinces the "larger voice," admittedly desirable, through their legislatures, while safeguarding the ultimate decision of the Government of India, and the position of the Railway Board as guardian of the general railway policy and the interests of existing railway systems. The Government of India object to the proposed adoption of procedure similar to the private Bill procedure in the British Parliament on the ground that legislation is ordinarily unnecessary, and that such procedure would be dilatory and expensive. Their solution is to provincialise the heading "Light and Feeder Railways," but to reserve it, and make it subject to such general principles as the Governor-General in Council may prescribe. Until these general principles have been formulated, it is impossible to say how far the proposal is an advance upon the present actual practice, which, besides being even more open to the charge of dilatoriness than the Committee's plan, is objected to, in Madras, for instance, very strongly, on the ground that provincial interests and private enterprise are stifled by the dead weight of the existing railway interests represented by the Board. The Government of India do contemplate some provincial legislation on the subject, and would adopt the Committee's proposal that such legislation should be subject to the safeguards of standing orders of the Council, so as to give an opportunity to the Railway Board to inform the Local Government of its views, but the difference between this and the Committee's proposal appears to be that the Government of India contemplate that the Provincial legislature should have no real freedom of initiative, and that its functions should be confined to accepting or rejecting proposals already approved by the Government of India, and that the Railway Board should deal with the local Government, and should not place their case before the Provincial legislature. As regards the first point, the Government of India's proposal seems to conflict, even more than the proposal they criticise, with their unwillingness "to give an unreal appearance of discretion to the Provincial Councils," while as regards the second point, there does not appear to be any reason why the Railway Board should not be prepared to place their case before the Legislative Council for their information and guidance. The Committee fully realised that the final decision must rest with the Government of India (who by the device of compulsory reservation would have an opportunity of securing amendment to the scheme), and assumed that, if there were good reasons for doing so, the veto would be used without hesitation. But they contemplated that these reasons would be published, and publicity was the main object they aimed at. The remark in para. 5 of the Railway Board's note that "the scheme proposed by the Functions Committee would necessitate "the same amount of enquiry and would not in any way secure additional regard to local demands" cannot be accepted as expressing a correct view. The advantage of an enquiry by a Select Committee of the Legislative Council is that it gives an opportunity for all interests concerned to be fully heard, and enables the merits of any scheme to be thoroughly investigated in the light of local conditions; it is obvious that this is a procedure which ensures more attention to "local demands" than an enquiry conducted by correspondence. The essential point of the Committee's proposal is this provision for a full local enquiry; the Government of India have not suggested any alternative plan by which such an enquiry could be secured. It is to be noted that, in the form of their proposed entry in the provincial list, the Government of India go further in the direction of provincialisation than the Committee by making all light and feeder railways and tramways a provincial subject; this method of dealing with the point involves the difficult question of definition of what is meant by "light and feeder railways." Are there not railways which might fairly be taken to fall under this description, but which it is, nevertheless, desirable to deal with as part of the general railway system through the Railway Board instead of through provincial authorities?

(6 (*b*) and 6 (*c*)) *Paras.* 31 *and* 32.—There can be no objection to making these more comprehensive.

(6 (*d*)) *Para.* 33.—*See* para. 15 of Memorandum.

(8) *Para.* 34.—Drafting amendment only.

(10) *Para.* 33.—*See* para. 15 of Memorandum.

(11) *Para.* 35.—Drafting amendment only.

(12) *Para.* 35.—The substitution of the term "taxes on income" for "income tax" may raise difficulties owing to the fact that certain municipal taxes take the form of a tax on income; it may be better to mention specifically the Excess Profits Tax or any other tax similar to income tax which is a source of Indian revenue.

(19A and 20) *Para.* 36.—The Government of India, in this paragraph, have taken too narrow a view of the Committee's intentions. The Committee intended this entry with regard to the "control of production, "supply and distribution of articles in respect of which control by a central authority is declared essential in the public interest," to cover the control of food supply and fodder in times of scarcity, and also, in the industrial field, to enable the Government of India to control certain materials essential to manufacturing industry, *e.g.*, manganese, wolfram, monazite sand, so that the limited supply available might be distributed to the best advantage. The introduction of a separate heading with reference to food supply, &c., in times of scarcity is a question of drafting. With reference to 20, *see also* para. 15 of Memorandum.

(20A.) *Para.* 45.—The Government of India propose that Stores, Stationery, and Government Printing should be added to the All-India list after item 20. The Committee considered the question of stores, but came to the conclusion that stores could not properly be made either an All-India or a Provincial subject. It is not a subject in itself, but a matter that is incidental to the administration of every department. To make "Stores and Stationery" an All India subject would be an extreme step in the direction of centralisation, because it would mean that a provincial Government would have no authority of its own to obtain even a lead pencil or a sheet of note-paper, and whatever liberty it possessed with regard to the obtaining of stores for meeting its own requirements would have to depend upon the delegation of power to it as the agent of the Government of India. This would obviously be an absurd position, and no doubt is not the position which the Government of India contemplate.

The question of the Government purchase of stores is dealt with in the Report of the Industrial Commission. In the Statement which Sir Thomas Holland, who was President of that Commission and of the Indian Munitions Board, supplied to the Committee, the following paragraphs occur :—

> "A possible source of dispute may arise in the purchase of stores, for local officials will naturally wish to suit their own tastes, and, because of the small size of their purchases, will not realise the degree of economy that may be effected by amalgamating all provincial requirements. By the central purchasing of textiles alone in 1918 the Munitions Board obtained prices which, compared with the average market rates for the year, showed a saving of over Rs. 5 crores. But the delays and want of elasticity due to central purchasing create certain disadvantages, and it would be wise to centralise purchases only in certain standardised lines, or in materials for which the Local Governments cannot provide efficient inspection. In the purchase of stores we want voluntary co operation rather than control, and this will come without effort, for the provincial directors of industries will not face the responsibility of buying articles with which they are not familiar."
>
> "The existing stores rules how permit and even enjoin the purchase in India of anything made or even put together here from imported materials. In actual practice officers almost invariably resort to indenting on the India Office, because the individual officer knows the resources of Indian factories and workshops, and has no means for inspecting his purchases. The Government of India have no stores department to intercept these indents, and the result is a maintenance of the old system of buying at home to the disadvantage of local industries. We want a stores department that is something better than a mere post office; there is no necessity to insist on local governments sending their indents to this department; they will always do so, if only to evade responsibility for price and quality."

Though the Committee did not formulate their views on this question, we think we may state that their intention was to leave it open to the Government of India to establish a central stores agency to be made use of by the provinces in so far as they desired. If such an agency was successfully conducted, it would establish the advantages of central buying, and no province could afford to ignore the opportunities offered. It was understood from Sir Thomas Holland's statement that the establishment of a central agency on a voluntary basis would be in accordance with his views. In special cases, it would, of course, be open to the Government of India to control, under the powers referred to in Item 20, special classes of stores required for Government purposes, and to insist upon Local Governments obtaining their requirements through the central agency.

With regard to Government printing, it seems unnecessary to mention this as a separate subject in the All-India list, as it is a matter incidental to the work of the different departments of Government, in the same way as the purchase of stores. "Government Press" was entered as an item in the Provincial list owing to the necessity of considering whether the control of Government Presses should be "reserved" or "transferred," but it should be understood that this entry was only intended to cover provincial Government presses, and, in order to make this clear, it may be as well to insert "provincial" in the description of the item.

(22A.) *Paras.* 66, 116–118, *Industries.*—The Government of India say that they cannot accept the position which they think is created by the entry of the subject "Development of Industries" in the provincial list alone. In paras. 117 and 118 the Government of India indicate the powers which they think it essential that the Government of India should exercise in relation to the development of industries. Firstly, they claim a responsibility for the industrial progress of the country, which they propose to discharge by furnishing advice and help to Local Governments, by co-ordinating their efforts and by working concurrently with them, rather than by direct control. Secondly, they propose to give assistance to large enterprises by loans, guarantees or undertakings to purchase products. Thirdly, they wish to be able to undertake experiments, often on a commercial scale, to close up dangerous gaps in the economic armour and to forge essential links in the industrial chain. Lastly, they intend to maintain a central agency equipped with a full scientific and industrial staff to help and advise Local Governments to co-ordinate their efforts and to pool their experience.

The intention of the Committee was to entrust the provinces with sufficient power to secure development of their own industries, while giving the Government of India full scope in matters which could not be dealt with by individual provinces, and in their proposals they were largely guided by the report of the Indian Industrial Commission and a note forwarded to them by Sir Thomas Holland, whose views are expressed in his formula. "*For executive functions* decentralise to the fullest extent; prompt action on the spot guided "by an intimate knowledge of local conditions must ordinarily be better than deferred action no matter how "perfect be the advice on which it is based. *For advisory functions* centralisation in a country like this, "which is practically devoid of technologists, is more than usually important." Munition factories are, of course, an All-India subject under heading 1, but the Committee did not intend to shut out the Government of India from such other activities concerning the development of industries as are mentioned in the Despatch.

Under heading 30 of the Government of India list the Committee provided for industrial research, and they considered that this heading was wide enough to cover experiments on a commercial scale and the maintenance of scientific industrial services, and, under heading 20, they provided for the power of the Government of India to take control not only of the supply and distribution, but also of the production of articles in respect of which control by a central authority is declared essential in the public interest, and this would cover pioneer factories for any articles which are the subject of such declaration. The question of finance in this connection was not dealt with by the Committee, but there is nothing in their proposals to prevent the Govenment of India giving financial assistance to large enterprises, if they have the money to do so, though the "undertakings to purchase products" might be limited by the freedom which the Committee propose the Local Governments should have in the matter of purchasing stores. The Committee agreed with the Government of India that advice and help should take the place of direct control; but it was proposed that the Government of India should rely on the excellence of their staff to ensure that the Local Governments would welcome their advice and help, rather than on definite powers of supervision. To quote Sir Thomas Holland again :—"So long as the Government of India attracts efficient and distinguished "officers, administrative interference with the Provinces will not be necessary, and complaints about central "control will never arise. So long as the Government of India maintains a staff of technical specialists, "Local Governments will always come to them for advice, for the Local Governments will always be nervous "about embarking on costly enterprises merely on the advice of their own officers; they have too many "other outlets for their limited funds. The risk of their acting against, or without, advice is negligible, and "this risk is small beside the evil effect of irritating control."

If it is considered that these intentions of the Committee are not carried out, head 20 or head 30 could be expanded. But the objection to the course proposed by the Government of India is that the addition of the heading "Development of Industries" to the All-India list, even coupled with the proposed safeguard as to the powers of the Local Governments to take up "the development of any industry," would enable the Government of India to exercise wide powers of interference, and might be held to justify them, in the interests of this All-India subject, in claiming to direct the policy, or even the programme, of industrial development in a Province.

(26A) *Para.* 47.—The Government of India propose to include "pilgrimages beyond India" as a separate All-India subject. This is a matter which would appear to fall partly under the head of External Relations (Item 2), partly under Emigration and Immigration (Item 26), and partly under Shipping (Item 7). It seems doubtful whether a separate heading is necessary.

(27A) *Para.* 42.—Special mention of "State Prisoners" appears necessary in order to prevent these prisoners from falling under the general heading of "Prisons" in the Provincial list. Perhaps the matter can most conveniently be dealt with by way of an express exception from the Provincial list.

(28) *Para.* 37.—The Government of India propose that "Railway Police" should be an All-India subject only so far as jurisdiction and cost are concerned; but it does not seem possible to make Railway Police a provincial subject, and leave it to the Government of India to decide questions of jurisdiction and cost, which would apparently also include questions as to the strength of the force to be maintained by each Province. If these matters are left for the Government of India, the real control of Railway Police must be in their hands. The Committee contemplated that the Provinces would continue to act as agents of the Government of India with regard to the local control of Railway Police, and the retention of Railway Police as a central subject, coupled with a wide delegation of powers to the Provinces as agents in dealing with this matter, would appear to be the right method of treatment.

(30) *Para.* 38.—The Committee intended to include Medical Research.

(30A *and* 30B) *Paras.* 48 *and* 49.—Records and buildings are matters incidental to administration, and it seems doubtful whether it is necessary to enter them as separate headings.

(36) *Paras.* 22 *and* 40.—The note in the "Remarks" column against the item "Census and Statistics" was inserted in order to make it clear that the Government of India should have full power to obtain returns and information in such form as they might require, and that they were not to be limited in this matter by their requirements in connection with the census and statistics. Perhaps it may be convenient to make the necessary rule under clause 1 (2) (i) of the Bill as a condition of the devolution of authority to Local Governments in respect of provincial subjects.

(37A) *Para.* 52 (*see also para.* 57).—The Government of India wish to add as a separate item to the All-India List "Government Servants' Conduct Rules." In connection with this proposal, Item 43 of the provincial list should be referred to :—

> "Control, subject to Indian legislation, of members of All-India Services serving within the province and of other public services within the province."

One of the objects of the Committee in providing that this subject should be made "subject to Indian legislation" was to enable conduct rules to be made applicable to all public services. It should be noted that, as stated in the Rules of Interpretation at the head of the lists of All-India and Provincial subjects, "the use of the phrase 'subject to Indian legislation' is not intended to exclude the alternative of a "matter being dealt with by Imperial Legislation, *i.e.*, by an Act of Parliament of the United Kingdom or "by rules made under such an Act." Clause 24 (2) of the Bill enables conduct rules to be made applicable to all members of the public services.

(37B) *Para.* 51.—It seems undesirable to make the regulation of higher language examinations a separate heading. Whatever terms are necessary to cover the work conducted by the Government of India in respect of this matter could perhaps be included in heading 30.

(38A) *Para.* 44.—Section 60 of the Government of India Act confers on the Governor-General in Council power to alter the boundaries of provinces. It is obvious that this is not a power which could be exercised by any Provincial Government. It is doubtful whether it requires separate mention in the list, but it may be necessary to deal specially with the question of determining the laws which are to apply in respect to territory affected by alterations of provincial boundaries, in order to prevent the point being raised that the Indian legislature would be invading the provincial field of legislation by legislating on this subject.

(38B) *Regulation of Ceremonials, &c.* *Para.* 50.—This seems to be a proper item for inclusion in the All-India List.

Provincial Subjects.

25. (1) *Paras.* 55 *and* 109.—Local Self-Government. *See* para. 8 of Memorandum.

(2) *Para.* 56.—The Government of India propose to separate provision for medical education from medical administration, and to include medical education under item 42. This change is proposed in order to enable medical education to be made a reserved subject, while medical administration is transferred. The point raised can more suitably be dealt with in connection with the list of provincial subjects for transfer.

(3) *Para.* 17.—*See* para. 12 of Memorandum.

(3A) *Para.* 57.—The Government of India propose to make "Pilgrimages within India" a separate provincial subject. It seems likely that confusion may result from making this a separate heading Administrative questions affecting pilgrimages within India, in so far as they do not form part of the subject of "Inter-provincial migration" (All-India subject, 26), would appear to fall partly under Railways (an All-India subject) and partly under Sanitation (a provincial subject).

(4) *Para.* 58.—The Government of India suggest certain amendments in the description of education as a provincial subject. They propose that in addition to excluding the Benares Hindu University "such other new Universities as may be declared to be All-India by the Governor-General in Council" shall also be excluded from the provincial list. There seems to be no objection to leaving the door open in this way to the foundation of other All-India Universities. They further propose to exclude, in addition to Chief's Colleges, "institutions maintained by the Government of India." It was felt by the Committee that a general phrase of this kind was open to objection, as it would enable the Government of India to establish educational institutions of any kind wherever they thought fit. The Government of India further propose that, if effect is given to the Committee's recommendation as to the transfer of University and Secondary Education, the special provision affecting Bengal, by which legislation with regard to the Calcutta University and the control and organisation of secondary education are made subject to Indian legislation for a period of five years from the date when the Reforms Scheme comes into operation, should be extended to cover the period till the recommendations of the first statutory commission take effect. The Committee thought it desirable to fix a limited period for this exceptional arrangement with regard to Bengal, as they feared that otherwise the necessary legislation might be unduly delayed.

(5*d*) *Para.* 59.—*See* comments on proposals with regard to item 6 in All-India list.

(6) *Para.* 60. *Irrigation, Drainage, and Water Storage.*—The Committee thought it necessary to provide for Indian legislation on inter-provincial questions connected with these matters. The Government of India prefer to rely solely on administrative control, which may prove sufficient as long as the subject remains a reserved subject, but the way should be left open to the Indian legislature to make laws regulating on a uniform basis all water questions in which the interests of more than one province or territory are concerned. The form of the Committee's definition is perhaps open to objection on the ground that it appears to restrict the exercise of the Government of India's powers of control to matters in respect of which such control is expressly provided by Indian legislation. This objection may be met by omitting from the definition special reference to the control of the Governor-General in Council, and substituting "subject to Indian legislation with regard to matters of inter-provincial concern, or affecting the relations of a province with any other territory." The alternative definition proposed by the Government of India is open to objection not only on the ground that it omits all reference to Indian legislation, but also on the ground that it attempts to define in terms the nature of the control to be exercised by the Governor-General in Council independently of such legislation. As irrigation and cognate matters are to remain a reserved subject, no definition of such control is at present required, and to introduce a reference to "financial sanction" in this definition alone would be specially objectionable, as implying absence of any requirement as to financial sanction in respect of all other reserved subjects in relation to which such sanction is not specially mentioned.

(7) *Paras.* 20 *and* 61.—The proposal in these paragraphs that the general principles with regard to the administration of Land Revenue should be laid down by the Government of India, and that the Governor should be required to take such principles into account in dealing with proposals for legislation on the subject of Land Revenue, is consistent with the Committee's general conception as to the treatment of reserved subjects, and the control to be exercised over reserved subjects by the Government of India.

(7A) *Para.* 61.—The Government of India propose the addition of a new item—"Management of State Properties." It is not clear what kind of State properties are in view, but, presumably, the item is intended to refer to agricultural estates which are Government property. The term requires some definition: "State properties" might be taken as covering forests and land used for departmental purposes by transferred departments such as the Agricultural Department.

(9) *and* (10) *Para.* 62.—*See* para. 12 of Memorandum.

(12) *Para.* 109.—The Government of India consider that it is unnecessary to make the subject of Co-operative Societies subject to Indian legislation. (*See* para. 8 of Memorandum.) As it is proposed to protect the Indian Companies Act by including it in the schedule under 79 (3) (*h*), it is perhaps unnecessary to retain this provision with regard to Co-operative Societies.

(14) *Para.* 63.—The Committee's proposal was that "Land Acquisition" should be a provincial subject, "subject to Indian legislation" as regards the acquisition of land for public purposes. The Committee considered that, in the case of land required for industrial purposes, it should be open to the parties concerned to promote Bills in the provincial legislatures. The Government of India disapprove of the proposal as to procedure by private Bills, and appear to hold the view that the whole subject of land acquisition should be "subject to Indian legislation." They state, however, that, in the amendments they propose to introduce in the present law, they contemplate providing for bringing applications made on behalf of industrial enterprises "under the cognizance of the legislature." It is not clear what is the exact procedure which they contemplate, and it is difficult to judge of their proposals until fuller particulars are available. It appears that they wish to secure the same object as that which the Committee had in view, but we feel some doubt whether their plan will provide adequate facilities for the acquisition of land for industrial purposes, and will be sufficiently elastic to fit the conditions of the different provinces.

(16) *Para.* 64. *Administration of Justice.*—The intention of the Committee was to reserve the constitution and powers of High Courts, which are at present regulated by the Government of India Act and by Letters Patent, as an All-India subject, while leaving the provinces freedom to legislate with regard to other courts, subject to previous sanction as regards courts of criminal jurisdiction. The Government of India propose to put Chief Courts and Courts of Judicial Commissioner on the same footing as the High Courts in this respect (a course to which we see no serious objection), and also to make "organisation" as well as the constitution and powers of all these Courts an All-India subject. Organisation of the High Courts, as distinguished from their constitution, would appear to be a matter which should be dealt with by the province which is responsible for their maintenance, but it is probably best to avoid using these terms for the purpose of making a distinction betwen All-India and provincial powers. The simplest plan would be to make all matters affecting these Courts subject to Indian legislation, and it is suggested that the entry might take the following form :—

"Administration of justice, including the consititution, powers, maintenance and organisation of Courts of civil and criminal jurisdiction within the province, subject to Indian legislation as regards High Courts, Chief Courts, and Courts of Judicial Commissioner, and any Courts of criminal jurisdiction."

There is no intention to affect the provisions of the Government of India Act with regard to High Courts, including those provisions which bring the High Court of Calcutta into special relation with the Government of India ; the rules of classification, of which this list will form part, will necessarily be subject to the provisions of that Act, and there does not seem, therefore, to be any need for a special reference to the Act in this entry. To prevent misconception, the point can be covered by a general statement in the rules.

(19) *Para.* 65.—As Judicial Stamps are to be a source of provincial revenue, it seems, *prima facie*, that the provincial legislatures should have freedom to legislate on this subject ; the Committee, therefore, proposed that such powers should be conferred, and that the restriction "subject to Indian legislation" should only apply to Court fees levied in relation to procedure in the High Courts under their original jurisdiction, which the Courts themselves have power to regulate.

(24) *Para.* 66.—*See* paras. 24 and 26 (items 22A, All-India List, and 15, Transferred List).

(26) *Para.* 67.—"Adulteration of foodstuffs and other articles subject to Indian legislation as regards export trade." The latter portion of this entry is objected to on the ground that it is unnecessary to give provincial Governments any power of regulating either export from or import into India of adulterated articles, the customs legislation of the central Government being sufficient on this subject. It is apparent from this comment that the effect of the words objected to has been misconceived. The intention was to restrict the powers of the provinces, so that in dealing with adulteration of foodstuffs and other articles they should not be able to affect export trade unless their measures had been submitted for previous sanction. It may be that a reference to the import trade should have been included so as to make it clear that that was put on the same footing. The object of the entry was to enable the provinces to control adulteration in so far as it was an internal matter affecting the province, while subjecting their measures to supervision in so far as they affected external trade.

(28 *and* 29) *Para.* 33.—*See* para. 15 of Memorandum.

(30) *Para.* 37.—*See* comment on 28, All-India List.

(31D) *Para.* 71.—The Government of India propose that the import of poisons should be subject to Indian legislation. There can be no objection to making provision to this effect, though, apart from specific provision, the matter might be regarded as within the scope of Customs legislation.

(31*f*) The Government of India wish to make certification of films subject to Indian legislation. The existing powers of the Governor-General in Council under the Cinematograph Act will not be subject to alteration by provincial legislatures without previous sanction, but, as the provisions relating to certification of films may require to be supplemented or amended, it seems advisable to adopt the Government of India's suggestion in substance. As "certification" is an indefinite word, it may be better to substitute some phrase which conveys what is the effect of certification—*e.g.*, "subject to Indian legislation in regard to sanction of films for exhibition."

(32) *Para.* 72.—As it is proposed to give general control over printing presses, there can be no objection to the insertion of the word "books."

(36) *Para.* 73.—The addition of "prisoners" to the heading is a drafting amendment.

(37) *Para.* 74.—The Government of India suggest adding "and cattle trespass" to the subject of "pounds." Pounds provide a means of enforcing the law as to cattle trespass ; the addition of "cattle trespass" to this heading will make this item of criminal law a matter for provincial instead of Indian legislation. This may be a desirable arrangement, but the Committee were not satisfied as to the expediency of separating this subject from matters falling under the general criminal law. In any case the administration of the law with regard to cattle trespass will be a provincial matter (items 16 and 30, Provincial List).

(39) *Para.* 75.—There can be no objection to including the Imperial War Museum among the exceptions.

(39A) *Para.* 81.—The Government of India contemplate that some European cemeteries will come under the ecclesiastical administration, and, therefore, will form part of an All-India subject (31 of All-India List) ; this being so, it will be necessary to distinguish which are the cemeteries to be dealt with by the provincial government. It is possible that the matter might be left to be dealt with under item 47, or the subject may be so defined as to admit of cemeteries which are to be treated as "historical monuments" being scheduled in each province.

With regard to historical monuments and memorials, apart from special mention, these would, presumably, be included among "provincial buildings," and would be maintained and cared for by the Public Works Department of the Province, subject to the advice of the Archæological Department of the Government of India. The Government of India have in view a special class of historical monuments which may be described generally as "European" ; if these are to be dealt with separately, some such distinguishing term must be used.

(39B) *Para.* 81.—It is a question whether it is necessary to mention separately "Provincial Records," as these are matters incidental to administration. It may be suggested that the care of Provincial libraries of a general character should be regarded as part of the work of the Education Department, while libraries devoted to special subjects would be the care of the Departments concerned. It seems, therefore, open to doubt whether a separate heading is necessary.

(41) *Para.* 76.—In this comment there is again a misunderstanding as to the effect of the term "subject to Indian legislation." (*See* head note I., Lists of All-India and Provincial Subjects.)

(43) *Para.* 77.—The same comment applies to the remarks on the effect of the words "subject to Indian legislation." (*See* note on suggested item 37A, All-India List.) The effect of the Government of India's alternative draft for this heading would be that the Local Governments would have no control over members of the All-India services serving within the province, except in so far as such control may be delegated to them as agents of the Government of India.

The intention of the entry as proposed by the Committee is that the authority of the Local Governments over members of All-India services serving within their province should be definitely recognised, but should be exercised subject to laws made by the Indian legislature and to rules made under any Imperial Act.

(44) *Para.* 78.—This appears to be a drafting amendment only.

(45) *Para.* 79.—The same comment as that made above on item 41 applies.

(46) *Para.* 80.—The objection of the Government of India to this item is apparently an objection as to form rather than substance. As criminal law is made an All-India subject (27 of All-India List), it seems necessary that, in the provincial list, some item should be inserted so as to make it clear that it is open to the provincial legislatures to attach penalties to breaches of the laws passed by them on provincial subjects. Compare the similar entry in section 92 (15) of the British North America Act.

TRANSFERRED SUBJECTS.

26. Some of the points raised in connection with the Transferred List have already been dealt with; the questions that remain for consideration are those that relate to the separation of medical education from Medical Administration, with a view to the former being treated as a reserved subject; to the general subject of Education; and the subjects of Public Works and Development of Industries.

(2) *Paras.* 92 *and* 107.—The Government of India propose to separate "Provision for Medical Education," including both medical schools and colleges, from the subject of "Medical Administration," which includes hospitals, dispensaries and asylums, and to combine provision for Medical Education with Provincial Subject 42—"Regulation of medical and other professional qualifications and standards subject to Indian legislation," making the whole a reserved subject. The proposals of the Committee with regard to medical administration and education were made after hearing a great deal of evidence bearing on these questions, and were the result of very careful consideration. It appeared to the Committee to be impossible to separate medical education from medical administration. The first and most essential task of the Department charged with medical administration is to secure an adequate supply of doctors trained in western medicine for the purpose of carrying on the different institutions controlled by the provincial government. The efficiency of those institutions depends entirely on the adequacy of the staff to which the medical and surgical work is entrusted, and the most important medical institutions in a province are, therefore, the medical colleges and schools, which have the duty of training that staff, and those hospitals with which they are linked. Some of the smaller provinces have no medical colleges of their own, but all the provinces have medical schools in which the training necessary for the purpose of enabling students to qualify as assistant or sub-assistant surgeons is given. In some provinces there is a strong demand for much more generous provision of Government hospitals and dispensaries, but this demand cannot be met without a great corresponding increase of accommodation in medical colleges and schools.

It was represented to the Committee that, owing to the competition of the indigenous systems of medicine and the popular preference in many parts of the country for practitioners who followed these systems, it would be dangerous to transfer the subject of medical education, and that such a course might lead to futile attempts to combine the indigenous systems with the western system, which would not only be fatal to the professional status of Indian students trained in institutions where such a combination was recognised, but would also tend to bring into disrepute other Indian medical institutions, and to cast a doubt on all Indian medical qualifications. In order to safeguard the position as to the qualifications for the practice of medicine and surgery, the Committee decided to separate the regulation of professional qualifications and standards from the control of medical education, and to treat the former subject, which is dealt with under the Medical Registration Acts of the different provinces, as a reserved subject. Under this arrangement any attempt to introduce the teaching of indigenous systems of medicine into Government medical colleges or schools will be checked by the action of the registration authority, which can refuse to recognise qualifications obtained in colleges where any such combination is permitted. The same authority will also be in a position to prevent any lowering of existing standards, which might result from such shortening of the courses of medical training as is sometimes advocated. Apart from the objections in principle to divorcing from the general work of medical administration the control of the institutions upon which the province depends for the training of its medical staff, there is the further objection that these institutions are themselves staffed by members of the Medical Services, and the separation would, therefore, involve dual control of these services in each province, and the removal from the scope of the transferred department of appointments to the most coveted positions. The recommendations of the Committee on the subject of the Public Services include special provisions for safeguarding the interests of members of the Indian Medical Service.

(4) *Paras.* 93–108. *Education.*—The question of the transfer of the general subject of education will be dealt with in a separate note.

(5) *Public Works. Para.* 111.—The Government of India oppose the proposal that all provincial buildings should be transferred and would limit the transferred head to "buildings connected with transferred department," on the ground that otherwise the provision of funds for reserved buildings would be regulated by the Minister, as provision for expenditure on buildings is made in the Public Works Department

budget, which in case of transfer would be controlled by him. Mr. Stephenson has had experience in the framing of budgets in Bengal, and in so far as that Province is concerned the statement in the Despatch requires qualification. In Bengal the Public Works Department estimates to the Finance Department the amount required in the coming year (*a*) for establishment, (*b*) for repairs, (*c*) to complete works already commenced, for which partial provision has been made in the current year. The Finance Department then decides on the total provision for the Public Works Department, and fixes the grant for establishment and repairs; the cost of completing works already commenced is then deducted, and the remainder of the provision is called "unallotted expenditure." The distribution of this unallotted sum is then discussed by the Secretaries and all Heads of Departments; the allotment suggested by them is placed before the Finance Committee of the Legislative Council, and final orders are passed by the Executive Council after considering the recommendations. The Member in charge of the Public Works Department has no special control over the allotment, which in the first instance is made by the Finance Department after consultation with the other Secretaries and Heads of Departments. Where the Public Works Department does obtain some measure of control is by re-appropriation during the year if there are savings on one work, or if a work progresses so slowly that the estimated amount cannot be spent during the financial year; the Department then re-appropriates to some other work to prevent the grant from lapsing, but the new work must be on the sanctioned list, and the Finance Department should be consulted, though this is not always done.

But, under the Reforms scheme, both in Bengal and other Provinces the arrangements will probably be considerably altered. It is suggested that in future each department will budget for its own buildings, in consultation with the Public Works Department, and after the Budget has been passed will transfer the allotment to the Public Works Department, which will not be able to re-appropriate from it without the sanction of the department concerned. The only money over which the Public Works Department will have any control of its own will be the provision for establishment and probably for repairs. The Member or Minister in charge of the Public Works Department will have no power to regulate the provision of funds for erecting the buildings of other departments; the departments will provide the money for their own work, though, of course, they will have to frame the programme in consultation with the Public Works Department, which can alone judge of the amount of work it can undertake. The proposal of the Government of India that only buildings "connected with transferred departments" shall be transferred does not appear to be workable. They contemplate that the staff of the Public Works Department shall be transferred, but that part of their work shall not, so that, under their plan, if the Minister wished to be obstructive, he could always distribute his staff to the detriment of the reserved departments.

Para. 112.—The question of the transfer of "light and feeder railways and tramways other than tramways within municipal areas," must be considered in relation to the decision as to the definition of that subject as a provincial subject (*see* note on item 6 (*a*) All-India List). If the wider definition proposed by the Government of India were adopted, the question of transfer would be effected by considerations which do not arise with reference to the Committee's proposal.

(15) *Paras.* 118–120.—The Government of India dissent from the proposal that "Development of industries, including industrial research and technical education," should be a transferred subject on three main grounds; firstly, because the development of industries is not at present in the provinces an organised department with an established staff and lines of procedure, and it would be impossible for a Minister untrained in administrative work and inevitably devoid of industrial experience to do the initial work of constituting the department on sound lines; secondly, because it is impossible to obtain Indian industrialists practically qualified to fulfil the duties of Ministers of industries; thirdly, because they fear the influence of racial prejudice. In considering the first two grounds it is necessary to distinguish between the position of the Minister as a member of the Government responsible for the policy of the department and that of the Director or Controller of Industries as the head of the department charged with working out that policy in detail, and creating the necessary organisation for the purpose. If this distinction is fully recognised, the weight of the objection based on these two grounds is greatly diminished. In paras. 123-126 of their Report, the Indian Industrial Commission make proposals for the establishment of All India scientific services, and in paras. 333-334 they suggest an All-India industrial service. If these proposals are accepted, the advice of the technical experts maintained by the Government of India will be available to the Provinces, and the All-India industrial service can be indented on for the superior staff necessary to organise and run the department; it does not appear essential that the Minister should himself have had industrial experience, Doubtless it is easier to carry on an organised department, but it may be urged, on the other hand, that it is something of an advantage that if the responsibility for industrial development is to rest upon the representatives of the people, they should be untrammelled by traditions and procedure of which they may not approve, but of which they will find it difficult to get rid. If the Minister disregards the advice of the experts and the Governor does not consider it his duty to intervene, the responsibility for the evil consequences apprehended by the Government of India, if they occur, will rest on the Legislative Council, who have power to control the Minister, and to whom he is responsible for his acts and policy. As regards the third ground of objection, the Committee endeavoured to provide against possible racial discrimination in the field of industrial development by the proposal that the Instrument of Instructions should include a clause making the Governor personally responsible for preventing unfair discrimination in matters affecting commercial or industrial interests.

It would appear, however, from the Government of India's remark at the end of para. 118, "The "importance of this postulate (*i.e.*, the practice of co-operation between the local and central governments) will "be seen when we come to discuss the next question, namely, the Committee's proposal to transfer the "development of industries to the control of Ministers," that the real objection to the transfer of industries is that it limits the influence of the Government of India over the subject. This question has been discussed with reference to the proposal of the Government of India to add a heading "Development of Industries" to the All-India subjects, and it has been shown that the powers which the Government of India desire have been secured to them, and none of these powers involve such interference with the provincial department as would be inadmissible if the provincial department were transferred. In para. 324 of the Industrial Commission's Report, the following list is given of the subjects with which it is proposed that the Government of India Department of Industries should deal:—

(1) Geology and minerals.

(2) Salt

(3) Indian Explosives Act and the Indian Petroleum Act.

(4) Stationery and Printing.

(5) Inventions and designs.

(6) The collection and distribution of commercial and industrial intelligence.

(7) Supply of Stores.

(8) The Indian Factories Act.

(9) The general encouragement of industries, including the grant of assistance or concessions to industrialists in cases of more than provincial importance.

(10) Advice to local governments regarding the improvement of industries and the conduct of technical and industrial education.

(11) The administration of the various Acts relating to steam boilers.

(12) Electricity.

(13) Ordnance factories.

(14) Inspection of Ordnance manufactures.

(15) General direction and application of chemical research and the control of the proposed chemical service.

(16) Imperial factors for research and demonstration.

Most of these subjects are included under headings in the All-India List, and in so far as the proposed activities involve control over a provincial subject it will be found that such subject has been reserved, and that the legislative powers of the provinces have been restricted. The Committee were impressed by the strength of the desire that industrial development, on which the future of India so much depends, should be in the hands of the representatives of the people. Industries are admittedly a subject "in need "of development" (Joint Report para. 238), for which large sums of money will be required, and the Committee considered that there would be more prospect of the necessary funds being available if industrial development, in so far as it could properly be dealt with as a provincial subject, were placed as far as possible under the control of the Legislative Councils.

RICHARD FEETHAM.
H. L. STEPHENSON.

27th June, 1919.

Addendum to Memorandum on Government of India Despatch dated 16th April, 1919, commenting on the Report of the Committee on Division of Functions

EDUCATION.

Paragraphs 93–108 of Despatch.

1. The proposal of the Government of India is that primary education should be transferred, and that secondary, technical and university education should be reserved. They explain in para. 102 the sense in which they use the terms "primary" and "secondary":—

> "We use the words (primary and secondary) for the sake of brevity, in a compendious sense; the former including middle vernacular, and the latter middle English or Anglo-vernacular. But the distinction we draw is not between vernacular and English. It is between types of schools and the purposes of their work. By primary schools we mean schools which cater for the masses of the people, and in which the great bulk of the pupils are not intended to go further than a middle test of some sort. In such schools the teaching is naturally in the local vernacular. There is a tendency, more pronounced in some parts of India than in others, to add instruction in English, but this does not alter the self-contained character of the schools or their purpose, which is to prepare the pupils for the ordinary avocations of their own class of life and not for higher education or professional pursuits. By secondary schools, on the other hand, we mean those which aim at an English education as the passport to the university or to skilled clerical or technical employment. Schools of this type may include primary sections, in order that their course may be continuous; but this does not detract from their character or well-recognised purpose."

2. The Government of India consider that there is already in existence a clear line of demarcation between secondary and primary education, as above defined, and that no "serious administrative "complications" are inherent in the proposed division (para. 105).

The difficulty of supporting this position is apparent from the remarks which the Government of India make in the course of their discussion of the subject. The "clear line of demarcation" is stated to rest "on differences of finance and controlling agency" (para. 105); this refers to the existing arrangement whereby primary schools are in most provinces placed under the administrative control of local authorities, while the secondary schools are in direct relations with the provincial government and the university; but it is one thing to divide education for the purpose of entrusting a measure of administrative control to local authorities, and quite another to divide it for the purpose of allotting separate spheres to two Government authorities of equal standing. To-day the provincial government is itself the supreme authority, and is in a position to determine the character of the education to be given in primary schools, and to decide any question which arises as to the limits within which local authorities are to exercise their delegated powers. In order to appreciate the difficulties which are likely to arise when the educational field is divided between two Government education authorities, each supreme within its own sphere, it is only necessary to refer to the definition which the Government of India themselves give of what they mean by "primary schools"—"schools which cater for the masses of the people, and in which the great bulk of the pupils are not "intended to go further than a middle test of some sort." This may be a workable definition for the purpose of a provincial government which is itself controlling the whole field of education, but is obviously too indefinite to mark the boundary between two separate fields controlled by different authorities.

3. Apart from this weakness in the theoretical basis of the proposed division, the following practical considerations have to be taken into account :—

(1) Most secondary schools include primary sections. It is contemplated that this arrangement shall continue ; to the extent to which it does continue the Governor in Council, as the authority controlling secondary education, will be a permanent invader of the field allotted to the Governor and Minister controlling primary education.

(2) While a large proportion of the secondary school pupils under the present system receive their primary education in the primary section of secondary schools, there is, nevertheless, a steady stream of students from the primary to the secondary schools. Mr. Sharpe, Educational Commissioner with the Government of India, said : "The number of students who go from the private vernacular schools to the "secondary schools is remarkable." He added : "A boy of the cultivating class who does not want English "education will stick to the middle vernacular school, but if his father wants him to study English, the Local "Governments have provided bridges as well as scholarships so that the boys may be able to get English "educafion without any great difficulty. . . . Generally speaking, therefore, there are bridges at various "stages to enable boys to pass from one stage to another." The proposed division involves the control of the two ends of these bridges by different authorities." Mr. Ritchie, Director of Public Instruction, Punjab, said : "I think the majority of boys in this province are taught in vernacular schools and proceed to "Anglo-vernacular schools afterwards, and therefore you must co ordinate." Mr. De La Fosse, Director of Public Instruction, United Provinces, laid emphasis on the contact between the technical schools and the vernacular schools which supply a large number of their pupils, and said that it would be necessary to adapt the course in the vernacular schools to meet the needs of the technical schools.

It is apparent from these quotations that it is impossible to regard the system of vernacular primary schools as a self-contained unit which can be separately dealt with in isolation from the rest of the educational system. It may be added that most of the secondary schools are in the towns, and failure to provide for the passing on of pupils from vernacular schools to secondary schools would be bound to have a serious effect on the opportunities of higher education available to the country boy.

(3) Under existing arrangements local authorities do not control the schools for the training of teachers. It is recognised, however, that any division of education which allotted primary education to Ministers without enabling Ministers also to control the training of teachers for primary schools, would be meaningless and absurd ; but this involves—or should involve, unless the training of primary teachers is to be kept within very narrow limits—the establishment of higher educational institutions for their benefit, which would be controlled, not by the Governor in Council as the authority responsible for higher education, but by the Governor and Minister.

(4) A great deal turns on the question of the teaching of English. English is taught in the primary sections of secondary schools, but, generally speaking, is not taught in primary schools ; there is, however, a strong movement in some provinces for the introduction of English in vernacular primary schools (*see* para. 284 of the Seventh Quinquennial Review of the Progress of Education), and this movement has received support from those who regard a knowledge of English as essential to the education of the voter. The introduction of English into vernacular schools will involve important changes in the primary system, especially as regards staff requirements, and will almost inevitably bring the primary schools into much closer contact with secondary schools, and obscure the line of demarcation.

4. Enough has been said to show that the difficulties of drawing any clear line of demarcation between primary and secondary education are very real. These difficulties will serve as some indication of the "administrative complications" involved in the proposed division. The Government of India contemplate, apparently, a separate directorate and a separate inspecting organisation for primary schools (*see* para. 105). Under the existing arrangement, the Director of Public Instruction is respo sible for all the educational work of the provincial government, and the Inspectors and Deputy Inspectors deal both with English and vernacular schools ; the Sub-Inspectors, on the other hand, deal only with vernacular schools, but they are drawn from the same cadre as teachers in secondary schools. A very considerable change, therefore, would be involved in the creation of a completely separate organisation for primary schools, and it is difficult to see how such a change could be made without involving both a substantial increase in expenditure and a serious loss of efficiency. The extra officials necessary for the purpose of separate administration of primary education can, of course, be provided if sufficient money is forthcoming, and "administrative complications" may thus, in a sense, be removed, but it can hardly be contended that education will benefit by the resulting isolation of primary schools.

5. The Government of India remark on the "discriminating treatment" of the subject of education, and say that this treatment "shows that the Committee realised the great risks involved in transferring "higher education entirely to the control of Ministers at this critical stage in its history" (para. 93). The Committee listened to a great deal of evidence on the subject of education—it would probably be correct to say that the evidence on this single subject equalled in bulk the evidence on all the rest of the subjects put together. It was the one subject which almost every non-official witness selected as that to which he attached most importance. The vast majority of the non-official witnesses were strongly in favour of transfer of the whole subject of education ; the principal dissentients were representatives of the more conservative section of the Muhammadan community. Generally speaking, the non-official witnesses who urged the transfer of education were not prepared to recognise the necessity for limiting the transfer by reserving powers to the Government of India or to the Indian Legislature, and wished University legislation to be entrusted entirely to the Provincial Councils. Official opinion on the subject of education was much divided. Objections to transfer, similar to those quoted by the Government of India, based on the grave risks involved were urged at length before the Committee. On the other hand, some educational experts of high standing expressed opinion in favour of transfer of the subject as a whole. The Committee did not recommend transfer without full appreciation of the risks involved, but they came to the conclusion that in this case the course which apparently involves less risk at the outset will not in fact prove the safest.

6. There are three points in the Committee's recommendation on which stress should be laid :—

(1) In accordance with the advice of the Calcutta University Commission, the control of University legislation is reserved to the Government of India and the Indian legislature. This control is secured :—

(*a*) by making the foundation of new Universities subject to Indian legislation, and

(*b*) by requiring compulsory reservation in the case of Bills altering the constitution of existing Universities.

(2) The case of Bengal is specially dealt with so as to enable the Indian legislature to pass the legislation, both with regard to the Calcutta University and secondary education in Bengal, which is recommended by the Calcutta University Commission.

(3) Under the proposals with regard to the Public Service the position of the Indian Educational Service is safeguarded.

The existence of an All-India Educational Service, recruited and controlled by the Secretary of State, and in charge of the Government of India as an All-India subject, must have a steadying effect on the administration of education. It is from this service that the Minister's principal advisers will be drawn, and also an important portion of the academic body in each University, to which, if effect is given to the recommendations of the Commission, the control of the University's educational policy will be entrusted.

In the view of the Committee these are important limitations on transfer. The Committee throughout recognised that the question of the control of education was the most critical question to be dealt with under the second part of their reference (as to the division of subjects into reserved and transferred categories), and succeeded in arriving at their unanimous conclusion only after prolonged discussion.

7. In putting forward their case for the reservation of University and secondary education, the Government of India take little account of the political effect of reservation ; they dismiss as an "extreme "presentation of the case" the suggestion that political conditions generally may be seriously altered for the worse by a decision in favour of reserving higher education ; they ignore the difficulty in which an official government, dealing with secondary education as a reserved subject, is certain to find itself in attempting to resume control over secondary schools, which has for long been in great measure deliberately abandoned, but without which any Government will be powerless to effect reforms ; and no reference is made to the fundamental question of finance. How is an official government to get the money it wants for carrying out the essential reforms of University and secondary education, and financing the new institutions which are recognised as necessary for the purpose of development ? Unless it is able to command large additiona funds, its work will be hampered and its policy doomed to failure. Will Ministers support, and legislative councils vote, increased taxation for the purpose of financing reforms of higher education as long as the control remains in the hands of official governments ?

R. FEETHAM.
H. L. STEPHENSON.

16th July 1919.

LISTS OF CENTRAL AND PROVINCIAL SUBJECTS PROPOSED BY FUNCTIONS COMMITTEE, AS REVISED BY INDIA OFFICE REFORMS COMMITTEE, 31ST JULY, 1919.

Note.—In order to facilitate reference the numbering of subjects as in the Report of the Functions Committee has been retained, additional subjects being distinguished by a number followed by a capital letter, e.g., 20A.

CENTRAL SUBJECTS.

1. Defence of India, and all matters connected with His Majesty's Naval, Military, and Air Forces in India, including Royal Indian Marine, volunteers, cadets and armed forces other than military and armed police maintained by provincial Governments.

Naval and military works and cantonments.

2. External relations, including naturalisation and aliens, and pilgrimages beyond India.

3. Relations with Native States.

6. Communications—to the extent described under the following heads :—

(*a*) Railways and tramways, except tramways within municipal areas, and except in so far as provision may be made for construction and management of light and feeder railways and tramways other than tramways within municipal areas, by provincial legislation enacted in accordance with procedure to be prescribed by standing orders of the provincial Legislative Council.

(*b*) Such roads, bridges, ferries, tunnels, ropeways, causeways, and other means of communication as are declared by the Governor-General in Council to be of military importance.

(*c*) Aircraft and all matters connected therewith.

(*d*) Inland waterways, to an extent to be declared by rule or by or under Indian legislation.

7. Shipping and Navigation (including shipping and navigation on inland waterways in so far as declared to be under Indian control in accordance with 6 (*d*)).

8. Light-houses (including their approaches), beacons, lightships, and buoys.

9. Port quarantine and marine hospitals.

10. Ports declared to be major ports by rule or by or under Indian legislation.

11. Posts, telegraphs and telephones, including wireless installations.

12. Customs, cotton excise duties, income tax, salt, stamps (non-judicial), and other sources of All-India revenue.

13. Currency and coinage.

14. Public debt of India.

15. Savings banks.

16. Department of the Comptroller and Auditor-General.

17. Civil law, including laws regarding status, property, civil rights and liabilities, and civil procedure.

18. Commerce, including banking and insurance.

19. Trading companies and other associations.

20. Control of production, supply and distribution of any articles in respect of which control by a central authority is declared by rule or by or under Indian legislation essential in the public interest.

20A. Development of industries in cases where such development by a central authority is declared by order of the Governor-General in Council expedient in the public interest.

20B. Control of cultivation and manufacture of opium, and sale of opium for export.
21. Control of petroleum and explosives.
22. Geological survey.
23. Control of mineral development, in so far as such control is reserved to the Governor-General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.
24. Inventions and designs.
25. Copyright.
26. Emigration and immigration and inter provincial migration.
27. Criminal Law, including criminal procedure.
28. Central police organisation.
29. Control of possession and use of arms.
30. Central agencies and institutions for research (including observatories) and for professional or technical training or promotion of special studies.
31. Ecclesiastical administration.
32. Survey of India.
33. Archæology.
34. Zoological Survey.
35. Meteorology.
36. Census and Statistics.
37. All-India Services.
38. Legislation in regard to any provincial subject, in so far as such subject is stated in the Provincial List to be subject to Indian legislation, and any powers relating to such subject reserved by legislation to the Governor-General in Council.
38A. Territorial changes, other than intra provincial, and declaration of laws in connection therewith.
38B. Regulation of ceremonial, titles, orders, precedence and civil uniform.
38C. Immovable property acquired by, or maintained at, the cost of the Governor-General in Council.
39. All matters expressly excepted from inclusion in the Provincial List.
40. All other matters not included in the list of provincial subjects.

PROVINCIAL SUBJECTS.

1. Local self-government, that is to say matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for the purpose of local self-government, exclusive of matters arising under the Cantonments Act, and subject to Indian legislation (*a*) as regards powers of such authorities to borrow otherwise than from a provincial government, and (*b*) as regards the levying by such authorities of taxation not included in the schedule of provincial taxation framed under section 79 (3) (*a*) of the Act.
2. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.
3. Public health and sanitation and vital statistics, subject to Indian legislation in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.
4. Education (excluding—
(1) The Benares Hindu University, and such other new Universities as may be declared to be All-India by the Govenor-General in Council.
(2) Chiefs' Colleges and any institution maintained by the Govenor-General in Council for the benefit of members of His Majesty's Forces or other public servants or their children.)
subject to Indian legislation—
(*a*) controlling the establishment and regulating the constitutions and functions of new universities; and
(*b*) defining the jurisdiction of any university outside its own province;
and, in the case of Bengal, for a period of five years from the date when the reforms scheme comes into operation, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education.
5. Public works included under the following heads:—
(*a*) Construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the Province; and care of historical monuments, with the exception of monuments and burial places included in Schedule;
(*b*) Roads, bridges, ferries, tunnels, ropeways and causeways, other than such as are declared by the Governor-General in Council to be of military importance;
(*c*) Tramways within municipal areas; and
(*d*) Light and feeder railways, and tramways, other than tramways within municipal areas in so far as provision is made for their construction and management by provincial legislation in accordance with procedure to be prescribed by standing orders of the Provincial Legislative Council.
6. Water supplies, irrigation, and canals, drainage and embankments, water storage and water-power, subject to Indian legislation with regard to matters of inter-provincial concern or affecting the relations of a province with any other territory.
7. Land Revenue administration, as described under the following heads:—
(*a*) Assessment and collection of land revenue;
(*b*) Maintenance of land records, survey for revenue purposes, records of rights;
(*c*) Laws regarding land tenures, relations of landlords and tenants, collection of rent;
(*d*) Court of Wards, incumbered and attached estates;
(*e*) Land improvement and agricultural loans;
(*f*) Colonisation and disposal of Crown lands and alienation of land revenue;
(*g*) Management of Government estates.
8. Famine relief.
9. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases, subject to Indian legislation in respect to destructive insects and pests, and plant diseases, to such extent as may be declared by any Act of the Indian legislature.

10. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases, subject to Indian legislation in respect to animal diseases to such extent as may be declared by any Act of the Indian Legislature.

11. Fisheries.

12. Co-operative Societies.

13. Forests, including preservation of game therein, subject to Indian legislation as regards disforestation.

14. Land acquisition, subject to Indian legislation as regards acquisition of land for public purposes.

15. Excise, that is to say the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.

16. Administration of justice, including constitution, powers, maintenance and organisation of Courts of civil and criminal jurisdiction within the province, subject to Indian legislation as regards High Courts, Chief Courts, and Courts of Judicial Commissioners, and any Courts of criminal jurisdiction.

17. Provincial law reports.

18. Administrator-General and Official Trustee, subject to Indian legislation.

19. Judicial stamps, subject to Indian legislation as regards amount of court fees levied in relation to suits and proceedings in the High Courts under their Original Jurisdiction.

20. Registration of deeds and documents, subject to Indian legislation.

21. Registration of births, deaths and marriages, subject to Indian legislation for such classes as the Indian legislature may determine.

22. Religious and charitable endowments.

23. Development of mineral resources which are Government property, subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.

24. Development of industries, including industrial research and technical education.

25. Industrial matters included under the following heads:—

(*a*) Factories;
(*b*) Settlement of labour disputes;
(*c*) Electricity;
(*d*) Boilers;
(*e*) Gas;
(*f*) Smoke nuisances; and
(*g*) Welfare of labour, including provident funds, industrial insurance (general, health and accident) and housing;

subject as to (*a*), (*b*), (*c*) and (*d*) to Indian legislation.

26. Adulteration of food-stuffs and other articles, subject to Indian legislation as regards import and export trade.

27. Weights and measures, subject to Indian legislation as regards standards.

28. Ports, except such ports as may be declared by rule or by or under Indian legislation to be major ports.

29. Inland waterways, including shipping and navigation thereon so far as not declared to be under control of the Governor-General in Council, but subject as regards inland steam vessels to Indian legislation.

30. Police, including railway police, subject in the case of railway police to such conditions as regards limits of jurisdiction and railway contributions to cost of maintenance as the Governor-General in Council may determine.

31. Miscellaneous matters:—

(*a*) regulation of betting and gambling;
(*b*) prevention of cruelty to animals;
(*c*) protection of wild birds and animals;
(*d*) control of poisons, subject to Indian legislation;
(*e*) control of motor vehicles, subject to Indian legislation as regards licences valid throughout British India; and
(*f*) control of dramatic performances and cinematographs, subject to Indian legislation in regard to sanction of films for exhibition.

32. Control of newspapers, books and printing presses, subject to Indian legislation.

33. Coroners.

33A. Excluded Areas.

34. Criminal tribes, subject to Indian legislation.

35. European vagrancy, subject to Indian legislation.

36. Prisons, prisoners (except State prisoners) and reformatories, subject to Indian legislation.

37. Pounds and prevention of cattle trespass.

38. Treasure trove.

39. Museums (except the Indian Museum, Imperial War Museum and the Victoria Memorial, Calcutta) and zoological gardens.

40. Provincial Government Press.

41. Franchise and elections for Indian and provincial legislatures, subject to Indian legislation.

42. Regulation of medical and other professional qualifications and standards, subject to Indian legislation.

43. Control, as defined by rule, of members of All-India services serving within the province, and control, subject to Indian legislation, of other public services within the province.

44. Sources of provincial revenue not included under previous heads, whether (*a*) taxes included in the schedule of provincial taxation framed under section 79 (3) (*a*) of the Act or (*b*) taxes not included in such schedule imposed by or under provincial legislation which has received the previous sanction of the Governor General.

45. Borrowing of money on the sole credit of the province, subject to Indian legislation.

46. Imposition by legislation of punishments by fine, penalty or imprisonment, for enforcing any law of the province relating to any provincial subject, but subject to Indian legislation where that limitation otherwise applies to such subject.

47. Any matter which, though falling within an All-India subject, is declared by the Governor General in Council to be of a merely local or private nature within the province.

LIST OF PROVINCIAL SUBJECTS FOR TRANSFER PROPOSED BY FUNCTIONS COMMITTEE, AS REVISED BY INDIA OFFICE REFORMS COMMITTEE 31ST JULY 1919.

Serial No.	Number in Provincial List.	Subjects.	Provinces in which transferred.
1	1	Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonments Act, and subject to Indian legislation (*a*) as regards powers of such authorities to borrow otherwise than from a provincial Government, and (*b*) as regards the levying by such authorities of taxation not included in the schedule of provincial taxation passed under section 79 (3) (*a*) of the Act.	In all provinces.
2	2	Medical administration, including hospitals, dispensaries and asylums and provision for medical education.	In all provinces.
3	3	Public health and sanitation and vital statistics, subject to Indian legislation in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.	In all provinces.
4	4	Education, other than European and Anglo-Indian education (excluding— (1) The Benares Hindu University, and such other new universities as may be declared to be All-India by the Governor General in Council; (2) Chiefs' Colleges, and any institution maintained by the Governor-General in Council for the benefit of members of His Majesty's Forces or other public servants or their children) subject to Indian legislation— (*a*) controlling the establishment, and regulating the constitutions and functions of new universities; and (*b*) defining the jurisdiction of any university outside its own province; and, in the case of Bengal, for a period of five years from the date when the reforms scheme comes into operation, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education.	In all provinces.
5	5	Public Works included under the following heads:— (*a*) Construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the province on behalf of the departments of Government concerned, save in so far as the Governor may assign such work to the Departments using or requiring such buildings, and care of historical monuments, with the exception of monuments and burial places included in Schedule; (*b*) Road, bridges, ferries, tunnels, ropeways and causeways other than such as are declared by the Governor-General in Council to be of military importance; (*c*) Tramways within municipal areas; and (*d*) Light and feeder railways and tramways, other than tramways within municipal areas, in so far as provision is made for their construction and management by provincial legislation in accordance with procedure to be prescribed by standing orders of the provincial Legislative Council.	In all provinces except Assam.
6	9	Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases, subject to Indian legislation in respect to destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian legislature.	In all provinces.

LIST OF PROVINCIAL SUBJECTS FOR TRANSFER PROPOSED BY FUNCTIONS COMMITTEE, AS REVISED BY INDIA OFFICE REFORMS COMMITTEE 31ST JULY 1919—*continued.*

Serial No.	Number in Provincial List.	Subjects.	Provinces in which transferred.
7	10	Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases, subject to Indian legislation in respect to animal diseases to such extent as may be declared by any Act of the Indian legislature.	In all provinces.
8	11	Fisheries – – – – – – – – –	In all provinces, except Assam.
9	12	Co-operative Societies – – – – – –	In all provinces.
10	13	Forests, including preservation of game therein, subject to Indian legislation as regards disforestation.	In Bombay only.
11	15	Excise, that is to say, the control of production, manufacture, possession, transport, purchase, and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	In all provinces, except Assam.
12	20	Registration of deeds and documents subject to Indian legislation.	In all provinces.
13	21	Registration of births, deaths and marriages, subject to Indian legislation for such classes as the Indian legislature may determine.	In all provinces.
14	22	Religious and charitable endowments – – – –	In all provinces.
15	24	Development of industries, including industrial research and technical education.	In all provinces.
16	26	Adulteration of food-stuffs and other articles, subject to Indian legislation as regards import and export trade.	In all provinces.
17	27	Weights and measures, subject to Indian legislation as regards standards.	In all provinces.
18	39	Museums (except the Indian Museum, Imperial War Museum, and the Victoria Memorial, Calcutta) and Zoological Gardens.	In all provinces.

APPENDIX G.

MEMORANDUM addressed to the Committee by Sir *Claude Hill*, K.C.S.I., C.I.E., received on 8th August, 1919. (For Evidence, *see* Question 612.)

There are certain recommendations of the Government of India, to which I was not a consenting party, and which were decided upon after I had left India in April, in which I am unable to concur.

The more important of these are the following:—

(*a*) Their recommendation that the proportion for Mahommedan representation fixed in accordance with the Congress Moslem League agreement, and adopted by the Southborough Committee with the consent of the local Governments concerned, should be modified in the case of Bengal. The Government of India, rightly as I think, endorse the wisdom of the policy of adopting the general proportions agreed upon between the League and the Congress; and they claim that, in advising a slight departure from the percentage fixed in the case of Bengal, they must not be understood as desiring to throw aside the compact. It is this claim which I am unable to follow. It is quite true that, in arriving at the Lucknow agreement, the contracting parties failed to satisfy the whole of Mahommedan opinion in Bengal—especially Eastern Bengal. But the agreement then subscribed to by the Mahommedan representatives aimed at making good this deficiency in Bengal by securing a stronger representation of Mahommedan interests in other provinces than was otherwise permissible on a population basis. This, it is true, does not satisfy Muslim opinion in Eastern Bengal, nor does it meet the claims which they consider just. But, if we are going to make good the deficiency inherent in the contract in relation to one province, we ought to make a corresponding change in other provinces in reduction of Mahommedan representation. In other words, it seems to me that it is impossible for the Government of India to ignore the general settlement in relation to one province, without revising it throughout. It seems to me impossible, then, to contend that we are adhering to the

principles of an agreed policy, admittedly based upon compromise in relation to the whole of India, if we ask for a modification of that policy in any given part of India. The pact may be right or wrong; but it has at least the merit claimed for it by the Southborough Franchise Committee; and we must either accept it *in toto* or discard it *in toto*. I prefer—as the Government of India evidently also prefer—to abide by it; but if so it must be accepted as it stands.

(*b*) In respect of Education, the Government of India advise, differing from the Subjects Committee's conclusions, that education be a divided subject, higher, technical, and University education being reserved, while primary education is transferred. I am unable to agree in this conclusion. I was in charge of the education portfolio for three years in Bombay, and officiated as Member-in-Charge of the department of education in the Government of India for three months in 1915. My experience in Bombay convinces me that the subdivision of education, under which a portion would be administered by a member of the Executive Council, while the remainder would be in the control of a minister, is impracticable and could only result in divided policy and unco-ordinated effort. That experience is fortified by what I learned of the condition of education in Bengal during three months in 1915. The Calcutta University is not under the control of the local Government, while the rest of the provincial education is in the local Government's hands. One result of this was, not unnaturally, an indifference on the part of local Government to University affairs, while another was to fix a gulf between University interests and the interests of school education. It was a realisation of this, to my mind, hopeless condition of affairs, which led me to suggest an investigation into the organisation of University administration in Bengal—a recommendation which the Viceroy approved and Lord Chelmsford wisely expanded into the Commission presided over by Dr. Michael Sadler which has recently submitted its report.

I feel therefore that the whole field of education, being inextricably interwoven, must be the care of one undivided authority. The Government of India have given strong reasons for holding that in view of admitted mistakes and shortcomings in the past, that authority, in respect of University and higher education, should be the official side of the Government. On the other hand, there are admittedly equally urgent reasons for the transfer of vernacular education. Therefore if it be admitted, as I hold strongly, that the whole field of education is impartible, it remains to face the issue and determine which side of the Government is to be responsible for the whole field of education. On this issue, the arguments advanced by the Government of India in favour of the reservation of higher education seem to me to be double edged. If the errors of the past are so frankly admitted, then there is some force in the claim that the experiment should be made of transferring; and although my own preference would be to reserve the whole field of education, with a view to its transfer at the earliest possible opportunity, reorganised and more efficiently planned, I am frankly doubtful whether the official side of the Government could guarantee the attainment of such reorganisation within a reasonable period. Accepting, therefore, as very cogent the argument (universally agreed in) that primary education must be transferred, and being persuaded that the whole field of education is one and indivisible, I am, somewhat reluctantly, driven to the conclusion that it must all be transferred. I would only add that I hope such transfer will be accompanied by steps, on the lines recommended by the Sadler Commission, designed to secure co operation of all sections of the community, official and non-official, in future development.

(*c*) There is one other matter upon which I am not in complete accord with the later views of the Government of India. I refer to the question of the Joint or Separate Purse. I refer to this matter with great diffidence. I have already said in my evidence that I have had no experience of the administration of the Finance Department; and there are several rather technical considerations bearing upon the decision of this question with which I am not closely familiar. Another reason for diffidence lies in the fact that I was party to the decision come to in March 1918 on the advice of the then Finance Member, Sir W. Meyer, to advise the adoption of the Joint Purse system; while I was also a signatory of the Despatch of the Government of India dated 5th March 1919 in which the contrary counsel is given. In such circumstances I feel that my final views in favour of the Joint Purse system may not be entitled to special weight. But the reasons for my present view are partly political and have been arrived at after consideration of the criticisms which have been levelled at both schemes.

The Joint Report scheme (joint purse) was, as Sir J. Meston has observed, criticised, especially at first, on the ground that Ministers would only get the "crumbs that fell" from the reserved table. I believe that criticism, partly at least, suggested Sir James' alternative. But the chief reason for the change was, as the Committee has already been told, that under the Joint Purse scheme there would be an annual wrangle as to allotment, while this could be avoided by periodic settlement under the separate purse scheme. The latter scheme also claims, rightly, the virtue that it places upon both halves of the Government an interest in developing their own sources of revenue.

On the other hand the Separate Purse scheme, as outlined and described by the Government of India Despatch, contemplates depriving the Legislative Councils of the power to pass resolutions, other than purely advisory, in regard to budget allotments; while the Joint Report scheme recognised the validity of such resolutions in relation to the budget, subject only to the Governor's powers of veto and replacement. To my mind there is, in practice, little difference between the two sets of powers in point of practical effectiveness; but on paper, and in relation to the great principle of responsibility, there is a very important distinction. And it is mainly because, on a full consideration of the criticism which has been levelled at the two schemes, I feel that the powers of the Legislative Council, contemplated under the Joint Purse scheme, should *not* be reduced, that I prefer that scheme. I am inclined too, to the opinion that what has been described as the annual wrangle will be preferable to possible discontent, the causes of which will only be removable at longer intervals. If the budget procedure, contemplated in the Joint Report, can be restored and applied to the Separate Purse scheme, then I should regard the issue as between the two schemes as one purely for financial experts; but if the separation of purses necessitates a departure from the procedure in the Legislative Council which was agreed upon in 1918, then I am strongly of the opinion that the Joint Purse scheme should be adopted. Sir James Meston can give a more authoratitive opinion than I can as to the feasibility of adopting the budget procedure of the Joint Purse to the case of the Separate Purse system.

CLAUDE H. HILL.

29th July.

APPENDIX H.

MEMORANDUM on Communal Representation, handed in by *Rai Bahadur K. V. Reddi*, on 12th August, 1919. (*See* Question 2816.)

The Province of Madras, more than any other Province in India, presents the most glaring instance of the truth of the observation of the distinguished authors of the Joint Report that "there runs through Indian Society a series of cleavages—of religion, race and caste—which certainly threaten its solidarity, and which any wise political scheme must take serious heed." The conditions obtaining in that Presidency are in a sense peculiar, and perhaps without a parallel in any other part of India. The spirit of Sectarianism among certain castes is greatest there. This Presidency has given birth not only to the Home Rule Movement, which the joint authors have noted in their Report, but also to another movement, which they have not noted, styled the Varnashrama Dharma Movement, which seeks to re-establish the ethics of the Code of Manu, and to aggravate the influence of the highest caste, the Brahmins. There is also the fact that most of the politicians connected with the Home Rule Movement are closely associated with this new socially reactionary movement, that the organising secretary of the Home Rule Movement was also at one time the secretary of the Varnashrama Dharma Movement, and that the political conferences of the Home-Rulers in Madras were followed by the conferences of the Varnashrama Dharmists, at both of which the delegates were composed mostly of the same members. The Non-Brahmins of the presidency have generally kept aloof from both movements.

2. In Madras, therefore, the cleavage between the Brahmins and the Non-Brahmins is widest. They belong to different castes which make it impossible for them to interdine or intermarry—an impossibility which has all the sanction of the law of the land. Their customs and manners are essentially different, and even in the matter of food the two classes differ widely. Their interests are often not identical. Over and above all this there is the fundamental difference which goes to the root of the whole problem—the two people belong to two different races. The Brahmins claim to be the Aryans while the Non-Brahmins claim to be, and are treated as, Dravidians. There is only one thing in common between these two vitally different and vitally hostile races—their religion, if that sacred appellation could be given to a set of inflexible and unjust customs and usages, culminating in a system of social tyranny. The Brahmins, as a class, are clever and well-educated, while the Non-Brahmins are almost entirely illiterate. The one class is politically minded, while the other has not so far shown any aptitude for politics. To quote the joint authors of the Report "the enormous masses of the population have little to spare for more than the necessaries of life" (Para. 135). "They form an enormous country population, for the most part poor, ignorant, non-politically minded, and unused to any system of elections—immersed indeed in the struggle for existence. They are poorly equipped for politics, and do not at pretent wish to take part in them." Where the average Ryot does take part in politics, "his mind is made up for him by his landlord or banker, or his priest or his relatives, or the nearest official," and yet these "rural classes have the greatest stake in the country because they contribute most to its revenues." We do not desire to dwell at greater length on the social inequalities and injustice that prevail in the Presidency—a fact which everyone connected with it is well aware of.

3. The population of the Madras Presidency, amounting to 41,405,404, very nearly the same as that of the United Kingdom, is distributed as follows :—

Agency Tracts	1,577,519
European British subjects	12,692
Anglo-Indians	25,965
Indian Christians	1,137,208
Mohammedans	2,735,673
Depressed Classes	6,377,168
Brahmins...	1,221,907
Non-Brahmins	27,716,306
Others	600,966
Total	41,405,404

4. It will be seen that the Brahmins form a very small percentage—about 3 per cent.—of the population; but owing to a variety of causes almost all the power and influence has, under the present system of administration of the province, become concentrated in their hands. We shall show how this single community has secured a power and an influence out of all proportion to its strength or intellectual ability. In appreciating these conditions it must be borne in mind that in the Madras Presidency, in spite of the influence of Western education, and of more than a century of benign British rule, the rigour and exclusiveness of the caste system has not weakened to any appreciable extent, with the inevitable result that there is little in common between those who chiefly wield the power at present, and others who are now left behind in the race. We shall show first how the Brahmin occupies a unique position in the Legislative Councils of the country, and then show what his place is in the public services. Time and space forbid us to give more than a few glaring instances of Brahmin monopoly in the Councils and services.

5. As the joint Authors of the Report point out, it was in 1892 under Lord Cross's Act that the elective system was first introduced in India, though in an indirect form. Twenty seven long years have rolled by since that Act was passed, and during all this time, in spite of several elections, not a single Non-Brahmin has been returned to the Madras Legislative Councils from the six coast districts known as the Northern Circars by the General or Territorial electorates. These districts contain a population of 11,736,744, of which the Brahmins form only 345,071 againt 7,585,035 Non-Brahmins, and yet a series of Brahmin candidates has been returned for over a generation without any interruption or intrusion on the part of the Non-Brahmins.

In the last Legislative Council Elections held in 1916, out of ten seats thrown open to General or Territorial electorates (Local Boards and Municipalities) in the whole Presidency, nine seats were captured by the Brahmins, and only one went to a Non-Brahmin. In the Finance Committee of their Council not a single Non-Brahmin member is to be found. In the Imperial Legislative Council all the three seats open to Indians of the Province are at present held by Brahmins. Two of these members were elected by the non official members of the local Legislative Council, while the third member was elected by the landholders of the Province. Such, in short, is the position, so far as the Legislative Councils are concerned. Let us draw the attention of the Committee to the exact state of affairs, so far as the public services are concerned, and show how the Brahmin has monopolised all the important posts.

6. The following table is an analysis of the latest Madras Civil Service List.

Departments.	Brahmins.	Non-Brahmins	Mohammedans.	Europeans, Anglo Indians and Indian Christians.	Total.
Population	1,221,907	27,716,306	2,735,673	1,175,865	—
Revenue Department, Superior ...	111	42	23	31	207
ditto Inferior ...	169	84	9	16	278
ditto Survey ...	20	6	—	9	35
	300	132	32	56	520
Agriculture	10	7	—	13	30
Forest	14	9	4	57	84
Customs	35	14	4	78	131
Posts and Telegraphs...	18	16	5	58	97
Civil Veterinary	4	—	—	4	8
Co-operative Credit	8	1	0	1	10
Finance	13	0	0	3	16
Judicial	173	48	7	19	247
Jail	1	0	0	8	9
Registration	13	5	4	2	24
Police	18	16	12	70	116
Educational	310	35	5	74	424
Medical	81	54	5	38	178
Public Works	73	13	0	105	191
Local Fund	68	20	0	21	109
Industries	8	3	0	9	20
Total	1,147	373	78	616	2,214

7. The figures speak for themselves. "When in the years 1893 to 1905," says Sir Alexander Cardew, the first member of the Executive Council of Madras, "Deputy collectors were selected by open competition 15 out of 16 appointments went to Brahmins. . . . In the Madras Public Works Department, where one appointment is given annually by competition, there have been 17 successful Brahmins out of 21 appointments, a ratio of 81 per cent." Nor is this excessive preponderence of the Brahmin confined to appointments recruited by a competitive test. We find exactly the same result in branches of the public services which are recruited from candidates possessing certain general qualifications. To quote Sir Alexander again, "Out of 390 higher appointments in the educational department, 310 are held by Brahmins; in the Judicial Department 118 out of 171; in the Revenue Department 394 out of 679." We note that Sir Alexander remarks that this result has ensued in spite of all efforts of the Government to secure a due representation of all castes in the public services. We may be permitted to enter a caveat against this statement. We can show by facts and figures that if the Government had taken sufficient trouble to bring about an even distribution of official patronage it could have done so. There are qualified candidates among the Non-Brahmins and Indian Christians who could have filled the appointments in Government service many times over, with credit to themselves and advantage to the Administration. The policy of the Government in the past has been such that no other result was possible. We are not, however, concerned with an investigation of the past causes, nor in apportioning the blame. We take note of the solid fact that the control of the services by the Brahmins is out of all proportion to their numbers or intelligence. It is impossible to find a parallel to this state of affairs in any civilised country.

8. The above facts clearly show how the Brahmins have taken advantage of the existing conditions, and secured for themselves a predominant place in politics, in the public services, and in the councils of the country out of all proportions to their numbers or intelligence. It has already been pointed out that their population is about 3 per cent. of the total population, while the Non-Brahmins form nearly 70 per cent., that is, excluding the Panchamas. The Brahmins own considerable property, some landed, but mostly personal. Almost the entire land held by the Brahmins, however, is either Agraharam land or Inam land, both of which are Revenue free. They do not pay even the irrigation cess, because their lands are, to a great extent, what are known as "mamul wet." They do not thus contribute anything worth mentioning to the coffers of the State. The Non-Brahmins, who are the landholders, farm proprietors, and producers, pay almost the entire taxes of the country. The annual expenditure of the Madras Presidency is about 8 crores of rupees, and the land revenue alone of the Province, including the irrigation cess, is over 6 crores of rupees, nearly the whole of which is paid by Non-Brahmins alone. In other words, almost the entire cost of the Administration of the Province is borne by the Non-Brahmins. One of the Madras Representatives in the present Imperial Legislative Council—a Brahmin, of course, elected by the non-official members of the Madras Legislative Council—made the following admission in a speech in the Council Chamber: "I do not

represent the landed interest, and what other interest I represent it is difficult even for me to say. I own no land and pay no land tax. I have no income which comes within the honourable, the finance members sweep. I pay no income tax, I contribute, so far as I can see, nothing to the State, except a certain amount of agitation which I am firmly persuaded is entirely wholesome." Many Brahmins do own land, but pay no taxes. Thus owning property, but paying no Taxes to the State, and being only 3 per cent. of the population, the Brahmins still occupy 80 per cent. of the places in the public services and the Councils of the country.

9. So long as the non-official members of the Legislative Council had no practical control over the executive body, and could only indulge in "the habits of irresponsible criticism, which have been the bane of the Minto-Morley councils," the Non-Brahmins generally were not very much perturbed at the ascendancy which the Brahmins had secured in these Councils. They felt the inequality, but they tolerated it; they saw the injustice, and they resented it. But the inequality and injustice not being armed with power, did not provoke them to open revolt. Above the Brahmin, who exercised only influence, was the Britisher in India, who wielded power. After all, the Britisher ruled till now. He has been at the top of the public services, and in the majority in the Legislative Councils. Not that this is a desirable state of affairs in itself, but that "his integrity, fair play and detachment" qualities, which are essentially and absolutely lacking in the Brahmin, enabled him to hold the scales even between Indian and Indian. The Non-Brahmin need not, and did not, apprehend much danger. "The country people have, and always have had, confidence in the English official. He has given them peace and justice, and made life easier for them, and the vast majority of people ask for little more." But such a state of affairs is no longer to continue. A great change is impending. That the scheme of reforms now promulgated is a "colossal enterprise," and that "the welfare or misery" of 250 millions of the people "hangs upon its success or failure" is admitted by the eminent authors of the Report. That "it is one of the greatest political experiments ever undertaken in the world's history" is clear to every student of politics. That the system of administration proposed is "unfamiliar to Oriental ideas" is conceded. There is no doubt that there will be an entire change. From the sphere of influence, Indians will be lifted to the field of power, and the impartial Britisher will occupy a place of minor importance in the public services, and will be in a minority in the Legislative Councils, eventually to be effaced out of any appreciable existence in India.

10. When Non-Brahmin leaders in Madras contemplated these changes, when they remembered what the Brahmins have hitherto been, how they monopolised all the places of influence in the public services and the Councils of the country, how they utilised that influence for their own ends, for their own aggrandisement, to broad-base their own power and position to the entire detriment and exclusion of the Non-Brahmins they naturally apprehended danger ahead. When a self-seeking hand secures influence, danger is serious enough, but when that influence is converted into power, disaster can be the only consequence.

11. It is an apprehension based on the above facts and logical conclusions that induced the confederation of the Non-Brahmins of South India, which met in Madras in December, 1917, and was attended by over 1,500 delegates from all parts of the Presidency to unanimously pass the following resolution :—

> "This Confederation emphatically urges upon the Viceroy and Secretary of State for India that any step taken for introducing responsible government in this country which does not provide for the full representation of the Non-Brahmins on a communal basis, having regard to their numbers, their tax-paying capacity and their property qualifications, is bound to end in failure and disaster, and this Confederation would strongly oppose the introduction of any reforms in which such provision is not made."

12. At the Extraordinary Session of the South Indian Non-Brahmin Confederation, held in October, 1918, for considering the Joint Report, the following resolution was unanimously passed :—

> "This Confederation is emphatically of opinion that any scheme of constitutional reforms which does not provide for the separate representation through communal electorates of Non-Brahmin classes will arrest the progress and irretrievably injure the interests of these classes, which form the bulk of the population, besides effectually undermining British rule, which is so essential to India's welfare, and for that reason this Confederation does not consider it necessary to express any opinion at present on the proposed scheme of reforms."

13. At the Six Coast Northern Districts' Non-Brahmin Conference held at Bezwada in November, 1917, at which some two thousand non-Brahmins were present, the following resolution was unanimously passed :—

> "That the strength of the Madras Legislative Council should be so enlarged as to provide due representation of all communities and interests, regard being had to (*a*) the numbers of the several communities; (*b*) the aggregate of taxes paid by them; and (*c*) the extent of property owned by them. In view of the fact that power and influence are at present chiefly centred in a single community, and that the other communities have only a slender chance of securing due representation in the Councils, unless proper safeguards are provided, and in view also of the fact that in the near future the powers of the Councils are expected to be enhanced, this Conference declares that any scheme of reforms either of the Councils of the country or of the public services in which due and adequate representation is not provided for the large Non-Brahmin communities of this Province on the three bases above mentioned, is bound to result in failure, and consequent discontent and disharmony."

14. Non-Brahmin Conferences all over the Presidency have expressed the same opinion. It would weary the Committee if we were to give the resolutions passed at these Conferences, but they are all to the same effect. We give below a short list of some of the more important of these Conferences :—

The Coimbatore Non-Brahmin Conference held at Coimbatore in August, 1917.
The Godavary District Non-Brahmin Conference at Biccavole in October, 1917.
The Madura, Ramnad, Tinnevelly Group Conference held at Tinnevelly in November, 1917.
The Ceded Districts Non-Brahmin Conference at Pulivendla in November, 1917.
The Salem Non-Brahmin Conference in December, 1917.
The Tanjore Trichinopoly Non-Brahmin Conference in March, 1918.
The Chittore District Non-Brahmin Conference in March, 1918, at Kalahasti.
The Guntur District Non-Brahmin Conference held in May, 1918, at Kollur.
The Sivaganga Zanindary Non-Brahmin Conference in August, 1918.
The Godavary District Special Conference at Rajahmudy in September, 1918.

The Trichinopoly District Special Conference in September, 1918.
The Coimbatore District Non-Brahmin Special Conference at Palladum in October, 1918.
The Coimbatore Second Non-Brahmin Conference at Udumalpet in 1918.
The Kistna District Non-Brahmin Conference at Masulipatam.
And the Second Session of the South Indian Non-Brahmin Confederation held at Madras in January, 1919.

These form a short list of the more important Conferences of Non-Brahmins in the Madras Presidency.

The latest Non-Brahmin Conference was held at Trichinopoly so late as the 22nd June, 1919, when the following resolution was unanimously passed :—

"That this Conference regards the equal distribution of political power among the different classes of the people as the first necessary substantial step towards responsible Government in this country, and while expressing gratification at the special representation of the Mohammedans, Sikhs, Indian Christians, Europeans, Anglo-Indians, and the depressed classes, urges the creation of a Non-Brahmin Hindu electorate as the indispensable foundation for popular Government, in the absence of which any Constitutional Reform will be unreal, dangerous, unworkable and sure to give rise to grave discontent."

15. The state of feeling among the Non-Brahmins and the condition of the community was correctly gauged by the Government of Madras, when in their letter No. 1146, dated 31-12-1918 to the Government of India (Home Department) they observed as follows :—

"In the case of the Non-Brahmin Caste Hindus, to which category the great majority of voters will belong, there is a general feeling of apprehension that under any scheme of purely territorial electorates, most of the seats would be captured by Brahmins, as the exclusive spirit of the Brahmin would secure a solid Brahmin vote in favour of Brahmin candidates. Their experience and their educational superiority would give the Brahmins great advantages in canvassing, while their traditional, social and religious pre eminence and their talents for organisation would be utilised to extend their political influence outside their own class. While it is difficult to predict how the electorates of the future, if territorially constituted, will behave in respect of choosing their representatives, the Governor in Council cannot ignore the fact that the apprehensions above referred to are honestly entertained.

* * * * *

"In any case so long as these apprehensions are widely and strongly felt, as at present, it is impracticable to constitute territorial electorates, which will be generally acceptable, and will ensure representation of all important sections of the population.

* * * * *

"The method of achieving this end that is most likely to meet the apprehensions above referred to, though it is recognised to be open to theoretical objections, will be to provide communal electorates freely wherever this can be done, nomination being resorted to only where such electorates cannot be constituted."

Sir Alexander Cardew, in an enclosure to the despatch referred to above, states as follows :—

"With such predominance in most walks of life, it is not surprising that the Brahmin has easily secured control in politics. . . . This experience strongly suggests that the political machine in the future, as in the past, will be under the control of the Brahmins, unless special measures are resorted to, to secure adequate representation of other classes."

Sitting on the Committee on Division of Functions, Mr. M. E. Couchman (Member of the Madras Board of Revenue :—

"After examining the proposals of the Franchise Committee for Madras, which were supplied to him on the 22nd February, feels unable to recommend the transfer of any subject in Madras. He feels that without :—

(1) Communal Representation for Non-Brahmin Caste Hindus ;

(2) Adequate Representation of Panchamas and Rural Areas, and

(3) Residential qualifications for Candidates ;

it is inevitable that the Brahmin minority will capture a large majority of the seats, and that the interests of the masses will not be safe in their hands." (Para. 51 of the Report on Division of Functions).

16. It is impossible to find greater authorities than those quoted above. The whole of the Madras Government have supported our claim. That Government had long been known to have encouraged Brahmins in every department. Examine the Civil List again, and you will find that numerous appointments have been conferred by the Government on Brahmins. There are numerous instances in which Non-Brahmins of approved ability aud unblemished character have been passed over by the Government. If ever the the Government of Madras was partial it was all on the side of the Brahmins. There never was any question of over-tenderness towards the Non-Brahmin classes. The opinion of such a Government, therefore, must carry special weight when it happens to be favourable to the Non-Brahmins. At the time the memorandum referred to above was submitted, the Government of Madras was presided over by Lord Pentland, who spent a longer time in the province than any other Governor. Sir Alexander Cardew had only a few months to complete his long term of office, the whole of which he had spent in the Province. Mr. Davidson, the other European Member, had also served nearly 30 years in the Presidency. The Indian Member of the Executive Council, himself a Brahmin, did not think it necessary to submit a dissenting note, or contradict any of the statements of facts mentioned in the despatch, or in Sir Alexander's separate note. It must, therefore, be presumed that he has acquiesced in the opinions of the Madras Government above quoted. That opinion, I may be permitted to add, was not merely the result of long experience, but was also the consequence of a heated debate of full two days between the picked representatives of the Brahmins and of the Non-Brahmins at an informal, private, Franchise Conference, called by the Madras Government, and presided over by the Governor. The opinion of the above high and impartial authorities ought not to be lightly cast aside. They are the men on the spot who have followed closely the political and social conditions of the people, and we appeal to the Joint Committee to treat this mass of unimpeachable testimony as beyond cavil or criticism, and to accept it whole-heartedly.

17. Having brought to the notice of the Joint Committee the Non-Brahmin opinion and feeling in the matter, and the views of the Authorities on the spot, we shall now proceed to discuss the views of the Government of India, and the Secretary of State. Before doing so, however, we may be permitted to submit,

with great respect, that these two high functionaries have treated the Non Brahmin, most unkindly. Immediately after the declaration of the 20th August, and at the very commencement of the enquiry, they wanted to attain a calm atmosphere in India. To achieve that end they had to pacify the extremists. The people, the real people, the people that formed the backbone of the country, did not count. These never gave any trouble, and were not expected to give any trouble at any time. Nothing need be done for them. At a time when the very foundations of the Empire were tottering, when German gold was on its way to India from San Francisco, when extremists in India thought that England's danger was India's opportunity, the Non-Brahmins in that country were splendidly responding to the call of the Empire by subscribing liberally to the war funds and war loans, and recruiting themselves in thousands and tens of thousands. The rich Non-Brahmins were contributing beyond their might, and the poor peasants were pouring into the recruiting camps. I was a member of the recruiting board, and I and my friend know who it was that came to be recruited to the Army and to the several Labour Corps. Examine the recruiting registers and you will find that 9,999 out of every 10,000 recruits that were enlisted in our Province were Non-Brahmins. Examine the lists of those who fought in Mesopotamia, or of those who were taken prisoners in Kut-el-Amara, and see if there is a single Brahmin therein. Examine the lists of the several thousands who joined the Labour Corps from Madras, and see if you can find a Brahmin there. And yet these Non-Brahmins counted for little. It looks as if it never occurred to the authorities that those who rendered such valuable services, those who pay almost the entire taxes that go for the maintenance of the administration of the country, might feel the great injustice done to them. Read the Joint Report as casually as you like, you cannot fail to be impressed at every turn of a constant and irresistible desire to pacify the limited intelligentsia, the politically minded classes. It is also said that during his stay at Delhi, the Secretary of State gave private interviews to Brahmin politicians. No leader of Madras—not even the late Dr. Nair—was accorded that privilege. On the publication of the Joint Report, Mrs. Besant openly boasted in her daily paper that she had the privilege of seeing "an earlier draft" of it at Delhi, and it is commonly believed in Madras that Mr. C. P. Ramaswami iyer, the Brahmin Home-ruler of Madras, was shown the draft. No Non-Brahmin had even the slightest inkling of what the Report was likely to be, and certainly none were shown any drafts at all. In the Joint Report itself a whole chapter is devoted to a criticism of the Congress-League Scheme, but save for a very casual and passing reference the joint authors have not dealt with the Non Brahmin movement and their demands. On the other hand, elaborate arguments have been found to defeat the claim for communal representation. But the question was vital to us, and on its solution depended the welfare or misery of vast millions, and so thanks to the agitation in England, the Secretary of State left the question open to be decided by the Franchise Committee, which he proposed to appoint. But unfortunately he added, if we remember right, that speaking for himself, he was still against it, and that he would not withdraw an hair's breadth from the position he had taken up.

His Excellency the Viceroy, in an important speech in the Imperial Legislative Council, assured the Mohammedans and the Civil Service that their interests will be protected, but had not a word of sympathy or encouragement to offer to the Non-Brahmins. When our great leader, Dr. Nair, landed in England last year he was promptly muzzled, though the extremist politician, Mr. Baptista, was enjoying freedom of speech in Free England. It was only after the matter was made a subject of discussion in Parliament that he was unmuzzled. But the crowning act of injustice had yet to come. It was in the constitution of the Franchise Committee. So much has been said about the impartiality of this Committee, and so many claims have been put forward on its behalf, and so vitally important are its recommendations that we may be excused if we were to dwell shortly on its constitution. The Committee was composed of six members besides the President who was, of course, new to India, and its conditions. The three European members were strangers to the conditions prevailing in Madras, and so was the Mohammedan member. We have nothing to complain against these four members. We have and have always had the highest respect for them and the Chairman. Our objection was to the remaining two. These two other members were Brahmins, and Brahmins who were known to be hostile to our interests. Mr. Srivivasa Sastri, the Madras Brahmin, had in fact used his position in the Imperial Council to level an attack against us and our movement, and had the boldness to declare that Non-Brahmins would prefer a Brahmin oligarchy to a British bureaucracy. As against these avowed opponents there was not a single Non-Brahmin to counteract their views, and to interpret correctly to the other members of the Committee the wishes of the people.

The announcement of the composition of the Committee spread consternation among the Non-Brahmins. In almost every district meetings were held protesting against the constitution and praying that a Non-Brahmin might be appointed to the Committee. Over twenty-five protest meetings were held, and the resolutions were communicated to His Excellency the Viceroy, or His Excellency the Governor, by wire. Finally the gathering of all the Non-Brahmins of Madras—the Extraordinary Session of the South Indian Non-Brahmin Federation—was held on the 20th October, and a lengthy resolution was unanimously adopted requesting the personnel of the Committee to be altered. The resolution was communicated by wire to His Excellency the Viceroy, and by cable to the Prime Minister, the Secretary of State for India, and other Cabinet Ministers. A Memorandum was prepared by the South Indian Liberal Federation, and sent to His Excellency the Viceroy. We are sorry to point out that these wires, cables and Memoranda were not even acknowledged, that we were not vouchsafed even the short reply that "the matter will receive due consideration." Our cry was a cry in the wilderness. It was under these circumstances that the Second Non-Brahmin Confederation held at Madras in January, 1919, passed a resolution enjoining its members not to appear or give evidence before the Franchise Committee, and resolving to appear directly before the Joint Committee and ask for justice at its hands. We accordingly found ourselves unable to give evidence before the Lord Southborough's Committee.

18. We mention these facts not as a complaint before this High Tribunal, but to make our own position clear and to show that the Authorities connected with India are not championing the cause of the Non-Brahmins. If, therefore, a favourable opinion comes from such a quarter, the very greatest weight should have to be given to it. Let us now see what the Government of India have to say on this important question of communal representation to the Non-Brahmins of Madras.

In the fifth despatch on Indian Constitutional Reform they say: "We confess to the greatest difficulty in accepting their (the Franchise Committee's) proposals in regard to Non-Brahmins in Madras. If, contrary to theoretical principles, communal electorates are to be conceded to three communities in addition to the Mohammedans and the Sikhs, then it appears to us that there is a very strong practical need for finding some means of dealing specially with the Non-Brahmins also. . . . If the reforms scheme is not to start under a very heavy handicap in Madras, the bitter feelings which have been aroused by this controversy

must be allayed. We cannot expect co-operation and good will from the Non-Brahmins so long as no provision is made to secure their interests. . . . Our own responsibility for the contentment of the country makes it incumbent upon us to make every attempt to arrive at a settlement which will satisfy the reasonable claims of both parties before reforms are introduced. .. . . Recent experience in Madras has shown how inadequately Non-Brahmins are likely to be represented in the Council, unless some special provision for them is made. Numbers count for little in India at present against social, educational and especially religious superiority, which has behind it the sanction of centuries. We shall find it hard to meet the charge that we are acquiescing in the establishment of an oligarchy in Madras, unless something is done to secure to the Non-Brahmins a fair share in the legislature." The need for communal representation for Non-Brahmins cannot be put in stronger or more convincing language.

19. So far we have pointed out that all the Non-Brahmin Conferences of Madras, the Government of that Province, and the Government of India support our claim to separate representation. We shall next show that even associations organised and controlled by Brahmins, associations in which Brahmins are in an overwhelming majority, could not, and did not, oppose our claims, and practically admitted them.

(1) The Andra Conference, a political organisation of the people of the Andra or Telugu districts of the Madras Presidency, in which the Brahmins have a deciding voice and which is organised and controlled by Brahmins, passed the following resolution at its session held on the 30th September, 1917 :—

" This Conference approves of the principle of communal representation to the Legislative Councils on the following lines :—

(i.) The Non-Brahmin Hindu communities should have an irreducible minimum of representation fixed, having regard to their numbers, wealth and tax-paying capacity.

(ii.) The Brahmins should have a representation fixed, having regard to their education, culture and population.

(iii.) Similiar representation should be given to (Indian) Christians.

(iv.) The interests of the Panchamas should be safeguarded.

(v.) Voting should be direct.

(vi.) Franchise should be extended.

(vii.) Non-Brahmins should have a fair share in the public services."

—*The Hindu*, 2nd October, 1917.

(2) We find that the Mahajana Sabha, of Madras, supposed to represent the political aspirations of the people of the Presidency, but almost exclusively composed of Brahmins, in the address which it presented to the Secretary of State, and the Viceroy in December, 1917, practically admitted the need for communal representation for all communities.—*The Hindu*, December, 1917.

(3) The Madras Provincial Congress Committee, another political organisation, whose members are the Congressmen of Madras, and mostly Brahmins, also, in the address presented to the same high functionaries, in December, 1917, practically admitted the need for communal representation for Non-Brahmins of the Presidency.—*The Hindu*, December, 1917.

(4) Nor did the matter stop here. Some time after the Non Brahmin movement was started, and its daily organ, *The Justice*, began to be published, the Brahmins felt the necessity of counteracting the influence of the movement for their own sake, and began to manipulate the formation of a rival organisation of the Non-Brahmins. Many Brahmin leaders took an active part in bringing into existence an association styled the Madras Presidency Association (vide correspondence published in the *Hindu*, 10th and 12th September, 1917). Even this Brahmin-controlled organisation, in the address which it presented to the Secretary of State and His Excellency the Viceroy in December, 1917, demanded Communal representation. Further, when on the 21st December, 1917, this Association held a joint session with the Madras Provincial Conference, the Madras Branch of the Congress and a Brahmin body (a further circumstance showing the control of the Brahmins over the Association), and when a few Brahmins wanted to avoid the passing of a resolution on the question of Communal representation, the following speech was made by Mr. V. Chakkarai, B.A., B.L., a Non Brahmin, of that Association : " The Madras Presidency Association joined the Provincial Congress Committee in convening this Special Conference on the express understanding that communal representation would be embodied in the self-government resolution as an integral part of the Congress scheme. Otherwise the Madras Presidency Association would not have come in. The Madras Mahajana Sabha and the Madras Provincial Congress Committee had given their adherence to the principle of communal representation. At this juncture of their national history they should not go back upon the resolution placed before the Conference. If they did so, they would wreck the Congress on this very platform." (*The Hindu*, 22-12-1917.) The demand of the Madras Presidency Association for Communal representation to the Non-Brahmins could not have been put in stronger terms. The resolution above referred to "insists on adequate representation of all communities other than Brahmins."—(*The Hindu*, 22-12-1917.)

(5) Finally, the All-India Conference of the Moderate Party at its first session held in Bombay, on the 1st and 2nd of November, 1918, under the Presidency of the Honble. M. Surendranath Bannerjee, passed the following amended resolution : *Resolution viii.* (*c*) : " The Franchise should be so broad and the electorates so devised as to secure to all classes of taxpayers their due representation by election, and the interests of those communities or groups of communities in Madras and the Bombay Deccan and elsewhere, who at present demand special electoral protection, should be adequately safeguarded by introducing a system of plural constituencies in which a reasonable number of seats should be reserved for those communities."

(6) The following two extracts from two pamphlets, published by the Honble. Mr. V. Sreenivasasastry, one entitled, " Self Government for India under the British Flag " (pp. 36, 37), and the other, " The Congress League scheme—an Exposition " (p. 13), respectively, though somewhat coloured light by a facile pen will give an idea of the extent of the injustice done to Non-Brahmins and of their feeling in the matter, and also of the recognition thereof, even against their will, by the Brahmins themselves :—

" In Madras and parts of the Bombay Deccan the Brahmin class has created a feeling of jealousy and distrust against itself. The Non-Brahmin, though in an overwhelming majority, finds his class

without adequate representation in the Services or in the professions, and believes that this result is due to the caste instinct of the Brahmin, who, having selfishly monopolised the advantages of education and social precedence in the past, is now equally selfishly enjoying its fruits by keeping members of other castes from approaching all modern avenues to preferment and distinction. . . . The sense of injustice and *long-continued* wrong *rankles* equally. . . . The ill-feeling came out in an ugly form when the Public Services Commission visited Madras and has since passed into an *acute phase*. . . . One duty rests on the Brahmin, as being the party having the advantage at present. He must recognise that the attitude of the Non-Brahmin is not only the *natural but inevitable consequence* of the past, and must be ready and willing in social relations to pay tender heed to the feelings of the Non-Brahmin."—December, 1916.

"It is unusual to make special arrangements for the protection of an immense and overwhelming majority, but it is also unusual for a numerically small caste to enjoy a *decisive ascendency* over most other classes in culture and social and *political* influence. The framers of the Congress League scheme failed to foresee this contingency. But some *way must be found* of overcoming it. So far the proposals that have been made for the purpose aim at securing a minimum representation for the majority and as a special electorate. It would seem easier and more natural to fix a maximum for the Brahmin minority."—November, 1917.

It will thus be seen that every shade of Non-Brahmin opinion in our Province demands Communal representation, that the Brahmins themselves have agreed to it though in a modified form, and that even the "moderate" leaders of all India have recognised the need for it and that both the Local and India Governments support it.

20. In para. 24 of the joint Report it was observed :—

"The speeches of English and American statesmen proclaiming the necessity for destroying German militarism and for conceding the right of self-determination to the nations, have had much effect upon political opinion in India, and have contributed to give new force and vitality to the demand for self-government, which was making itself more widely heard among the progressive section of the people."

If this was advanced as one of the grounds for granting a substantial measure of self-government, it is impossible to conceive how Communal representation could be refused to the Non-Brahmins of Madras, when all the representative members of that community without a single exception demand it, when the Local Government and the Government of India support it, and when the Brahmin associations themselves could not but concede it. If Ulster, representing a minority in Ireland, could be excluded from the operation of the Government of Ireland Act (which, if nothing happens meanwhile, will come into operation in a few months) because Ulster wanted it, it seems to be an irony of fate, that what is wanted by all the Non Brahmins in Madras, should be refused to them. Ulster was excluded against the will of Nationalist Ireland. Communal representation is not to be given to Non-Brahmins even though all Non-Brahmins clamour for it, most of the Brahmins conceded it, and the Local and India Governments support it.

21. Having brought to the notice of the Joint Committee the concensus of opinion in India, on this all-important question, we shall now meet the objections raised against the grant of Communal representation. In dealing with this question we desire it to be understood that the advocates of Communal representation do not put it forward as an end in itself, but only as a means to an end, the end or object being the adequate representation of all important communities in the councils of the country. We desire it to be further understood that the principle ought to be applied under the present conditions of society, that, like the reforms suggested, it is also a tentative measure, subject to revision by the periodic commissions which may set aside the principle when and if they find that it has worked injury to the State or has outgrown its period of usefulness. It is under these limitations and with this understanding that we approaeh the question.

22. The objections raised to the grant of Communal representation are contained in paragraphs 228 to 230 of the Joint Report. We would not have troubled this Committee with the discussion of these objections and the principles enunciated, considering that they are more honoured in the breach than in the observance, in the Southborough Report, which gave Communal representation to four communities besides the Mohammedans. But we find from the evidence before this Committee that these principles and objections must have weighed a good deal with the Southborough Committee. Lord Southborough in one place (Q. 758) said "But the Madras question is one of those things where the onus is still left upon us," and made that a ground of a somewhat long statement on the subject. Later on (813), his lordship was pleased to shift the onus on to us. We confess we were not able to follow his lordship, but Sir F. Sly made the question clear when he said (1020), "We had as Committee, you will recollect, some onus thrown upon us to justify—peculiarly justify—Communal representation in consequence of the terms of the Montague-Chelmsford Report, telling the world through the Cabinet here, that Communal representation was a thing to be shy of. That prounouncement, although it was relaxed to a great extent by the Viceroy's speech, was bound to tincture our method of dealing with the subject, because we had really to show that in India the thing could only be dealt with otherwise." It is thus clear that these objections and principles have weighed a good deal with the Southborough Committee, and have a bearing on the question of "onus." We shall therefore deal with them at some length.

23. It is said that "Communal electorates are opposed to the teachings of history," and that they involve a "divided allegiance," which the State cannot admit. It is not clear what history is referred to. Nor can there be any historic parallel, for the simplest of reasons, that in no country in the world is there such a social system of caste as that which exists in India, and especially in Madras, where its rigour is of the utmost. There are no Brahmins in Austria or Cyprus or in the smaller German States. The Magyars of Hungary are nothing when compared with the Brahmins of Madras. The only precedent, so far as we could see, is furnished by India alone. Communal representation was granted to the Mohammedans under the Minto-Morley Scheme. Prior to that the Mohammedans were hostile to the Hindus. When it was granted the Hindus in their Congres met, agitated, resented and protested year after year, and passed lengthy resolutions against it, condemning the principle most passionately. But within a few years not only did they reconcile themselves to it, but actually entered into a defensive and offensive alliance with the Moslems in 1916. This was the Lucknow Agreement, which was—according to the Joint Report—"a beginning of which note must be taken, and which marks a change in the situation." The *rapprochement* of

the two communities has become possible only because the interests of the Mohammedans were safeguarded, and they were given equality of political status with the Hindus by the grant of Communal representation. The only instance available therefore shows that Communal representation is not opposed to the teachings of history.

24. It has also been urged in the joint report in this connection that by the granting of Communal representation, the allegiance of the citizen is divided between the State and the community, and that no State can admit it. By the grant of Communal representation to Mohammedans, Sikhs, Indian Christians, Europeans and Anglo-Indians, and to various interests, it will not be admitted, we expect, that there was any such division. If not, why should there be such division if it be granted to a sixth community, after five communities are granted. Let us leave alone this invidious distinction. It is impossible, at the very outset to understand the objection itself, except on the hypothesis that the allegiance to the community is necessarily opposed to the allegiance to the State, and that the interests of the community are antithetical to those of the State. We fail to see the correctness of the hypothesis. Communal representation is required to protect the interests of one community as against another community. Where the State is concerned all communities owe equal allegiance, and there cannot arise any question of divided allegiance. The question of national citizenship does not at all arise in the matter of elections and the electorate. All the world over every voter goes to the polling booth just to vote for a particular party or a member of a particular community or interest, and even the member that is elected goes and votes for his party. To-day, the Mother of Parliaments is divided here on the important question of the Nationalisation of the Coal Mines, the Labourites demanding it and the Government, with its vast majority, opposing it. Is there any divided allegiance to the State, of the Labourites or of the supporters of the Government? What about the Irish Nationalists and the Ulsterites. What about the Republicans, Democrats or Populists of America? Do they vote or do they not vote for a party? And wherein does the question of national citizenship come in, except, of course, in the face of a foreign crisis or a great war, like the one just closed? Can we not say with equal reason that, to whatever party or caste we may belong in our country, whether Brahmins or Non-Brahmins, Hindus or Mohammedans, Anglo Indians or Sikhs, Indian Christians or Panchams, when a national crisis occurs we all would join together. Can anyone think that a member of a Legislative Council would not be able to sink his caste or private differences into the national cause simply because he is come from a particular electorate? The objection of divided allegiance, therefore, has no force in it.

25. We are perfectly willing and prepared to abide by the "crucial test" prescribed by the illustrious authors in the paragraph (228) of the Joint Report, in which the above objection is stated. That test is "whether they (all proposals) will or will not help to carry India towards responsible Government." Responsible Government, as we understand, means that an executive Government shall continue to exist so long as it carries out the will of the representatives, and through them of the electorate or the people at large. Now, our contention is that if our Legislative Council is not constituted on a Communal basis our Councils will be largely filled with members of only one community, or with their creatures. An executive, responsible to such a body, can never be said to be responsible to the electorate or the whole people. The will of the electorate is not carried out. It is the will of a particular community that prevails. In other words, the proposed constitution creates an Indian Oligarchy in the place of a British Bureaucracy. The reforms whose only result is such, cannot claim to introduce responsible Government. The object of the reforms is lost; an exactly contrary result will be produced.

26. The second objection raised in the Report (229) against communal representation is that it "perpetuates class division" and that if it is granted, the charge will be levelled against the British Government "of dividing men in order to govern them," and "of hypocrisy and short-sightedness." This objection also loses its force when Communal representation is to be granted for five communities. The first portion of the objection is also put forth by some Brahmins in Madras in different language, viz., that Communal representation stands in the way of "Indian Nationality." We all know, and we freely admit, that it is very desirable to have one nationality for our great land. Nationality, like patriotism, however, is a mere catch word. And, like the cant of Patriotism, the cant of Nationality is the worst of its kind. In that vast Indian Continent there is nothing like one nationality, or one people. In a country where there are several races of people, speaking innumerable languages and belonging to countless castes and professing conflicting religions, the ideal of nationality, however desirable, is not easily attainable. Where the Brahmin does not dine with a Non-Brahmin, nor in his own house if a Non-Brahmin is within sight, and where there are no inter-marriages between the one caste and the other, where it is pollution to touch a fifth of the population, there can be no question of a unity of race. So long as the present inequality based on the accident of birth continues in India, a common race and a single nationality seems an impossibility. By a system of Communal representation and by the gradual evolution of responsible Government we expect to create equality, which in its turn renders inter-marriage possible and feasible, and with it in fullness of time a common race and perhaps a nationality. If Communal representation be not granted the Non-Brahmins will continue to be where they are, or more likely will be driven further into the background; the Brahmins concentrating their power more and more and weakening the resources of the Non-Brahmins. It is the refusal of Communal representation, in my humble opinion, that tends to perpetuate class divisions. This answers the first part of the objection above referred to.

27. As regards the apprehensions entertained regarding the charge of dividing men in order to govern them, and of being hypocritical or short-sighted, the answer is equally plain. It is, perhaps, best answered by, what I may be permitted to call, a process of inversion. Suppose the Non-Brahmins turn round and say "The Government are against Communal representation because they see that that way lies the possibility of a United India. They saw that prior to the Minto-Morley scheme of reforms the Hindu and Mohammedan were at arm's length, that the rival organisations bitterly disliked each other, that the Congress was anathema to the League, and there was no fusion possible between the two. Every election added its own bitterness, and the rivalry between the two communities was perpetually kept up. Lord Morley, by a political blunder, gave the Mohammedans Communal representation through Communal electorates and made a steady *rapprochement* possible between the two parties, so that to-day, with their interests severally safeguarded, with no danger of the one community swamping the other in any election, they are one in their politics, one in their objects and aims. Their deputies meet together and draw up schemes which are binding on both communities, and it is no longer possible to treat them as mutually antagonistic classes. With this object lesson before them, the Government do not wish to bring a *rapprochement* between the Brahmin and the Non-Brahmin, and would rather keep them apart by refusing to them

Communal representation by Communal electorates. If they are so kept, every election will see the spectacle of the candidates appealing to the communal instincts and asking the elector to vote for him on the plea that he is a Brahmin or Non-Brahmin, and whether a candidate succeeds or fails, intense caste hatred will be fostered as against the rival caste. It will be easy, then, when the castes are so divided to govern them all." Supposing Non-Brahmins were to argue thus, what answer could be reasonably given to it. Will the Government be afraid of any such charge, even though it may come from 27 millions of people, while the charge referred to in the Joint Report could come only from 1½ millions. If, therefore, we are to consider charges that may be brought against the Government and the possible defences open to them, we would unhesitatingly say that their position would be more vulnerable when they decline to grant Communal representation to Non-Brahmins.

28. The third objection mentioned in the Report (para. 230) is that Communal representation will encourage communities "to settle down into a feeling of satisfied security," and that it will stereotype existing conditions without scope for emulation and improvement. The objection is stated in dealing with minorities. It was evidently not meant to apply to vast majorities. In any case this objection, like the first two, has lost its force when five communities are already granted separate representation by the Southborough Committee, and provision is made for it in the Bill. We would, however, prefer to meet it on the merits. Rivalry is possible only as between communities which have more or less the same advantages, and to ask the Non-Brahmin communities to compete with the highly organised, highly equipped and highly influential Brahmin community, is like asking a child to race with an adult. We need only quote the parallel of the industries of our country which, it is conceded, need protection at present, so that they may live, and thrive before they can be called upon to compete with foreign industries. The Non-Brahmin communities ought, therefore, to be first nurtured politically, and must acquire political influence before they can be expected to compete, otherwise it is not a healthy rivalry that will be the result, but the practical extinction in the political field of the communities concerned. Nor is there absence of scope for rivalry between different communities (with an aggregate population of nearly 28 millions) in the Communal system. The different sub-sects amongst the Non-Brahmins themselves which are more or less in the same stage of development will have ample opportunities for healthy competition, not to speak of the part that is likely to be played by individual ambition. There is thus no force in the third objection of the Joint Report.

29. Having met the objections mentioned in the Report, I may proceed to meet one or two other objections that were put forward in India. It is said that Communal representation may be claimed by a minority, with some show of reason, but that it is unthinkable that a majority and that a vast majority should demand it. The obvious answer to this kind of objection is that the Mohammedans in the Punjab and in Bengal had already been given Communal electorates, though they happen to be in the majority. In the Punjab even the number of Mohammedan voters is larger than that of the Hindus, especially so if Sikhs are excluded. But we wish to place it on a higher ground, and in doing so we may be permitted to revert to an argument already advanced, viz., that Communal representation is not an end in itself, but only a means to an end. That end is to secure by a special device, an adequate share to those who cannot by ordinary means receive their due share of representation. This, no doubt, frequently happens in the case of minorities, who, being liable to be swamped by majorities, require special protection. But why should there be any objection to extend the principle to majorities—even vast majorities—where, by the peculiar circumstances of the country, and the extraordinary conditions thereof, those majorities find themselves unable to successfully compete with a minority therein? After all, the object is to protect those who, for certain well-known reasons, cannot secure their due share of reprsentation. What difference does it make whether they are in a minority or in a majority?

30. The same objection is sometimes urged in other woeds. It is said that in the proposed electorates, the Non-Brahmins will be in a vast majority, and as such rthey are sure to secure the majority of seats. This argument is sufficiently met by the Government of India, when they said "Recent experience in Madras has shown how *inadequately* Non-Brahmins *are likely to be represented* in the Council, unless some special provision for them is made. *Numbers count for little in India* at present against social, educational, and especially religious superiority, which has behind it the sanction of centuries. We shall find it very hard to meet the charge that we are acquiescing in the establishment of an Oligarchy in Madras, unless something is done to secure to the Non-Brahmins a fair share in the Legislature." That the Brahmins in Southern India possess all the advantages of social, educational and religious superiority can never be disputed. That the Public Services and the Bar are almost entirely manned by the Brahmins has been shown in an earlier portion of this Memorandum. The voting qualification is based upon payment of land tax, or in other words, the voters will be mostly small peasant proprietors. That litigation is at its height in the Madras Presidency is notorious. These peasant proprietors cannot, therefore, easily get out of the clutches of the Vakils, of the Magistrate and Civil Judges, Subordinate Judges and District Munsiffs, 80 per cent. of whom are Brahmins. Even in the Revenue Department the Brahmin preponderance is supreme; out of 160 Deputy Collectors in the Presidency, 84 are Brahmins and only 34 are Non-Brahmins coming lower down to Tahsildars and Revenue Inspectors, the proportion is by no means appreciably reduced. At the bottom we have the village Curman and the village priest, without whose assistance a village ryot cannot get on even for a single day. It is a notorious fact that almost all the Brahmin officers take part in legislative elections, and naturally support the Brahmin candidates. It is impossible to get evidence of this undue official interference, if we go to Courts. The same reason which makes one yield to official wishes and pressure operates as a deterrent to give evidence against such officials. The average ryot is illiterate. He has his own weaknesses which constantly place him under obligations to officials. He does not know the value of the right to vote which you propose to confer upon him. He thinks that if a Revenue Officer should excuse or promise to save him a few rupees by not bringing a little encroachment or a little bit of unauthorised cultivation to the notice of the higher authorities, and by thus avoiding any penal assessment, it is a greater benefit to him than the election of one of his community, who, with identical interests, is expected to best represent him; for he knows not the importance of a Seat in the Legislative Council. I can assure the Committee that 75 per cent. of the voters in the new lists are of that type. I saw it asked in this Committee (Q.) that these peasants are substantial men. I beg respectfully to state that they are not. Under the Southborough Scheme a payment of Rs.20 gives a vote In the districts of Godavery, Krishna and Gunter, a man with two acres of land pays Rs.20. These districts contribute the largest number of votes. To my knowledge no two-acred man is a substantial peasant. In municipal areas, even poorer men are voters, for they have only to pay Rs.3 as a local rate. It is no use asking Non-Brahmin

leaders to get themselves elected against such odds and resources which the Brahmins can command and bring into operation.

31. We are very often asked to educate these illiterate voters, and bring them into line, and make them understand the value of the vote. We are asked to concentrate our attention and energies in that direction. We shall do our best in the matter. It is the duty of every patriotic Non-Brahmin who loves his mother-land and his community to undertake the task. But past experience clearly shows that a very long time will be required to realise all the expectations in this matter. One hundred and fifty years of benign British rule has not been able to make the Non-Brahmins produce 15 per cent. of the graduates turned out by the University, with equal facilities and opportunities. While centuries of inherited aptitude for receiving education have enabled the Brahmin to progress daily under British administration, centuries of denial of education and social tyranny have created a state of stagnation and despondency among the Non-Brahmins, which is not easy for anyone to get over within the space of a generation. Meanwhile, the Brahmin Oligarchy, which will surely be created, if Communal representation is denied to the Non-Brahmins, will concentrate the power which the reform scheme will place in their hands, and long before the Non-Brahmins are educated and come to understand the value of their vote the Brahmins will increase the distance between themselves and the Non-Brahmins in the race for political power. That power the Brahmins naturally, and as proved by previous experience, will utilise for their benefit and aggrandisement of their own community, and begin to oppress and tyrannise over those below. The days of Mann may not return and Mann's code may not be re-enacted, but a stage is sure to be reached, it may be not long before the goal of ultimate self-government is attained, when the only way to equalise power and to secure equal justice may be something unthinkable.

32. If instead of making calculations upon the entire body of literate and illiterate voters we take into account only the English educated voters, we find from the table given on page 119 of the Southborough Report that there will be 10,396 voters literate in English. These really are the persons who are most interested in the elections in the near future. These are the politically-minded classes. These are the limited intelligentia. These will naturally bring into play all their resources at every election. The result of elections will surely depend upon the will and exertions of these 10,396 men. A closer examination of the same table will show that amongst these there are only 3,387 Non-Brahmins against 6,405 Brahmins, the remaining few being Indian Christians and Anglo-Indians. These numbers give the crucial test or index to show where the real power lies. For every intelligent Non-Brahmin voter who understands the value of his vote there are two Brahmins. These are the numbers that count. Mere illiterate voters and voters who do not know English we may have in lakhs. So long as the Brahmins preponderate amongst voters literate in English, the Non-Brahmins can have no chance of securing their due share in the Legislatures of the country. Our only hope lies in Communal representation through Communal electorates.

33. The argument that a separate electorate for Non-Brahmins would force the Brahmins into a separate electorate against their will has been sufficiently met by the Government of India's observation that "this argument may be discounted by the fact that in the eyes of many Hindus, this is what has already been done in the case of the Hindus." Under the Minto-Morley Reforms a separate electorate was given to the Moslems. In December, 1909, when Congress met in Lahore, in the Bradlaugh Hall, the following resolution was moved by no other than Mr. Surendranath Bannerji:—"That this Congress, while gratefully appreciating the earnest and arduous endeavours of Lord Morley and Lord Minto . . . deems it its duty to place on record *its strong sense of disapproval* of the creation of separate electorates on the basis of religion, &c. In particular, the regulations have caused *widespread dissatisfaction* throughout the country by reason of (*a*) the excessive and unfairly preponderant share of representation given to the followers of one particular religion; (*b*) the *unjust, invidious* and *humiliating* distinctions made between Moslem and Non-Moslem subjects of His Majesty in the matter of the electorates, the franchise and the qualifications of candidates." This was reiterated in more or less similar language in the Congress of each year till 1914. Yet the separate electorate for the Moslems continued. The plea that the Hindus were forced into a separate electorate did not count then. Why should it count now?

34. There is a strong argument which naturally suggests itself to us in this connection. It is noticed that the Brahmins in the Madras Presidency constitute a very small minority, not being more than 3 per cent. of the total population, the Non-Brahmins forming nearly 80 per cent. It is also seen from the statement given on page 119 of the Southborough Report, that the total number of Brahmin voters comes to only 39,865, against 206,760 Non-Brahmin voters. In the Southborough scheme each district is allotted one or more seats. Now, the figures for each district are also given at page 119. If we examine the figures for each district closely, and compare the figures in column 16 with those in column 20, it will be found that in every district, except South Canara, the Non-Brahmin majority of voters is overwhelmingly large. If the theory that because Non-Brahmin voters are in vast majority therefore the Non-Brahmins are sure to secure most of the seats be correct, then the Brahmins can secure only one seat, that provided for South Canara (please see page 25 of the Southborough Report), out of the 61 seats allotted for the so-called general electorates, and all the rest, that is, 60 seats, must go to the Non-Brahmins. Now, are we to understand that the Brahmins will be satisfied with a single seat out of 61 seats. Why, then, do they not ask for Communal Representation on the ground of their being in a small minority, when almost every other community is asking for it at this juncture? Where in history do we find a small minority not merely satisfied with, but actually enthusiastic about merging itself in a very large electorate, and content to take the off chance of securing one, and only one, seat out of 61? Can it be that it wants to efface itself in the interests of nation building, or is it that it is content to be represented by candidates from other communities? To those who would like to answer these questions in the affirmative our reply is that the days of millenium are not yet come. The true reason is merely this. The Brahmins are opposed to Communal representation, because they feel certain that with the influences at present at their command they can capture more seats than they can hope to get through Communal representation. They know that they can conveniently put their finger in other people's pie. It is in these baneful influences in the Brahminical power to fetter the discretion of the general voter that the disability of the Non-Brahmin candidate consists. Even in the existing electorates, in which 9 seats out of 10 were secured by the Brahmins, the Non-Brahmin votes preponderate in the proportion of two to one.

35. We find that a point seems to have been made on the alleged ground of the Non-Brahmin movement being new. The allegation, however, is not true. The relations between Brahmins and Non-Brahmins have never been cordial. Apart from the racial antagonism between the two, the great predominance of the Brahmins in the public services had long ago excited the jealousy of Non-Brahmins, and complaints were made on their behalf to the authorities on the spot. It has always been smouldering and never dead. Of course, owing to the lack of organisation amongst the Non-Brahmins and the Press and the platform being entirely in the hands of the Brahmins, the disabilities and the grievances of the former could not find adequate expression. But the authorities on the spot knew it. There is a standing order of the Board of Revenue of Madras (B.S.O., No. 128, Cl. 2) which laid down that in making appointments in the subordinate services care should be taken that all communities are fairly represented. This rule was more honoured in the breach than in the observance, owing to the influence wielded by the Brahmins in the headquarters of each district and in the Metropolis. But the fact remains that nearly twenty-five years ago it was noticed that Brahmins preponderated in the public services, and that something should be done to check it.

36. We are really surprised to find that Mr. Surendranath Bannerjie has deposed before you that the Non-Brahmin movement dated only from the discussion about the Montague-Chelmsford Report. The facts mentioned above will prove the contrary. But the wonder is that Mr. Bannerjie could not have known it. The South Indian Liberal Federation itself was started in 1916. Mr. P. Theagaroyachetty's manifesto was issued in November, 1916. Our daily newspaper *Justice* first came out in February, 1917. Mr. Bannerjie, as the editor of the *Bengalee* must have been receiving *Justice* in exchange for the *Bengalee*. From the very first Leader in the *Justice* of the 27th February, 1917, he could have seen that our grievances were many, and long remained unredressed. The Montague-Chelmsford Report was published in India only on the 7th of July, 1918. How, then, can it be said that we came into existence with the Joint Report. Again there were numerous Non-Brahmin Conferences held in different places in the Provinces, long before Mr. Montague arrived in India. The well-known Coimbatore Non-Brahmin Conference was held on the very day on which the famous declaration of August 20th was made by him. It is absolutely incorrect to say that we came into existence with the Joint Report, whereas it was his Liberal League (whose witness he was) that came into existence with the Joint Report, until the publication of which Mr. Surendranath was known to hold the Congress League Scheme as his irreducible minimum. Again the Public Service Commission, on which Lord Islington presided, took evidence in Madras in the year 1913, and though the evidence was confined to the services, sufficient material was placed before the Committee, which clearly brought out the "Non-Brahmin trouble," and proved its existence by that time. I need only refer to the evidence of Rao Bahadur P. Theagaroyachetty, Rao Sahib (now Rao Bahadur), T. Balaji Rao Naidu, Mr. Kumaraswami Tampoe, I.C.S., and Dewan Bahadur L. D. Swamikannu Pillai, for some time Home Secretary to the Government of Madras. The last two gentlemen are Indian Christians by birth and faith, and Mr. Tampoe is a native of Ceylon. Their evidence is unquestionably disinterested and impartial. I do not propose to quote it here. It is found printed in Vol. II., Appendix to the Report of the Royal Commission on the public services of India. It is impossible to understand why Mr. Bannerjie thought that the Non-Brahmin trouble in Madras dated from the Montague-Chelmsford Report. The quotation from Mr. Svinivasa Sartri's publication also proves our contention. (At the end of Para. 19 supra.)

37. But assuming for a moment, without in the least admitting it, that the Non-Brahmin trouble dated since the Joint Report, we fail to see why it should be belittled on that account. The domination of a majority by a minority has long been there. Several acts of the Brahmins will be found mentioned lower down—acts which are calculated to place the Non Brahmins at a disadvantage, and to advance the position of the Brahmins. Their own overwhelming preponderance in the public services and in the Councils of the country is injurious enough in the existing state of things. But till now, as has been pointed out elsewhere, the Brahmins are only in a sphere of influence. Under the Reform Scheme, however, power —actual power—will be given to Indians, and if this power also is captured by Brahmins (as they are sure to do if Communal representation is not given) as they managed to secure all the influence hitherto, where will the Non-Brahmins be, and what will be their fate? The Brahmins will become ministers with great *powers*. The councils will have vast powers in the Reform Scheme. Apart from the control of the administration of transferred subjects, the Brahmin minister and his Brahmin Legislative Councillors will have the great power of raising taxation. It is a notorious fact that Brahmins do not pay any appreciable amount of taxes. The admission of a Brahmin member of the Imperial Legislative Council has been quoted in a previous paragraph of the evidence. These therefore, need not hesitate to increase taxes in any direction. Now it is the grant of powers such as these that created an impression in the minds of the Non-Brahmins that if this power is wielded by Brahmins (as past experience has shown when they were wielding only influence) bad days are in store for Non-Brahmins. Is it wrong then to wake up not merely to defend oneself against possible and probable dangers, but to a sense of one's own rights even? Up till now the the European element is in the majority in the Legislative Councils. The non-official Indian members were only in the position of mere advisers. They could indulge in, as it is admitted they did, "the habits of irresponsible criticism, which have been the bane of the Minto-Morley Councils." Their resolutions were not binding on the Government. It was very rarely that resolutions were ever allowed to pass. The en bloc vote of the official very often backed up by the nominated non-officials, was there. No serious harm, even if they attempted, could have been done by the elected Brahmin Legislative Councillors. They did attempt on several occasions, but their attempts were easily foiled. The European members, including the bureaucracy, whatever be their faults, and they had many, could hold the scales evenly between Indian and Indian. It will be ungrateful on the part of the masses of India if they do not acknowledge the protection which they have received from the British Civil Service in India. "The country people," to quote again from the Joint Report, "have, and always have had, confidence in the British official, because of his *integrity, fair play* and *detachment*." We deny that the Brahmins in Madras have any of these qualities. Past experience proves the truth of my statement. Now under the new scheme this British element will be wanting there. They will be in a microscopic minority. The power hitherto held by them will be transferred to the Brahmins, who will naturally use it to their own advantage, and to the detriment of the Non-Brahmins. No wonder that the Non-Brahmin leaders should wake up, organise themselves as well as they could with the limited resources at their command, and make genuine attempts to protect their own interests and

those of whom they are the natural and accredited leaders. Again the slight increase in wealth and intelligence among the great Non-Brahmin communities, the assembling of Communal conferences, the natural, though imperceptible, combination of these various communities against the monopoly of power and influence of a particular caste, the spread of Democracy, the unfolding of new ideas and hopes, all these and many more causes of a like nature, while forming the fundamental motives and objects of social and political growth in our Province, have at once made the Non-Brahmin leaders try to rise equal to the occasion. The social and political conditions of to-day resulting from changes of years of benign British rule and chastened by the all-embracing influence of the recent world-war, have made thoughtful Non-Brahmin leaders ponder over the situation and brought them to the conclusion that Communal representation alone can save their community from stagnation, neglect, political depression, excessive inequality and domination by a minority. No wonder that Non-Brahmin leaders had to cast off their sloth and be up and doing. It is no reproach to them. It would have been criminal on their part if they did not awake and do their duty by themselves, and by the great masses to which they belong by birth, association and existence. What does it matter, then, that our movement as at present organised is new ?

38. I see an attempt made by some of the witnesses before this Committee to belittle the magnitude of the power and influence of the Brahmins and the consequences thereof. Elsewhere it is even asked, " How have the interests of the Non-Brahmins been injured by the Brahmin representatives in the councils in the past to claim and desire Communal representation for themselves." In the first place, the question really does not arise. For it that were the criterion on which popular representation is to be based, the Government cannot find any reason for granting more of popular representation except on the hypothesis that their representatives have injured directly or indirectly the interests of the people of India. I shall illustrate my meaning by a counter-question. Suppose the British officials in India repeat the question, substituting themselves for the Brahmins, and ask my countrymen, " Who gave you peace and order, who guaranteed the safety of your person and security of your property, who constructed your anicuts and gave you the canals and irrigation systems which account and account so much for your present prosperity. Who gave you the telegraph, the post and the railway ? We, the Britishers, never injured your interests ; we are the best representatives of Indians in the councils of the country. Why do you Indians demand elected majorities of yourselves therein." Now, I ask, would any Indian approve of such arguments He is immediately reminded of what one of your great Prime Ministers, Sir Henry Campbell-Bannerman, once said, and would reply by saying " Good government is no substitute for Self-government, and no European can represent the Indians in the Councils." May we not in our turn repeat the argument that if good government by the British is no substitute for self government by Indians, any good government by the Brahmins is no substitute for self government by Non-Brahmins. How can the substitution of Brahmin rule for the British rule be welcomed by classes who received so many benefits from the latter ? Again, when separate representation was given to the Mohammedans in 1909, and when it was proposed to be given to the Sikhs, Indian Christians, Anglo-Indians and Europeans, it is not because the existing Hindu representatives in the Councils did in any way injure the interests of those five communities, but because ordinary fair play and justice demand that all communities shall have a fair and reasonable share in the councils of their country. So far I have assumed that the Brahmin representatives in the existing councils conducted themselves in a most impartial manner, never attempting to advance the cause of their own communities, but always with an eye towards the national advancement. That is by no means a fact. Apart from the fact of many of their relatives being given decent appointments and promotion to the detriment of Non-Brahmins seeking service and already in service, there are numerous instances in which they tried to benefit their community to the disadvantage of the Non-Brahmins. The resolution moved in 1911 by the Honble. Mr. L. A. Govindaraghava Iyer in the Madras Legislative Council, regarding the recruitment to public services by open competition, the same resolution moved by the Honble. Mr. Ramachandra Rau Pantulu in 1912, the resolution regarding the recruitment of sub-magistrates from the Bar, which is almost exclusively monopolised by the Brahmins, moved by the Honble. Mr. B. V. Narasinha-Iyer; the resolution regarding the amendment of the Civil Courts Act, so as to transfer to the High Court (where three out of the four Indian Judges were Brahmins, the fourth being a Mohammedan) the power of appointing sub-judges and small cause Court judges, from the Government, moved by the Honble. Mr. T. Rangachariar; and the resolution, notice of which was given by the Honble. Mr. V. K. Ramanujachari regarding the deletion of the Board Standing Order No. 128 cl. 2, which provided for the representation of all communities in the appointments within the power of that Board and of their subordinate officers, are only a few of the instances which I could bring to your notice. All the above five gentlemen are Brahmins. When the newspaper *Justice* was started by the Non-Brahmins, a story was invented and freely circulated that the Madras Government subsidised the paper, and was purchasing hundreds of copies. Five Brahmin Members of the Legislative Councils simultaneously gave notice of interpellations regarding the newspapers subsidised by the Madras Government. Notice was also given by another Brahmin member of a resolution demanding the Government to publish a list of the journals subsidised by them. It was found after all that not only did the Madras Government not subsidise anything to the paper *Justice*, but as a matter of fact subscribed to a fewer number of copies than *The Hindu* of the Brahmins. The late Dr. Nair, in whom our community lost its ablest leader, had to publish an editorial, in which he not only contemptuously denied the charges, but pointed out how such false stories were invented and circulated by the Brahmins, and also how the Madras Government did not give facilities which they were affording to other newspapers. To come back to the instances we were pointing out, there were several resolutions moved by a Brahmin representative of Madras Presidency in the Imperial Legislative Council regarding the report of the Public Service Commission. The Madras Government took up and has been maintaining at public cost a Brahmin widows' home in Madras, to which none but Brahmins are admitted. Not a little finger was raised, not a voice whispered at this special treatment, but when a grant was made to the proposed Rajkumar College, a great noise was raised. A Brahmin Member moved, and the Government of Madras accepted, a resolution to appoint more Indians as District Board Engineers, with the result that within the space of a few years 18 Indian engineers were appointed, of whom 15 are Brahmins and only three are Non-Brahmins. This result is complacently accepted with supreme satisfaction, and not a voice was raised protesting against the inequality and injustice involved. The injury to non-Brahmins can be due to acts of both omission and commission. The Brahmins could not do much injury to us as members of the existing Legislative Councils, for they have only influence but no power, and they are in the minority as against officials. At present they could not harm us much, though I am certain they would have done if they could. Government recently appointed four non-official Indians as Presidents of District Boards, three out of whom are Brahmins. Within the jurisdiction of one of the Brahmin presidents there is a big choultry founded by ancient non-Brahmin Zamindars, at which pilgrims are freely fed. A rule was passed

that in this choultry ghee (clarified butter) and buttermilk should be served only to Brahmins and not to the Non-Brahmin visitors. A complaint was made to the Brahmin president, and he decided that buttermilk may be given to Non-Brahmins, but not ghee. Now, when Brahmin contempt towards Non-Brahmins could go so far as that, further comment seems to be superfluous. The immense funds of the Timpati Temple were diverted to a Sanskrit College, where a dead language is to be taught for the benefit of the Brahmins. Several temples and charitable institutions, too numerous to be mentioned, were founded by Non-Brahmins, and are now under the management and trusteeship of the Brahmins. The Pachaiappas College in Madras was founded with the funds devised by a non-Brahmin gentleman, has till recently been almost exclusively under the trusteeship of Brahmins, and to this day Panchamas are not admitted into the college. The most notorious recent incident is, perhaps, what is known as the Kallada-Kurichi affair. In that place there is a charitable institution founded by a Non-Brahmin intended to feed the poor. It was being managed by the Taluq Board (corresponding, perhaps, to a County Council within whose jurisdiction the village lies. Quite recently a Brahmin I.C.S. officer happened to be the Revenue Divisional Officer, and ex-officio he was also the president of the Taluq Board A resolution was proposed and carried in the Taluq Board, resolving that the funds of the c aritable institution should be diverted to convert a local Sanskrit school into a big Sanskrit college open only to Brahmins. As the president happened to be a Brahmin and also the Revenue Divisional Officer, no Non-Brahmin member of the Board dared to raise a voice against it. But outside a huge cry was raised, and the matter had to be taken up by the South Indian Liberal Federation. Meanwhile the Brahmin president was transferred and a European I.C.S. appointed in his place, and the Taluq Board promptly cancelled its own resolution. The difference between the position when a Brahmin presided and that when a European presided can easily be seen by this one single instance. It is unnecessary to give more instances. The above ought to suffice to convince you that the Brahmins are not so good and altruistic as they might have been represented to be, and show how they can injure the Non-Brahmins by acts of commission and omission from their place in the Legislative Council and in the public services. All this, be it remembered, under a benign British Government, in which the Brahmins can claim only an indirect influence and wield no power. What it will be when actual power is conceded to them is a thing which can easily be imagined and estimated by the Committee. So far as the non-Brahmins are concerned, and we can speak with authority for them, they feel that danger is ahead; that tyranny and oppression will be the only result if Communal Representation is not granted to them.

39. Having met the objections raised against communal representation, I shall now proceed to submit what kind of electorates we need. The Government of India in their fifth Report recommend the reservation for Non-Brahmins of thirty seats out of sixty-one, in non-Mohammedan constituencies, though it is not clear whether these thirty members are to be returned by Non-Brahmins alone or by Brahmins and Non-Brahmins together. A plural constituency is recommended in the amended resolution of the All-India Conference of the Moderate Party, held at Bombay in November, 1918. At this Conference *only one* Non-Brahmin from the Province of Madras was present. This, in our humble opinion, is a half-measure, and, like all half-measures, it is unsatisfactory. The only reason assigned by the Government of India for this kind of system is the undesirability of forcing a separate electorate on the Brahmins against their will. In the same paragraph in which this reason is found is also given how it is discounted. It is observed that "this argument may be discounted by the fact that in the eyes of many Hindus this is what has already been done in the case of the Hindus." When separate electorates were granted to Mohammedans in 1909, separate electorates were forced upon the Hindus. We have already pointed out by referring to various resolutions of the Congress that it was against the will of the Hindus, and even against their vehement protests (please vide para. 33 supra.). Now we fail to see why such a thing could not be done to protect majorities when it was done to protect minorities. It is another matter when any protection is refused to majorities on the ground that majorities should protect themselves. But when once it is conceded that these majorities require protection and provision is actually made to reserve some seats to them, it is impossible to understand the refusal to grant separate electorates on the solitary ground stated.

40. This reservation of some seats to Non-Brahmins in plural constituencies cannot at all be regarded as granting Communal representation. It may be anything, but it is not Communal representation. To be called a representative of a particular community, and yet to be elected not merely by that community, but also by another community, is a position which has neither logic nor reason to support it: it is an insult to the candidate as well to the voter. We can understand the singular constitution which is to be conferred on us, we can understand the "hybrid executives" which we shall have hereafter, but it is impossible to understand this "hybrid" constituency in which a particular community will be asked to vote for a member of another community, not as a representative of themselves, but as a representative of others. For when once a candidate is recognised as a representative of a particular party, it is unreasonable to ask others who do not belong to the party to vote for that candidate. In the proposed plural constituencies a Brahmin voter knows beforehand that all the candidates for a particular Seat are Non-Brahmins intended to represent Non-Brahmins and not to represent Brahmins, and yet he is required to go to the booth and vote for one who professedly does not represent him or his community. Suppose we take a concrete example. The Europeans in Madras Province are given a seat in the proposed constitution. How would they like the idea of a European of Madras being elected by a plural constituency of Hindus and Europeans? The fact that in that case the Hindus, being in a vast majority, would return a European, who is not liked by the majority of Europeans, does not reduce the anomaly I am trying to point out. In such a case Mr. Avondale or Mrs. Besant will be elected (assuming also that Woman Suffrage is granted) to represent the European Community in Madras. How would the European Community in Madras like such an election?

41. Let us leave alone these theoretical objections for which, perhaps, there is no place in the novel constitution that we are going to have. Let me point out the practical difficulties in the working of these so-called plural constituencies. It is a device invented by the genius of Brahmins to avoid the real representatives of the people, the people that form the backbone of the country from being returned to the Legislative Council. You could see the origin of it in the resolutions of the All-India Conference of Moderates, held at Bombay in November, 1918. That was their first Conference. They had no existence as such until that date. That movement was organised by two Brahmin gentlemen, both members of the Imperial Legislative Council and afterwards members of the Southborough Franchise Committee. How their appointment on the said Committee has been received by the Non-Brahmins, and how they found

themselves unable to give evidence before that Committee, has been submitted in another place (please *see* para.). The Committee heard only the evidence of our opponents and had the advice of the Brahmin members thereon. The Committee, while making mention of plural member constituencies, did not actually recommend them because " such evidence as we were able to obtain went to show that whilst such a proposal might be accepted by the Brahmins, if it were the price of an enduring peace and might, if the number of seats were substantial, be accepted by one section of the Non Brahmins, the leaders of the other section were prepared neither to submit to such a solution nor to accept it as a settlement of the controversy." The " other section," referred to is ourselves, who have unquestionably the largest following, the " one section " being the Non-Brahmins of the Madras Presidency Association. That Association was started on September 20, 1917, by Brahmins, a month after the famous declaration and nearly a year after ours was formed, in order to create a split amongst the great Non-Brahmin communities. How it was working under Brahmanic influence has already been pointed out (please *see* para. 19). The followers of that Association are known as Pro-Brahmin, Non-Brahmin, and are few in number.

42. Now, the object of the Brahmin leaders in consenting to the reservation of seats for Non-Brahmins in plural constituencies, in which they (Brahmins) themselves will also be voters, is to see that the real leaders of the Non-Brahmins are not returned to the Councils, but that the nominees of the Brahmins, like the members of the Presidency Association, are returned.

43. The Brahmins can enter into a compact with the Pro Brahmin Non-Brahmins and thus arrange that the former are returned to the non-reserved seats and the latter to the reserved seats. I shall illustrate my meaning by a concrete example. It is pointed out in the Southborough Report that the proportion of the Brahmin votes to the Non-Brahmin will be 1 to 4. Suppose we take a constituency with 5,000 voters ; 1,000 voters of it will be Brahmins and 4,000 Non-Brahmins. The Brahmin candidate can say to the Pro-Brahmin Non-Brahmin candidate "There will be 1,000 Brahmin votes. We shall give all our votes to you ; you secure 1,600 votes out of the 4,000 Non-Brahmin votes. You will then get a total of 2,600 and your rival will get only 2,400, and you are sure to succeed." We have to take account of not only the 1,000 Brahmin votes, but of the Brahmin influence over the Non-Brahmin votes, explained in an earlier part of this Memorandum So a Pro Brahmin Non-Brahmin, with only 1,600 Non-Brahmin votes, will defeat a true non-Brahmin with 2,400. This is so far as the reserved seat is concerned.

The process can be repeated in the election for the unreserved seat. Here a Brahmin stands against a true Non-Brahmin, and with his own 1,000 together with the 1,600 of his friend and nominee, whom he was helping, will easily defeat the real representative of the Non-Brahmin, though the latter may have 2,400 votes. It is not our wish that these Pro-Brahmin Non-Brahmins should not be returned We quite welcome them to the new Councils. But we do not want them to come in as Brahmin nominees. We do not want them to be under electioneering obligations to Brahmins, obligations which are inconsistent with those which they owe to their own community whose representatives they are.

44. The Pro-Brahmin Member elected under the above circumstances will have a great many conscientious difficulties in his own turn. Suppose a question like the "Kalladikurichi affair," referred to in a previous paragraph, arises. Suppose a question arises in which a charitable fund, hitherto utilised for all people, is proposed to be diverted to a Sanskrit College about to be started and intended for the sole benefit of Brahmins. Dare this member vote against the proposal, having been elected with the help of Brahmins ? If he does not, will he not be voting against the wishes of his own community ? Take again a case like the one now agitating the public mind, and which is likely to be before the Legislative Council ere long, for a Bill is under contemplation. It is the case of abolishing the hereditary right to the village Karnam's office. At present the Karnams hold office by hereditary right. The Government have now proposed to abolish this hereditary right. The proposal has large Non-Brahmin support. Will the future Pro-Brahmin member of the Legislative Council above referred to venture to vote for the proposal if he cares to be elected a second time ? If not, will he not be voting against the wishes of those whom he is supposed to represent ? Is not such a representation unreal ?

Question regarding Agraharams, mostly owned by Brahmins, in which troubles concerning the permanent rights of occupancy in the tenants (Non-Brahmins) are just now the subject matter of litigation to a large extent, and are sure to come up before the future Legislative Councils. Is the Pro-Brahmin Member to vote for the Agraharamdar, with whose help he was returned or is he to vote for the tenants, whose representative he is supposed to be. And then there are the religious endowments founded by Non-Brahmins and now solely managed by Brahmins. There are so many other questions. It is unncessary to multiply instances.

45. The next objection to this system is that a citizen when he is a voter in a constituency certainly has influence to a degree which he cannot have if he is not a voter in that particular constituency. In other words, Brahmins as voters in a constituency will have an influence over the other voters in the same constituency which they cannot so easily and freely exercise if they are not voters in it. It will afford them greater opportunities for unwholesome interference. It is unnecessary to labour the point further. If once it is conceded that Non-Brahmins deserve and require protection from the Brahmins, the only logical and workable scheme is that of separate electorates for them.

46. In the Bill the expression " general electorates " is used for the electorates in which Brahmins, non-Brahmins and Panchamas will take part ; in other words, it is a Hindu electorate. When each of the separate electorates given to the Mussulmans, Europeans, Anglo-Indians and Indian Christians is called a Communal electorate, why the Hindu electorate alone is called a general electorate is not clear. I take exception to this expression because an argument is based on it. It was urged in India, it was urged in Madras in the informal Franchise Conference presided over by Lord Pentland in December last that if all the electorates are communal, our constitution would contain no general electorate at all. The obvious answer to that is that this so-called general electorate is no less a Communal constituency than the one given to Mussulmans or Indian Christians. If one more community—viz., Brahmins - be separated from this, the remaining electorate can as well be called a general electorate. If numbers is a test of a general electorate, the reduction of $1\frac{1}{4}$ millions more out of 37 millions does not make much difference when already $4\frac{1}{4}$ millions have been taken away from the main body of 41 millions. If there is any point in having as large a number as possible, then please separate the Brahmin $1\frac{1}{4}$ millions from us, and include the equal number of Indian Christians, to whom the three seats already promised may be guaranteed by reservation in our general constituency. There is greater affinity between Non-Brahmins and Indian Christians, who are mostly Non-Brahmin and Panchama converts to Christianity. One can count the Brahmin converts

and their descendants on one's fingers. In the southern portion, the customs, manners and method of living of Indian Christians do not at all differ from those of our community.

47. The Brahmins are to be grouped with the Non-Brahmins because the Franchise Committee does not wish to force a separate electorate on Brahmins (1¼ millions) against their will. This "will" of Brahmins sounds like "self-determination." What about the will of the Non-Brahmins (27 millions)? Let alone that. What is this "will" of the Brahmins? Is it that they wish to take part in electing Non-Brahmins, or is it only that they (Brahmins) wish to get themselves elected by a general constituency composed of Brahmins and Non-Brahmins and Panchamas, to call themselves, it may be, the representatives of a large body. If it is the latter there can be no objection. By all means give a certain number of seats to Brahmins, taking into account their population, their education, and their political mindedness. Let the Non Brahmins, Brahmins and Panchamas be voters in that constituency and vote for them. But if they mean the former, it is exactly what we oppose, exactly what has been described as "putting one's fingers into other people's pie." One can certainly claim to be elected in a particular way. But no one can have the right to prescribe the method of electing others, especially by interposing himself into the bargain.

48. This leads me naturally to submit what number of seats should be given to the Brahmins. They form only 3 per cent. of the population. On that score they cannot expect more than three seats. The population of the Indian Christians is almost the same as that of the Brahmins, and the Southborough Committee gave the former only three seats. On that score also the Brahmins deserve only three seats. The Mohammedans, who are nearly double the number of Brahmins, are given 13 seats. If that were the basis, the Brahmins may claim half that number. That is six or seven seats. The Madras Government thought that ten seats should be allowed to Brahmins. Now, taking the largest number yet mentioned or capable of being mentioned, the Non-Brahmins will be perfectly willing to set apart 12 seats for the Brahmins "as the price of an enduring peace," for that peace is as much desired by the Non-Brahmins as by the Brahmins. Twelve seats out of 61 bear the proportion of one to four, which is the same as the number of Brahmin voters bears to the number of Non-Brahmin voters. I have to add that, in addition, the University seat will be theirs very often. Past experience has shown that at least two of the Zamindari seats will always be theirs. In other words, 14 or 15 seats out of 61 will be Brahmin seats. Shall that not satisfy the Brahmins when their population justifies only three seats? If it does not, there must be something behind their professions. Our humble suggestion is that a separate constituency may be formed having 12 seats for Brahmins only. The remaining seats may be given to the Non-Brahmin constituency, in which the Panchamas will be included. That will be for 34 millions. It may be called the general electorate if so desired. If the Brahmins still insist upon a general electorate let their 12 members be elected by any constituency consisting, if they want, of Brahmins, Non-Brahmins and Panchamas, and perhaps, Indian Christians, etc.

49. I have read it reported that some witnesses before this Committee wanted to belittle the Brahmin-Non-Brahmin trouble. It is said that the two communities are making up past differences, that politics are transcending caste. Travesty of truth cannot go further. We humbly assert that the trouble is increasing every day. The Franchise Committee itself admitted that it was "raised in a *very acute* form" (para. 20). The Madras Government speaks of "a general feeling of apprehension" by Non-Brahmins "widely and strongly felt" at present. The India Government speaks of the "bitter feelings which have been roused by this controversy in Madras," and says that the reform scheme itself will be "heavily handicapped," and the contentment in the province disturbed, if the question is not satisfactorily solved. Sir Sankaran Nair, in his dissenting minute, while supporting our claim for communal representation, made some remarks which cannot be left unchallenged in this connection. To us Non-Brahmins it is impossible to understand the position taken by him. But, perhaps, the explanation lies in the fact that having moved so long in the Congress groove it became impossible for him to get out of that groove. He has not been in Madras during the last four years, during which our movement received a great impetus. His statement that "Mrs. Besant in particular brought over the whole of her Brahmin party to discard the Brahmin restrictions which stood in the way of the hearty co-operation of the Non-Brahmins" is most inaccurate. It is true she has a Brahmin party. In fact, 99 per cent. of her Indian followers are Brahmins. It is also true that there are Brahmin restrictions which stood in the way of any hearty co-operation with Non-Brahmins. But it is absolutely incorrect that Brahmins have discarded them, and that Mrs. Besant has ever attempted to get them discarded. On the other hand, she always flattered the Brahmins, and believed that everything connected with them was sacred, found a scientific explanation for every custom and habit of the Brahmins, and told them that they should adhere to their time-honoured customs and restrictions. Whatever was ancient in India was justified by her, and she tickled the pride of the Brahmins by telling them that they are far superior to the rest of mankind. In fact, she threw her whole weight of support in upholding the tyranny of the lower classes by the Brahmins. To say that she brought the whole of her Brahmin party to discard restrictions is anything but a fact.

50. I shall now try to summarise what I have said. I have shown:—

(1) How 9 out of 10 seats allotted to general electorates were captured by Brahmins in the Madras Legislative Council.

(2) How all the 3 seats in the Imperial Legislative Council have been taken by Brahmins.

(3) How in the Public Services of the country Brahmins preponderate.

(4) How a small minority is dominating over a large majority.

(5) How all Non-Brahmins (the majority Party) want Communal electorates.

(6) How even the Non-Brahmins of the Madras Presidency Association (the minority Party) want Communal representation.

(7) How almost all the Brahmin organisations conceded the need for Communal representation.

(8) How the All-India Conference of Moderates at Bombay agreed to give Communal representation.

(9) How the Government of Madras has shown that Communal electorates are necessary.

(10) How the Indian Government would concede Communal representation and how whatever comes from that source favourable to the Non-Brahmins should be given special weight.

(11) How there is no force in the objections raised in the Joint Report against Communal representation.

(12) How the other objections—such as Non-Brahmins being in the majority in population and amongst the voters—raised elsewhere, do not stand the test of criticism, and how numbers do not count.

(13) How the future Councils rise from the sphere of influence to that of power in the new reforms scheme, and how if that power is not distributed, it will work danger.

(14) How reservation of seats in plural constituencies is wrong in theory, and how it is fraught with practical difficulties and how it does not serve any useful purpose, and why Brahmins want this "hybrid system."

(15) How such a constituency itself first came to be proposed.

(16) And how Communal electorates are the only means of saving Non-Brahmins and of preventing the creation of a Brahmin Oligarchy.

51. No one can foretell with certainty what the consequences will be if the reforms are introduced without Communal representation to the Non-Brahmins. But so far as these communities are concerned they believe that evil days are in store for them. They apprehend that the majority of the seats will be captured by Brahmins and the rest by their nominees, and that the Public Services will likewise be monopolised by the same; that the Brahmins will rise in power and concentrate it before the voters can learn to understand the value of their vote: that that power will be utilised for the aggrandisement of the Brahmins and to the detriment of the Non-Brahmins; that a Brahmin Oligarchy will be substituted for a British Bureaucracy; that the dial of progress will be set back; that justice, on which the British power in India has been founded, will be cast to the winds; that nepotism and jobbery will be the order of the day; that responsible Government in Madras will be a failure, and that the Brahmin Oligarchy will never be responsible to the masses and the middle classes, the poor and the proletariat; that stagnation, neglect, political depression, exeessive inequality and domination of the majorities by a minority will be their fate; that though the code of Marm may not be re-enacted, oppression and tyranny will follow, and that the consequent results are unthinkable; that instead of India rising in the scale of Nations, there will be such a crash that no one can say where its shattered pieces may fall. We may be right or wrong in our apprehensions; but Great Britain, holding India in trust is bound to take note of them.

52. The Zamindar of Telaprole, presiding over the Non-Brahmin Conference, at Tinnvelly, in December, 1917, has thus summarised our future position:—"We Non-Brahmins are to remain and multiply in order that the chosen few may have subjects to rule and the British are to remain to keep off external danger by their Military and Naval Forces, and to suppress us if we should dare to oppose the orders of a Brahmin Oligarchy. Great Britain has the right to demand from us obedience and if necessary to secure it by force, provided she rules well and is willing to give us a share in ruling as we become fitter and fitter to bear the responsibilities. But I say emphatically that Great Britain has no right to say 'I will put over you an Oligarchy in which you have no share, which you distrust, which is socially contemptuous of you. I will let that Oligarchy shape its policy as it pleases, and if you dare to dispute its authority, then I, even if I disapprove of its policy, will use the British Army to enforce non-British policy.' We are not cattle to be sold by one master to another, with the further humiliation of the first master standing by with a bludgeon in case we object to be sold."

53. One of the speakers, moving the resolution on Communal representation at the Non-Brahmin Confederation, which met in December, 1917, said: "It is the surest way of converting the Brahmins into the Magyars of Madras. Domination of the majority by a minority, oppression and tyranny will be the only consequence, and the seeds of revolution and civil war will have been sown. God forbid that there shall be any revolution in this peaceful land of ours; God forbid that there shall be any civil war in this peace-loving country; but, Sir, if there should be any such contingency and blood has to be shed, at whatever distant date it may be, such blood will be on the heads of those that oppose this resolution of Communal Representation at this critical period of our history."

54. Lord Curzon, while committing this Bill to the Joint Committee on June 30th, 1919, appealed to this Committee 'That nothing could be done to weaken or diminish the protection that is given to the poorer classes in India, and they are the vast multitude of the population of the British Raj" and that the poor should be given "freedom from opposition" by the upper classes. Our prayer is also the same. That our apprehensions are genuine and honestly entertained was admitted by the Brahmin representatives at the informal Franchise Conference, held in December last at Madras, presided over by Lord Pentland, who could speak to the truth of this statement. It can also be gauged from the language of the following resolution passed so recently as the 21st of June, 1919, at the Non-Brahmin Conference, held at Trichinopoly, under the presidency of a Mohammedan gentleman: "That this Conference sincerely believes that the absence of a provision for a separate Non-Brahmin Hindu Electorate will alter the British character of the Government and create an Anti-British Oligarchy, which the Non-Brahmins declare themselves not bound by the ties of loyalty which bind them to the British Government, so long as it retains its British character." That these fears require to be allayed will, it is hoped, be conceded. The Government of India saw the need for such allaying, though at a late stage, and though they propose only a half-measure to secure that end. A great Reform Scheme, with such far-reaching consequences, cannot be ushered in, when vast communities are groaning under discontent at the very threshhold of its inauguration. Peace, contentment and justice have been Britain's greatest boons to India. God grant it, they may not be taken away from us now.

APPENDIX I.

PAPER handed in by Mr. *Ramachandra Rao* on 13th August, 1919. (*See* Evidence, Question 3925 *et seq.*)

NOTE ON THE BUDGET PROCEDURE IN PROVINCIAL LEGISLATIVE COUNCILS UNDER THE GOVERNMENT OF INDIA BILL.

In paragraph 256 of the Montagu-Chelmsford Report the authors deal with the question of the Budget procedure in the provincial legislative councils. The Report says "that the provincial Budget should be framed by the Executive Government as a whole. The first charge on provincial revenue will be the contribution to the Government of India, and after that the supply for the reserved services will have priority. The allocation of supply for the transferred subjects will be decided by the Ministers. If the revenue is insufficient for their needs, the question of new taxation will be decided by the Governor and the Ministers. The Budget will then be laid before the council, which will discuss it and vote by resolution on the allotments. If the legislative council rejects or modifies the proposed allotment for reserved subjects, the Governor should have the power to insist on the whole or any part of the allotment originally provided if, for reasons to be stated, he certifies its necessity in the terms in which we have already suggested."

1. It is clear from the terms of the above paragraph (1) that it was intended that the Budget as a whole should be presented to the legislative council, (2) that the council should discuss the Budget as a whole and vote on it by resolution, and (3) that all proposals involving new taxation should be brought forward only with the consent of the Ministers.

In regard to the first and second points Sir Sankara Nair also understood the proposals as conceding the financial control of the provincial councils over the whole Budget. He says that "he understands the original proposals of the Report as requiring the entire Budget to be submitted to the legislative council, whose resolutions on the Budget will be binding even as to the reserved subjects unless the Governor restores the disallowed allotments of the Budget on specific grounds."

In regard to the last point the Government of India admit that "it is the intention of the Report that fresh taxation cannot be raised for the necessities of a reserved subject except by Ministers and with their consent." (Para. 67 of their letter dated March 5, 1919, page 26 of the Blue Book.)

In fact, it is this part of the scheme relating to the powers of control proposed to be conceded to the provincial legislative council's over provincial revenues that induced me and many others like me to give their support to the scheme. The Bill as now framed, coupled with the proposals of the Government of India in their letter of March 5, some of which find acceptance in the Bill, has so considerably modified the original proposals in regard to financial control as to render this part of the Bill unacceptable.

The proposals in the Bill in regard to the Budget procedure are to be found in Clause 9 and are explained in para. 16 of the Memorandum.

2. The following questions arise, therefore, for consideration :—

1. Will the Budget statement presented to the legislative council and open for discussion and vote of the council contain the receipt heads as well as expenditure heads? In other words, will it continue to be framed as it is under the present practice, as an estimate of the probable income and expenditure of the financial year under the various heads?

2. Will it be open to the members of the legislative council to discuss the estimated receipts and move resolutions modifying or varying the figures given in the estimates in regard to receipts and to vote upon them?

3. Should the proposals involving the raising of the existing burdens on the people either by executive action or involving taxation legislation receive the assent of the legislative council, or will it be open to the Governor to exercise his power of certification and to utilise the Grand Committee for legislation involving taxation?

4. Will it be open to private members to propose alterations under the expenditure heads, either from one reserved to another reserved head, or from one transferred head to another tranferred head, or from a reserved head to a transferred head?

5. Will the members be in a position to move resolutions suggesting increase of expenditure either in the reserved sphere or in the transferred services?

6. What are the limits of the emergency powers of the Governor to incur expenditure? (Clause 9 (2) (b).)

7. What are the permanent charges on the provincial revenues that would be exempted from the annual financial discussion by rules? (Clause 9 (2) (c).)

3. In regard to the first and second questions, the Bill as drafted is not clear on the points raised and it has been suggested that it is not intended that the receipts heads of the Budget should form the subject of discussion or vote in the legislative council. This view, if carried out, would be a novel method of Budget procedure, hitherto unknown. Clause 9 (2) mentions that the proposals of the local government for "the appropriation of the provincial revenues should be submitted to the council in the form of resolutions." If by the words "appropriations of the provincial revenues" it is intended that the expenditure side of the Budget alone should be submitted to the vote of the council it will be a very serious curtailment of the function of the legislative council. It is equally necessary that the receipt heads must be also open for discussion and should be voted upon in the legislative council. Under the present regulations the members are entitled to discuss both receipts and expenditure, and resolutions have been moved in the provincial legislative council suggesting the reductions of the anticipated revenues of the year. A few instances may be given. A resolution was moved in the Madras Legislative Council for omitting from the Budget the anticipated sale proceeds of waste lands amounting to a lakh of rupees and advocating that the lands should be distributed free to the poorer classes (Vol. 39, p. 144). Again, a resolution was moved last year that the land revenue receipts to the extent of Rs. 5,41,000 anticipated as revenue from cultivation of Poramboke lands should be deducted from the head of land revenue, and this was done to express disapproval with the system of imposing penalties. Another resolution aimed at reducing the figures under land revenue, miscel-

laneous (Proceedings of the Council for 1918, p. 383). In this way several questions of principle have been discussed, and various instances may be quoted from the Proceedings that these discussions in regard to the methods of raising revenue have done considerable good.

The council must necessarily have the power of scrutinising all items of receipts, and not only those items which require legislative sanction. Reference has been made in this connection to the practice in the House of Commons, and it may be useful to refer to the procedure in that Assembly. The Committee of Ways and Means in the House of Commons goes into the receipts heads, and resolutions of the whole House are adopted for the variation of any existing tax or for the renewal of any tax in force or imposed during the financial year. In fact, the taxation proposals for the revenue of the year are considered by the Committee of Ways and Means, which can consider not only the impositions of the new taxes but also the repeal of existing taxation and the substitution of one tax for another (May's Parliamentary Practice, pp. 487 to 491). The only limitation to the power of the Committee is "that no augmentation of the tax or duty asked by the Crown can be proposed by the Committee or tax imposed save on the sanction of a Minister of the Crown." Subject to the above limitation, the legislative council should, therefore, have the power of discussing and voting on the proposals for raising the revenues of the year. Any deviation would be in variance with existing practice in the councils, which, as pointed out, are now permitted to discuss by resolutions (which are not binding on the Government) the estimated receipts.

4. The third question raises the important point as to whether the additional revenue of the year should be raised only with the consent of the Ministers and of the legislative council or whether the Governor should have the power of certification and of securing the necessary legislation over the head of the legislative council by adopting the Grand Committee procedure. I have already referred to para. 256 of the Report, which explicitly laid down that "all proposals for new taxation should be decided by the Governor and the Ministers." The Report was understood as recognising once for all the finality of the legislative council on the subject of taxation. To adopt any other course and to place the power of taxation ultimately in the hands of the Governor would be a negation of all responsibility of the popular assembly.

The essential difference between the system of taxation prevailing in the United Kingdom and that in vogue in India cannot be overlooked. In India a considerable part of the revenue is raised under the heads of land revenue and excise, and though there are statutes relating to these branches of administration the power of imposing taxation and adding to the existing burdens is now entirely vested in the executive Government and does not require legislative sanction. In the United Kingdom, on the other hand, taxation can only be imposed by legislation passed in Parliament after full discussion. Sir Sankaran Nair has advocated that land revenue should be placed on a legislative basis as recommended by this Royal Commission on Decentralisation. If, therefore, the receipt side of the Budget does not come under the discussion of the legislative council the executive Government of the province will be able to impose taxation under the powers given by the existing Acts without the criticism of the legislative council, and these proposals will go without any scrutiny in the council.

Reading Clauses 8 and 9 of the Bill, it is not quite clear what the position will be in this matter. The Government of India propose that "if either part of the Government asks for taxation which involves legislation or desired to raise a loan, it will introduce a Bill for the purpose. If the Bill comes from the official side of the Government and the legislature proves hostile, the Governor can exercise his right of removing it by certification to the Grand Committee." This procedure will stultify the legislative council, which will thus be deprived of the essential function of a popular assembly. Clause (3) of Section 9, which relates to the constitution of Grand Committees, must be so drafted as to make it quite clear that the Governor cannot invoke the aid of the Grand Committee for taxation Bills.

5. The points (4) and (5) may now be considered. The question is whether the members of the legislative council should, in discussing the expenditure side of the Budget, have the liberty of suggesting variations and transfers from one head to another and whether they should also have power of proposing an increase in expenditure in directions desired by them. They have under existing regulations the power of moving resolutions involving increase of expenditure subject to the limitation that if the proposal has the effect of reducing the closing balances of the year, ways and means must also be suggested for counterbalancing increase in revenue or reduction in expenditure so as to avoid such reduction in the closing balances. This power has been very largely availed of, and though the resolutions are at present only recommendatory I venture to think a great deal of good has been done even to the departments which will hereafter come under the category of "reserved." I venture to give below a summary of the resolutions moved in the Madras Legislative Council from 1909 to 1918 on the improvement of the services, most of which will fall under the category of reserved subjects.

THE PUBLIC SERVICES.

"The method of recruitment to the public services and the improvement of their pay and prospects have also formed the subjects of continuous discussion and examination in the Council. A very large portion of the establishments of the Public Works Department has been on a temporary basis for a long time though there was absolutely no chance of any contraction in the operations of the department. The claims of this class of public servants for better pay and prospects have been successfully urged in the Council, with the result that a scheme for the reorganisation of the deparment was undertaken with the sanction of the Secretary of State. Another subject which was pressed with some degree of success upon the attention of the Government was the desirability of discouraging the employment of temporary engineers imported from Europe on large salaries to the detriment of the indigenous agency. This has been found not to be necessary, and this class of men is being gradually eliminated, and a root cause of discontent among the superior officers of the department has been removed. The reorganisation of the inferior establishment in this department was also suggested, and this has also met with some success.

"In the Judicial Department the provincial judicial service was organised on its present basis in 1886. Large temporary additions have been made from time to time to the cadre of this service to cope with the growing litigation. A reorganisation of the whole department has been long overdue, and it is therefore brought to the notice of the Government. The question of the increase of pay of district munsifs and subordinate judges with a view to encourage better recruitment also formed the subject of representation, and the Government have recognised the claims of this class of officers for better treatment. The unsatisfactory condition of the subordinate magistracy has been the subject of complaint for a long

number of years, and has found expression in the Council since 1910. The matter was again brought to notice and pressed on the attention of the authorities, and the present increased scale of pay is the result of these efforts. It is, however, a matter of great doubt whether the quality of this class of officers would improve in a substantial manner unless better methods of recruitment are adopted. The difficulty in the settlement of this question lay in the fact that the stepping-stone to the post of a sub-magistrate is through the Revenue Department, where the recruitment at the bottom is begun at Rs. 20. The whole question of a better system of recruitment has been under consideration since 1885, and was one of the points on which the Public Service Commission which sat in that year took evidence from many eminent European and Indian officials who expressed the opinion that the starting pay should be at least Rs. 100 to attract a better type of men in o the service. This long pending question was decided by the Government in 1911, but the conclusion arrived at was that the starting pay should be Rs. 35 —a most unsatisfactory solution of this vexed question. The matter was therefore promptly brought up in the Council for discussion. The Government have during the last two years introduced a scheme of recruitment with an initial salary of Rs. 100.

"The desirability of the appointment of an Indian to the Board of Revenue was brought up for consideration, but the Government sheltered themselves under the plea that this is not one of the listed appointments from the provincial service, and that they therefore were powerless to make the appointment, even if they were inclined to do so. The appointment of an Indian official to the Board was made by the Government in 1917. The question of secretariat training to Indian officers was also urged. At one time it was under contemplation to take away the only appointment of an under-secretaryship from the provincial service. The organisation of the department of the revenue settlement also came up for consideration. Before 1902, when the resolution relating to the land revenue policy was issued, there was a fairly good proportion of Indian officers in this department, but since that time the Indian element has been gradually eliminated, and the superior grades of the department were filled by the members of the Indian Civil Service. The Government conceded that two of the superior appointments of the settlement officers would be filled from the deputy collectors employed in the settlement department. The recruitment of assistant directors of survey also came for consideration. This is one of those services in which it is the conventional official belief that the Indians lack the physical habits and energy necessary for making successful officers. Direct recruitment of young Indians into this department was therefore urged without detriment to the claims of the older men already in service as sub-assistant directors. The Government practically agreed to consider the claims of those already in service, but would not listen to the proposal to enlist young men in this Presidency by direct recruitment in this department, though they made vague promises that they would very carefully consider all that has been said in the debate. The claims of the low-paid village establishments were also frequently urged in the Council. The hard lot of karnams, village munsifs, village talayaries and vetties and other village servants was persistently pressed during the last six years, but without any effect, the plea put forward being that even a small increase of a rupee a month over existing salaries would cost several lakhs of rupees, that the village officers have perquisites to depend upon, that any reasonable increase that would meet the situation satisfactorily was out of question on account of its excessive cost, that any small increase, therefore, is useless, and that the payment of any travelling allowance when they are obliged to leave the village would lead to numerous frauds, and that, therefore, it cannot be considered. Every one of these arguments has been so unconvincing that one of the non-official members took the view that the Government is more ready to listen to proposals for the increase of the pay of the already well-paid men in the public services than of men with small salaries and of smaller means. During the last six years schemes of reorganisation in the Revenue Department have never touched the men at the bottom, but improved the prospects of head accountants and every other class of subordinate officers, with the exception of the village officers and village servants. One of the important proposals brought forward and also accepted by Government, and which is full of potentiality for the future, aimed at the deputation of the officers of the provincial or subordinate educational services to foreign countries. It has been felt for a long time that the European agency in the Educational Department has enormously increased and is increasing without any provision having been made for the training of suitable indigenous agency. The rapid propress of Japan is entirely due to the policy of the Government of that country to send out to European countries large numbers of the young men for training in all departments of knowledge, for gradually replacing the foreign agency which is necessary at the outset. The principle of the resolution has been accepted. The pay and prospects of the assistant lecturers and assistant professors also came up for consideration, and a slight advance over the existing conditions was secured. The inspectorate also received some attention, the claims of Indians to some of these posts having been urged, but without any success. It is understood that a large scheme for the increase of the inspectorate, so as to secure the services of an inspector of schools to the larger districts, has now been sent to the Secretary of State. Other subjects of interest which have been successfully urged in the Council are the institution of a provident fund for teachers of private secondary schools, the improvement of the scheme and pay of pandits in Government and aided institutions, and the pay of the elementary schoolmasters both in the Board and aided institutions."

The aim of the non-official members of the legislative council has been the general improvement of the underpaid services in all branches of administration and the diversion of funds from unproductive works for education, sanitation, and medical relief. If the proposal is to cut down this right it will create a great dissatisfaction, and its retention will, I believe, be beneficial to the administration.

6. The rule embodied in Clause 9 (d) has reference to the points raised in questions 4 and 5. It is true that "the sole function of the Committee of Supply in the House of Commons is to grant, reduce, or refuse the supplies set forth in the estimates." There are, however, some qualifications to that rule (May, pp. 464 to 467). The Government of India have, however, recommended that the existing practice may be continued though under certain modifications. They suggest "that resolutions may be allowed to be moved to propose an addition to one Budget grant in exchange for an equivalent reduction in another." They, however, made this proposal under their scheme of a separate purse, and suggest that no resolution to transfer funds from reserved to a transferred subject should be permitted. This limitation must disappear if their proposals for a separate purse are not accepted.

7. The question of the exemption of certain permanent charges from discussion on the annual estimates is proposed to be left to rules to be framed hereafter. Nothing useful under this head can be said till the exact proposals are published, and it is not now possible to know what are the charges that are contemplated

to be excluded from discussion. For example, charges relating to the payment of interest on debt and the salaries of the officers appointed by His Majesty's Government may be put into this category, and it is undesirable to go further. The adequacy and strength, pay, and all questions relating to the permanent services of the province should not be placed in this category. It may be pointed out that the legislative council is greatly interested in the maintenance of the permanent services in an efficient condition, whether they are reserved or transferred. The recommendations made in this behalf during the last ten years in the Madras Legislative Council, as shown in the above summary, have considerably improved the public service of the province. It is better to leave this matter to the councils than to tie them by rules framed by an outside authority. It is perhaps apprehended that the councils will undertake undesirable economies by cutting down charges on the services, but this is an ungrounded fear. I suggest, therefore, that this should be left to the councils except in the matter of the high appointments made by His Majesty's Government.

8. The last point that I should like to raise is in regard to expenditure incurred by a provincial government after the approval of the Budget by the legislative council. This also raises the question of the emergency powers of the Governor in sanctioning expenditure referred to in Clause 9 (2) (b). In the first place, it is not clear whether the emergency expenditure authorised by the Governor should be in anticipation of the Budget sanction or whether in addition to the power of certification the Governor is also to have the power of sanctioning expenditure which may be necessary, in his opinion, "for the safety or tranquillity of the province or for the carrying on of any department." The power proposed to be conferred is too wide, but even apart from it the question arises as to whether it is not necessary to provide for the presentation of supplementary Budget estimates to be brought up before the legislative council to provide for expenditure not covered by the Budget. Experience in the provincial legislative councils shows that even under the existing regulations considerable expenditure is incurred between one Budget and another, and it has been a matter of complaint that this expenditure is not brought under discussion in the legislative councils till long after the expenditure is incurred. In regard to this matter I may again venture to draw attention to the proceedings of the Madras Legislative Council, where year after year it was complained that large schemes of expenditure were given effect to in the middle of the financial year without any discussion in the legislative council (Proceedings of the Council for 1915–16, pp. 870–871). Under the scheme of financial control now proposed to be introduced in the provinces it is necessary to make provision for supplementary estimates generally for the purposes mentioned in Secs. 225 and 226 of Ilbert's Manual of Procedure of the House of Commons (pp. 166 and 167)—that is, when the amount named in the ordinary estimates of the year for a particular service is insufficient for the purpose of the current year, and when a need arises during the current year for expenditure upon some new service not contemplated in the ordinary estimates of the year.

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1st August, 1919.

APPENDIX K.

PAPER handed in by *M. Ramachandra Rao* on 13th August, 1919. (*See* Question 3925 *et seq.*)

NOTE ON THE STATUTORY RULES UNDER THE GOVERNMENT OF INDIA BILL.

1. One of the essential features of the Government of India Bill is the excessive provision made in the Bill for subordinate legislation by the Executive Government. Under the terms of Clause 30, the rules by way of sub-legislation are to be made by the Governor General in Council, with the sanction of the Secretary of State in Council, and that they will not be subject to repeal or alteration by the Indian Legislature or by any Local Legislature. Two questions therefore arise for consideration, viz.:—(1) Whether any of the matters which are to be provided by rules should be incorporated as substantive provisions in the Bill; (2) whether the provisions of the Bill, in so far as they confer the power for making rules which would be unalterable by the Legislatures are sound, and whether they require modifications and safeguards.

RULES UNDER THE BILL.

2. It will be convenient at the outset to group together the matters proposed to be dealt with by rules. They are as follows:—

1. Rules (a) for the classification of the subjects as central and provincial, (b) for the devolution of authority in respect of provincial subjects to Local Governments, (c) for the use of Local Governments as the agents for the administration of the central subjects, and (d) for the transfer of provincial subjects to the Governor acting with the Ministers, and (e) for fixing the contributions payable by Local Governments and for making the contributions a first charge, (f) for the constitution of a Finance Department, (g) for regulating the exercise of authority by Local Governments over the public services, and, lastly, for the settlement of doubts. Clause 1 (1) and (2).

2. Rules for exercising the powers of superintendence, direction and control over Local Governments vested in the Governor General in Council in relation to transferred subjects. Clause 1 (3).

3. Rules for the temporary administration of transferred subjects when, on account of a vacancy, there is no Minister Clause 3 (4).

4. Rules laying down the qualifications of the members of the Executive Council. Clause 4 (2).

5. Rules for the transaction of business in a Governor's Executive Council and with his Ministers and for regulating the relations between the Executive Council and the Ministers. Clause 5 (2).

6. Rules for providing the increase in the number of members of the Legislative Council by not more than five per cent. and for varying the proportions. Clause 6 (1) (a).

7. Rules regarding the term of office of members of Governors' Legislative Councils, the conditions in which and the manner in which casual vacancies should be filled up, the conditions under which and the manner in which persons resident in India may be nominated or elected as members of the Legislative Council, the qualifications for being nominated or elected as members of the Legislative Council, and the final decision of doubts or disputes as to the validity of any election Clause 6 (3).

8. Rules excluding the jurisdiction of the Provincial Legislative Councils from altering or repealing, without previous sanction, the provisions of any law made by any authority in India. Clause 8 (3) (h).

9. Rules for exempting the Provincial Legislative Council from imposing or authorising the imposition of any tax outside the schedule. Clause 8 (3) (a).

10. Rules declaring certain charges to be permanent charges and exempted from annual discussion. Clause 9 (2) (c).

11. Rules for giving effect to Clause 9 (5) of the Bill in regard to certificated legislation and for regulating the course of business, and as to the persons who should preside over and the preservation of the order at the meetings of the Legislative Council, for the quorum of the Council, for prohibiting or regulating the asking of questions and the discussion of any subject specified in the rules. Clause 9 (6).

12. Rules authorising the Governor to reserve a Bill for the consideration of the Governor-General. Clause 10 (1).

13. Rules for the nomination and election of the members of the Legislative Assembly. Clause 16 (1).

14. Rules for increasing the number of the members of the Legislative Assembly and to vary the proportions. Clause 16 (2).

15. Rules for laying down the terms of office of nominated members, the qualification for membership, and the decision of doubts or disputes. Clause 19 (1).

16. Rules for regulating the course of business of the Legislative Assembly, the preservation of order, for fixing the quorum, and for prohibiting or regulating the asking of questions and the discussion of any subject specified in the rules. Clause 20 (2).

17. Rules for giving effect to Clause 20 (4), enabling the Council of State to pass laws without the assent of the Legislative Assembly. Clause 20 (5).

18. Rules laying down the qualifications of the members of the Executive Council of the Governor-General. Clause 21 (2).

19. Rules regulating or restricting the exercise by the Secretary of State in Council and of the Governor General in Council of their powers of superintendence, direction, or control. Clause 23 (2).

20. Rules for regulating the classification of the public services, the methods of their recruitment, the conditions of their service, pay and allowances, discipline and conduct. Clause 24 (3).

21. Rules in regard to pensions. Clause 24 (3).

22. Rules for the appointment to the Indian Civil Service. Clause 25 (1).

23. Rules for the appointment of the members of the Public Service Commission. Clause 26 (2).

24. Rules assigning duties to the members of the Public Service Commission. Clause 26 (2).

25. Rules for the appointment, pay, powers, and duties of the Auditor-General. Clause 27 (1).

26. Rules for the consultation of the Finance Authority for varying the pay or emoluments of the public services of India. Clause 27 (2).

The Crewe Committee Report.

3. This is a formidable list. In addition to these matters there are other points arising out of the Crewe Committee Report on the Home Administration of Indian Affairs. It is not known which of the recommendations of the Committee and of the dissenting members will be adopted. It is not therefore possible at present to foresee what modifications would be proposed in the substantive provisions of the Government of India Act and what matters would be reserved for rules. The Committee have indicated in para. 28 of the Report the statutory changes in the Government of India Act rendered necessary in consequence of their recommendations, and it is likely that a good deal of the actual process of devolution will be provided by rules under the Act. As pointed out by Sir James Brunyate, the Report of the Committee affords little or no indication of the intended scope and methods of the further delegation of the powers of the Secretary of State in Council to Indian authorities. If any real political change is intended, statutory effect will have to be given by rules framed under Clause 23 of the Bill, by which the Secretary of State should divest himself of his powers of superintendence, control, and direction in regard to legislation, control over expenditure, control over administrative policy and schemes. Besides, the grouping of the All-India subjects into controlled and popular and various other matters referred to by Sir James Brunyate will have to be carried out by rules. According to the proposals contained in the Report, the rules framed under Clause 23 will, therefore, be vital to the whole scheme for the development of self-governing institutions in India. It is the function of the Joint Committee to examine the policy of all the rules, and also of the rules for which provision has already been made in the Bill.

Opportunity for Criticism.

4. Where so much of the intended advance is to be secured by the rules to be framed, rather than by the actual meagre provisions of the Bill, it is of the utmost importance that opportunities should be afforded for an adequate examination of the rules by those interested in Indian Reform. Sir James Meston stated in his evidence that he brought with him from India the proposals relating to this subsidiary legislation for consideration by the India Office and also of the Joint Committee. In introducing the Bill, Mr. Montagu stated "that the principle which he intended to embody in these rules is intended to be submitted to both the Houses, and the policy of these rules, if not the actual wording, will be carefully considered at the same time as the Bill itself. It has always been said that the Minto-Morley Reforms were largely defeated by the rules made under it, and I want on this occasion to avoid any possibility of this charge being levelled." I would strongly urge that, in view of the fact that the success of the Bill depends very largely on the way in which its operative provisions will be carried out by rules, the deputations now in this country should be afforded an opportunity of offering their views on the points proposed to be dealt with by rules. This appears to be as essential as the criticism of the provisions of the Bill.

Electoral Law and Procedure.

5. I shall now briefly refer to some of the points mentioned in para. 2. At the outset I fully recognise the force of the argument of the Secretary of State that the process of development may be seriously embarrassed if the whole scheme were made more rigid at the start and that elasticity is essential. The limitations of Parliamentary legislation on all the complicated matters covered by the Bill are apparent. I venture to think, however, that the proposals in the Bill in regard to the authorities that should undertake subsidiary legislation are fundamentally defective. In the first place I may refer to two groups of subjects in regard to which the Governor-General in Council is to be empowered to make rules. The first is in regard to the electoral machinery and its future development, and the other refers to the regulation of the course of business in the Legislatures in India. The Governor-General in Council is to be authorised, subject to the sanction of the Secretary of State in Council, to make rules laying down the qualifications for the membership of the Legislative Councils and of the Legislative Assembly, the term of office of the members of the Governors' Legislative Councils, the conditions in which casual vacancies are to be filled up, and for increasing the number of members in the Legislative Councils and of the Legislative Assembly. (Items 6, 7, 11, 13, 14 and 15.) Similarly the Governor-General in Council is to be empowered to make rules for regulating the course of business in the Legislative Councils and in the Legislative Assembly and the Council of State. (Items 5, 16 and 17.) Both sets of rules will, under the terms of Clause 30, not be subject to repeal or alteration by the Indian Legislature or by any Local Legislature. The Executive Government is therefore to be empowered to determine the composition of the Legislatures, and to lay down not only the electoral law but also the way in which business is to be transacted by the Legislatures in India, and the latter are to have no voice in deciding how they will transact their own business or to develop their own Constitution. This procedure is repugnant to the free development of self-governing institutions. The Indian Councils Act of 1909 gave the Government of India a blank cheque to do what it liked with the composition of the Legislatures by empowering the Governor General to frame regulations. Mr. Balfour then very rightly pointed "that the Government elaborately and carefully had taken precautions that there shall be nothing in the measure which shall prevent any future Government of India doing exactly what they like with representation. The then Government of India pledged themselves to give undue representation to the Mohammedans. Nothing in the world to prevent some other Government from giving undue representation to some other community." Under the present Bill the same policy is to be kept up, with the result that a Bill professedly intended to develop self-governing institutions deprives these institutions of all liberty to settle their own procedure and to examine their own constitution from time to time. I fully believe that, if an electoral system truly representative of the people is to be developed in India, this power should be transferred from the Executive Government to the Legislatures themselves. Provincial Legislatures would then vie with each other in perfecting their electoral systems and to secure a living representation of all classes of people.

Supplemental Registration.

6. I need hardly state that in the self-governing Dominions the composition of the Legislatures increase in the number of members, the voters' qualifications, and all questions relating to elections are dealt with in the Acts of Parliament or of the Legislatures of the country. There are practical difficulties in Parliament undertaking such legislation in regard to the Indian Legislatures. The proper course is, as already stated, for the Legislatures in India to undertake supplemental legislation. In order to avoid any further delay, it will be necessary to empower the Governor General in Council to frame, in the first instance, regulations on the materials made available by Lord Southborough's Committee, but the Provincial Legislatures and the Indian Legislative Assembly must be at liberty to undertake modification of these regulations by statute if necessary, two years after the new Councils come into existence. It is desirable that a provision to this effect should be made in the Bill, and Clause 30 should be modified. If the Legislative Councils had been set free in 1909 to develop their electoral machinery in each Province, some of the present difficulties about the electoral system would have been greatly minimised, and I feel it would be altogether unwise to go the same way again and to tie the hands of the Legislatures to be constituted under the present Bill in a similar manner. The increase in the number of members referred to in Clause 6 (1) (a) should be undertaken by the Legislatures themselves and not by the Government. I do not see how the Legislatures are less competent to deal with these questions. In regard to the Indian Legislative Assembly and the Council of State it has been suggested that a direct system of franchise should be adopted. If these suggestions are to be carried out, it is far better to liberate the Indian Legislature to be constituted as now proposed in the Bill to develop a system of direct election rather than to entrust this duty to the Executive Government. It is perhaps better to maintain the first schedule to the Bill, which fixes the composition of the Councils, without any alterations by the Councils till the Statutory Commission goes round, but there is no reason why the Councils should not be permitted to modify the regulations framed in regard to the matters mentioned in Clause 6 (3), and as to why they should not have the power of increasing the number of members proposed to be given under Clause 6 (1) (a). Similarly the supplementary legislation mentioned in Clause 19 should be undertaken by the Legislative Assembly after two years after the regulations are framed.

Rules of Business.

7. In regard to the rules of business also the Councils should have the power to settle their own procedure. At present the rules for the conduct of business in the Legislative Council in Madras and in the other Provinces are framed by the Councils, but when the Councils Acts of 1892 and of 1909 were passed, the right of Budget discussion, the right of asking questions and the moving of resolutions was conceded, supplemental regulations were made, and these were not subject to alteration by the Councils. (Sec. 80, Clause 3.) These rules of business, which generally applied to the whole proceedings of the Council, including those governed by the supplemental regulations, are, therefore, now made by the Council under the existing law. (Sec. 37 of the Councils Act of 1861, corresponding to Sec. 83 (3) of the Act of 1815.) The effect of the provision made in Clause 6 (6) is to take away the right from the Legislative Council and to vest it in the Governor General in Council in virtue of his power to make rules. In all the Local Legislative Councils and the Indian Legislative Council there is a strong feeling that the Councils

should have complete control over their own procedure. The supplemental regulations made in 1909 were passed without any public discussion, and the Councils had no power to alter them, with the result that the asking of questions, the moving of resolutions, and generally the discussion of subjects have been cramped by regulations made by an outside authority, and in actual practice the discussional powers of the Councils have been cut down. Sir Dinshaw Wacha complained last year in the Indian Legislative Council that it was not a self-governing body, and advocated an urgent reform of the present rules of procedure. The same feeling exists in most of the Provincial Legislative Councils. While Municipal Councils and District Boards can settle their own rules of procedure, it is not consistent with the position of the Councils to have their rules settled by an outside authority. In 1909 Mr. Donald Smeaton brought forward an amendment at the Committee stage of the Indian Councils Bill that the Councils should have some voice in settling their own procedure, but this was then negatived. Some distinction is drawn in the Bill between standing orders and rules, but the former can be framed only when any matter is not provided by rules. I suggest, therefore, that the Councils should be empowered to settle their own rules of procedure.

PUBLICATION OF THE STATUTORY RULES.

8. The extensive delegation of legislative powers to executive authority is one of the outstanding features of the Bill. To what extent and under what safeguards and restrictions the exercise of legislative power by the executive authorities referred to in the Bill should be permitted is a question of principle. I have already referred to the difficulty of undertaking Parliamentary legislation in regard to elec oral law and the need for supplemental legislation on the subject in India. There are a few matters in regard to which provision should be made in the Bill. One of these relates to the Council of State. Clause 20 (4) enables the Council of State to pass certificated legislation without the assent of the Legislative Assembly, and Sub-Clause (5) confers power to enact by rule general and supplemental provisions for the purpose of giving full effect to Clause 20 of the Bill. This is objectionable. The Council of State as a legislative expedient for affirmative legislation is bad enough, but to take general power to frame rules for the purpose of giving full effect to the provisions of Clause 20 is worse. If any further provisions are wanted to make the Council of State the supreme legislative authority they must be fully discussed and embodied in the Bill itself and should not be developed by rules. Again, in the case of the local Legislatures, Clause 8 (3), (a), (b), (c), and (d), (f) and (g), expressly lays down the cases in which they cannot undertake legislation without the previous sanction of the Governor-General in Council, but Sub-Clause (h) of Clause 8 (3) proposes to empower the Governor-General to oust the jurisdiction of the local Legislatures by rule in other cases. This is not desirable and ought to be dropped. The great objection to conceding this extensive rule making power to the Executive Government as suggested in the Bill, however, is the total absence of all safeguards for hearing the authorities concerned previous to the promulgation of the rules and to their subsequent modification or revocation. The position will be fully illustrated by a reference to Clause 1, which is one of the most important clauses in the Bill. It confers power on the Governor-General in Council to make a classification of subjects as central and provincial, to provide for the devolution of authority in respect of provincial subjects to local Governments, and for the allocation of sources of revenue to those Governments, and for fixing contributions payable to local Governments to the Governor-General in Council, for the transfer of subjects to the administration of Ministers and various other important matters. It is under the provisions of this clause that the transfer of power to provincial Legislatures and provincial Governments is proposed to be effected. I presume that the proposals of the Feetham Committee and of the Government of India, as may be modified by the Joint Committee, will be reduced to the form of rules, and the rules so made will be laid before Parliament, and are liable to be annulled by an address by either House. The Bill therefore affords facilities for Parliamentary criticism, but does not make any provision that in the promulgation of these rules in the first instance or in their subsequent alteration or revocation the authorities in India—namely, the local Legislatures, the local Governments, or the Legislative Assembly—should have opportunities for criticism or that should be heard. It will be open for the Governor-General in Council to increase the financial contribution from any Province without either asking for the views of the local Government, or even if the local Government is consulted without the knowledge of the local Legislature which will have to find funds by taxation. It will, as the Bill is framed, be open to the Governor-General in Council to take away one source of revenue and to substitute another without consulting the local Legisture and to regulate the extent and conditions of devolution, allocation, and transfer, and he may also decide questions as to whether any matter does or does not belong to a provincial subject or a transferred subject. It will also be open to him to authorise the revocation or suspension of the transfer of any subject with the sanction of the Secretary of State, but without obtaining the views of the local Legislature or the Minister, and on the motion of the Executive Council and the Governor. These are not mere possibilities, and there are no safeguards in the Bill. In writing on the rule making powers conferred on executive authority in England, Sir Courtney Ilbert says "that the Englishman has an instinctive distrust of official discretion and an instinctive scepticism of bureaucratic wisdom, and that they are ready enough to confer new powers on the executive authority, but he would like to see for himself how these powers are to be exercised, and to see in black and white the rules by which his liberty of action is restrained and to have an effective share in the making of these rules." In India the distrust of official discretion and the scepticism of bureaucratic wisdom is even greater, and the failure of the Minto-Morley Reforms has intensified this feeling. I think, therefore, a different course ought to be pursued, and that the provisions of the Bill must be re examined with a view to see how far the power to make statutory rules may be left to the provincial Legislatures and the provincial Governments, which of them must go to the confirmation of the Governor-General in Council, and which must come to the Secretary of State in Council for sanction or to be laid before Parliament. Under any circumstances provisions for the previous publication of drafts of the proposed statutory rules in India, and for the conside ation of the objections and suggestions by the local Legislatures, local Governments, and the Indian Legislative Assembly by the Governor-General in Council, ought to be made. The Rules Publication Act, 1893, contains analogous provisions in English legislation. If the Legislative Council and the local Government agree in urging the modification of a statutory rule, the Government of India and the Secretary of State should as a rule defer to their wishes. The Secretary of State might follow a similar course in regard to central subjects, and in regard to rules to be framed in consequence of the Crewe Committee Report. Provision to this effect should, in my opinion, be made in the Bill.

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August 7th, 1919.

APPENDIX L.

PAPER handed in by *M. Ramachandra Rao* on 13th August, 1919. (See question 4008.)

THE FRANCHISE QUESTION IN MADRAS.

One of the main points for investigation by the Franchise Committee in this Presidency is the question of communal representation and before putting forward my proposals for the reconstitution of the Legislative Council of this Province, it will perhaps be better to refer briefly to the general features of the problem in this Presidency. The subject is not new in the political history of this Presidency. It was very much discussed when the Minto-Morley reforms were introduced. In 1908 the Government put forward a scheme of representation based on the communal principle. This was then universally condemned by the Non-Brahmin leaders of thought and culture in this Presidency whose outlook and statesmanship can hardly be questioned.

COMMUNAL ELECTORATES.

2. I will only refer to the opinions of a few representative men who come within the category of the classes on whose behalf the demand for communal electorates is now being made. Dewan Bahadur P. Rajaratna Mudaliar, Retired Inspector-General of Registration, Madras, informed the Madras Government that "he does not consider it right in principle to form an electorate based on distinctions of caste and creed, but at the same time, he was decidedly of opinion that provision should be made for the proper representation of different interests or occupations, such as landed interests, the interests of trade and commerce and the like."

The President, Madras Landholders' Association, the Maharajah of Venkatagiri (now deceased), stated that his Association wished to point out that "the principle of representation of castes and creeds which stood out as one of the prominent features of the proposed scheme was open to grave objections in that it is calculated to accentuate differences which were losing their importance in secular affairs and interests with the growth of a sentiment of unity among the people which is a necessary condition for progress. Further, the principle will be attended with great many difficulties in its application in practice." The Maharajah of Bobbili, latterly a member of the Madras Executive Council, expressed his condemnation of the proposed scheme and pointed out that "while substantial interests have necessarily to be cared for in the appointment of representatives, mere sentimental considerations are likely to run counter to the unifying influences now at work in the country which ought rather to be welcomed and fostered. The distinction made between Brahmins and non-Brahmins seems to go further in this obnoxious respect." The Honourable Rajah Vasudeva Rajah Valia Nambidi of Kollengode expressed his disapproval in no uncertain terms:—"In regard to the method suggested for filling up the seats, I fear that the proposals made by the Government are not quite practicable. The cry has already been raised that Government, for political reasons, are attempting to accentuate caste differences at a time when, on account of the spread of Western education, such differences are becoming every day of less importance." By far the most emphatic condemnation came from the pen of Mr. M. Krishna Nair, for some time a member of the Legislative Council and now the Dewan of Travancore. He said:—"It is respectfully submitted that the division of people by castes and creeds for the purpose of representation in the Legislative Council is highly objectionable in principle. *There are no caste or religious interests in the Legislative Council. The whole trend of education imparted in English schools and colleges and the general policy that has hitherto been pursued by the Government has been to ignore them.* There are no separate schools and colleges for Brahmins and non-Brahmins, Hindus, Muhammadans and Christians. The laws of the land are the same whatever may be the caste to which a man may belong. It is neither possible nor desirable now to revive and enforce the laws of Manu. It is too late in the day now to ask the people to go back to their caste organisations or to reconstruct them for the purpose of electing members to the Legislative Council. The most potent force that has been working in the country for several generations past, against caste and other disintegrating forces, has been the healthy unifying influence of the policy that has been followed by the British Government. That policy apparently has been reversed in the memorandum under consideration. Sectional schism and division which are kept under control under the wise policy of the British administration till now will appear with renewed vigour under the conditions laid down in the scheme. Caste is already a rigid institution in the country. Anything calculated to afford further rigidity to the caste system must be carefully eschewed by all and especially by the Government. To make caste system the basis of political franchise is, I submit, a grave blunder. *The principle underlying the grouping of all non-Brahmin elements in the Presidency, which are divided and sub-divided into numerous sects under one head, is not clear. These sects and sub-sects are as widely apart from one another as the Brahmin and the Muhammadan or Christian.* According to the reasoning adopted in the scheme, each caste of non-Brahmin community is entitled to separate representation. In fact, the principle adopted in the scheme for separate representation of castes and creeds is highly unsound, and leads to all sorts of untenable positions. There is also considerable practical difficulty in working out of the scheme." Were it not for limitations of space it would be easy to quote the opinions of many other leading non-Brahmin gentlemen of eminence and authority communicated to the Government of Madras at the time when the Minto-Morley Reforms were under discussion.

THE BOARD OF REVENUE.

3. The Madras Government, having ascertained the views of the public, abandoned the scheme and, before quoting its views, it may be just as well to refer to the views of the Board of Revenue, as coming from four experienced members of the Indian Civil Service of this Province. They say:—"The suggestion under immediate consideration certainly does not seem likely to be accepted with gratitude by those whom it was intended to placate. On the contrary, it is already viewed with intense and universal suspicion as a Machiavellian device intended to widen existing lines of cleavages, to check the supposed growing sense of nationality and to secure the position of the British Government by the application of the maxim 'divide and rule.' The Board cannot say that these suspicions are altogether unnatural. It recognizes that in the case of

Muhammadans there are reasons for taking special steps to secure adequate representation of a special class, though rather on racial than on religious grounds, for the Muhammadans, whatever they may be historically, are practically a race. In regard to other castes or religions whom it is proposed to represent separately, the same necessity does not seem to exist.

"Apart from this and apart from the odium which Government will incur by seeming to set caste against caste, and to foster for selfish motives, differences which they have always professed to be anxious to obliterate, there seem to the Board to be insuperable difficulties in the proposed scheme."

The Madras Government.

4. The Government of Madras summarised public opinion and their own in the following terms:—"No part of the Government of India's proposal has been received with such general and decided disapprobation than this last suggestion. Apart from the very great practical difficulty of forming class electorates, the proposal to introduce the principles of race, caste and religious representation has been almost universally condemned." The proposals relating to class electorates did not therefore prove acceptable to the Madras Government in 1908. The conclusion was based upon the opinions of such men as the following, beside those of the eminent men already quoted:—Messrs. Dewan Bahadur Venkataramana Poi, Retired District Judge, N. Subrahmanyan, Administrator-General, the Zamindar of Pittapur, Zamindars of Seruguda Kallikota and Attigada, Surangi, the Honourable the Raja of Kurupam, and Dewan Bahadur P. Kesava Pillai. This part of the subject may very well be closed with the wise words of Mr. R. C. Dutt, C.I.E., an outsider to this Presidency, who said: "The new proposal is attended with danger. It will foment jealousies and hatreds, accentuate differences in daily life, and will be fruitful of disturbances in future. It will create aspirations among separate communities which can never be satisfied and spread discontent and foster unfavourable impressions about the fairness and justice of the ruling power. European Governments do not accentuate religious differences in these days by creating separate electorates for Protestants and Roman Catholics. The same wise impartiality can be pursued in India." The idea of communal representation was also denounced on the last occasion elsewhere as vigorously as in Madras. Clearly, therefore, the provision of representation of the various communities of the Hindu society which form the bulk of the population in several of the provinces is out of the question. It would be a most retrograde measure and would result in the disintegration of the national sentiment which has established itself throughout India and which has, to a great extent, obliterated the distinction between Hindus and Muhammadans, Parsees and Sikhs, the Punjabees and the Madrasees. A scheme of representation once introduced is very difficult to alter and any proposals now made should be consistent with the development of true national ideals. As far as possible, therefore, the attempt should be to develop a scheme of territorial representation where all the electors can be brought on one register and where men of all castes and creeds would have ample opportunities of developing their political talent and to serve their country to the best of their ability.

5. It may also be pointed out that the soundness of the views so forcibly expressed in 1908 has been fully recognised by the two illustrious authors of the Report on Indian Constitutional Reforms. In paras. 227 to 232 of the Report, they have dealt with the question of communal electorates and hrae come to the conclusion that any system of communal electorates is a very serious hindrance to the development of the self-governing principle. Any other conclusion is not possible.

Alleged Preponderence of the Brahmin Element in the Council.

6. It is urged that the experience gained since 1909 of the working of the Minto-Morley Reforms has established a case for a change towards communal electorates or communal representation. A great deal has been said about the disproportionately large number of seats held by the Brahmins in the Legislative Council and, as this point is again likely to be brought up by the advocates of communal electorates, it is perhaps better to make a brief reference to the facts. Dr. Nair and those who are associated with him in the movement known as the non-Brahmin movement have complained that ten members of the present Legislative Council are Brahmins, and this undue proportion of the Brahmin element has been urged as one of the main grounds on which separate electorates have been advocated. It is also suggested that, whatever the franchise and electoral arrangements the Brahmins are so influential as to command a very large number of seats in the reconstituted Councils.

Composition of the Council.

7. A brief reference to the composition of the Councils since the Minto-Morley Reforms is therefore necessary. In the Council which sat from 1909 to 1912 there were six Brahmin members, of whom two were nominated members, and in the period from 1912 to 1915, there were seven Brahmin members, of whom the Honourable Mr. Srinivasa Sastry was a nominated member. In the present Council there are 10 Brahmins. The gentlemen displaced in the elections of 1916 were Dr. T. M. Nair, whose place was taken by the Honourable Mr. T. Rangachary as the representative of the Madras Corporation. Dewan Bahadur Kesava Pillai was replaced by the Honourable Mr. Siva Rao. Mr. K. P. Raman Menon also lost his seat and the Honourable Mr. Sadasiva Bhat has taken his place. The Brahmin members of the present Council are:—

1.	The Honourable Mr. T. Rangachari (Madras Corporation).	
2.	Do.	A. Suryanarayana Rao Pantulu (Vizagapatam and Ganjam districts).
3.	Do.	M. Ramachandra Rao Pantulu (Godavary, Kistna and Guntur districts).
4.	Do.	A. S. Kristna Rao Pantulu (Nellore, Cuddapah and Chittoor districts).
5.	Do.	P. Siva Rao Pantulu (Bellary, Anantapur and Kurnool districts).
6.	Do.	B. V. Narasimha Iyer (Salem, Coimbatore and Nilgiris districts).
7.	Do.	V. K. Ramanujachary (Tanjore and Trichinopoly districts).
8.	Do.	K. Rama Iyengar (Madura Tinnevelly and Ramnad districts).
9.	Do.	K. Sadasiva Bhat (South Canara and Malabar districts).
10.	Do.	K. R. V. Kristna Rao Pantulu (Northern Group of Zamindars) (now deceased).

The Honourable Mr. Rangachariar was elected by the 36 Commissioners of the Corporation, of whom seven were Brahmins, 14 were non-Brahmins, three were Muhammadans, and 12 Europeans. The competing candidate was Mr. P. Tyagaraja Chettiar, between whom and Dr. T. M. Nair there had then been considerable antagonism for some years. Dr. Nair represented the Corporation immediately before Mr. Rangachari and supported the candidature of Mr. Rangachariar as against his old antagonist Mr. Tyagaraja Chettiar. It is believed that the success of Mr. Rangachariar was mainly due to the support of Dr. Nair and his friends, who, having contributed to the return of Mr. Rangachari, now complain that the seat was captured by a Brahmin.

8. In regard to district representation the details regarding the names of the candidates and the number of votes secured by each are shown in the Appendix I. From these it will be seen that No. 3 and No. 10 were returned unopposed by the Godavary, Kistna, and Guntur districts, and by the Zamindars of the northern group respectively, and that there were no non-Brahmin candidates in the Tanjore and Trichinopoly group and also in the Nellore, Chittoor, and Cuddapah group (Nos. 4 and 7). In the former there were three Brahmin candidates and in the latter there were two Brahmin candidates. In regard to these four groups where there were no non-Brahmin candidates to contest the seats it cannot by any means be contended that the seats were captured by the Brahmins from the non-Brahmins.

The Ganjam and Vizagapatam group and the Malabar and South Canara group consist of two districts each and Mr. G. Raghava Rao of Berhampore and Rao Bahadur N. Subba Rao of Mangalore, two ex-members of the Madras Legislative Council, frequently complained to me that Ganjam was at a disadvantage against Vizagapatam and similarly South Canara against Malabar. The tendency of each district is to vote solid for its own candidate, and if Vizagapatam puts up a candidate the Ganjam candidate has practically no chance and similarly if Malabar votes solid for its own candidate, South Canara has no chance. This is mainly due to the inequality in the voting strength of these districts. Attention is invited to the figures in Appendix I, from which it will be seen that out of 359 voters in the Ganjam and Vizagapatam group 212 belonged to Vizagapatam and 147 to Ganjam. Similarly out of 324 voters in the Malabar South Canara group 271 belonged to Malabar and 84 belonged to the South Canara District.

It will also be seen from the Appendix I that in the Ganjam-Vizagapatam group there were three candidates from Ganjam (two Brahmins and one non-Brahmin) who secured 62, 28 and 66 votes respectively thus dividing the Ganjam votes among themselves. In Vizagapatam there were four candidates (all Brahmins) of whom the Honble. Mr. A. Suryanarayana Rao Pantulu secured 101 and Mr. P. T. Srinivasa Iyengar, an educationist, secured 35 votes, Mr. Appudu Pantulu (Dewan of Kurupam Zamindari) secured 21 and Mr. Venkata Rao secured 1 vote. There was only one non-Brahmin candidate in this group from the Ganjam District and votes were divided among the three candidates of the district. Mr. G. Raghava Rao from Ganjam represented the group from 1909 to 1912 but his success was then due to the votes in the Vizagapatam District having been divided by a multiplicity of candidates.

In Malabar and South Canara also the success of Mr. Sadasiva Bhat was mainly due to similar causes. He secured 105 votes but there were three Malabar candidates against him who respectively got 98, 65 and 26 votes each, The difference between the successful candidate and Mr. Raman Menon was only 7 votes If Malabar had put up only one candidate instead of three, Mr. Bhat would have had no chance whatever.

9. In the Kurnool, Bellary and Anantapur group also circumstances were similar to the above. Of the three candidates, the Honble. Mr. P. Siva Rao belongs to Bellary, Rao Bahadur S. V. Narasimha Rao belongs to Kurnool and Dewan Bahadur Mr. P. Kesava Pillai belongs to Anantapur. The total number of votes in the group were 263, and of these voters 95 belonged to Kurnool, 110 to Bellary, and 58 to Anantapur. The actual number of votes recorded for each candidate were :—79 for Mr. Siva Rao, 79 for Mr. Narasimha Rao, 70 for Mr. Kesava Pillai. Mr. Kesava Pillai was in the Council for three terms and the two other districts in the group had not their turn of electing a candidate from their districts and there was some feeling in favour of a change. In the Coimbatore, Nilgiris and Salem group also their were three candidates, one from Salem and two from Coimbatore, of whom one was a non-Brahmin. The figures show that out of a total of 296 votes, 108 appertain to Salem, 151 to Coimbatore, and the remainder to the Nilgiri District. The Coimbatore candidates divided the Coimbatore votes, and the Salem candidate secured 114 as against 108 for Mr. Ramalingam Chetty, of Coimbatore, who lost some of his strength on account of the plurality of candidates in his district. The last group that may be referred to is the Madura, Ramnad, and Tinnevelly group. In the group there were two Brahmin candidates both from Madura, and a non-Brahmin from Tinnevelly.

Mixed Motives in Elections.

10. I have dealt at this length with the details of the elections of 1916 as so much has been said about the capture of seats by the Brahmins and the same statements are likely to be made before the Committee. There are many mixed motives operating in these elections of which district patriotism is one. A Candidate, whether a Brahmin or a non-Brahmin, secures a certain number of votes from the members of his class by appealing to class sentiment; but this is by no means the sole determining factor. Continued and distinguished service in the Legislative Council, a previous record of public work in the districts, a reputation for ability and character, district patriotism, friendship and regard for the candidate, business connections are among the motives influencing elections and the analysis that I have given above will fully support the above observations. The cry of "Brahmins for Brahmins" and "Non-Brahmins for Non-Brahmins" has never figured prominently in the elections, and the services of public men of all castes and creeds have always been available to the people of all classes. As an instance, I may mention that one of the co-opted members for this Presidency in the Committees, Khan Bahadur Habibullah Sahib Bahadur, was returned for a term (1909–12) to represent the Nellore, North Arcot and Chingleput group; and though he was a Muhammadan, he carried the day in a constituency composed mainly of Hindus, and against his rival candidates of whom two were Brahmins and one was a non-Brahmin Hindu. He retired voluntarily for the next term on considerations of health, but I have no doubt that if he had sought the suffrages of the people he would undoubtedly have been again returned to the Council.

No Class Bias in the Legislative Council.

11. The alleged preponderance of the Brahmin element in the Legislative Council exists only when regard is had to the elected members of the Council, but is not a fact when the strength of the whole

Council is taken into consideration. *As against* 10 *Brahmins there are* 42 *Non-Brahmins.* Nor can it be said that such preponderance of the elective members in the existing system has been used by the Brahmin members to advance any class interests or to the detriment of any other class or caste. I have been a member of the Legislative Council almost ever since the inauguration of the Minto-Morley reforms, and I do not remember a single case where, either by resolution or interpellation, it was sought by any member of the Legislative Council to promote the interests of his own community or to injure the prospects of any other community. Almost all the subjects dealt with in the Council relate to the general well-being of the people, and a summary of the subjects so dealt with by way of resolutions from 1909 to 1918 will be found in Appendix II. The subjects have been summarised under the follow headings and attention is invited to the summary:—

(1) Legislative measures.
(2) Resolutions in the Council.
(3) Land Revenue—Settlement questions.
(4) Remissions and Penal Assessments.
(5) Economic condition of the ryot.
(6) Forests and the jails.
(7) Irregation topics.
(8) District Conferences.
(9) Education.
(10) Local Boards.
(11) Municipalities.
(12) The Depressed Classes.
(13) The Public Services.
(14) Financial criticism.

The proceedings have been singularly free from any class bias and the proposals made have always been actuated by the highest motives of securing the well-being of all communities and not that of any particular class or community.

Direct Franchise and Brahmin Preponderance.

12. While I do not believe that a Brahmin always voted for a Brahmin and a non-Brahmin for a non-Brahmin, the fears at present entertained may be due to the indirect system of election which has hitherto prevailed and the extremely small number of voters in each electorate, and also to the large size of the electorates consisting of 2 to 3 districts each. These evils are due to the present system and are bound to disappear with the introduction of a direct system of franchise and the constitution of district electorates. We shall assume that the franchise will be fixed for the rural and urban electorates as mentioned under and the result can be seen at a glance.

Rural Qualifications.

(I) A ryotwari pattadar or inamdar of lands with an annual rental value (under section 64 of the Madras Local Boards Act) of not less than Rs. 30.

(II) A "landholder" according to the definition of the term in the Madras Estates Land Act whose estate bears the annual rental value described above.

(III) A "tenant" under a landholder whose holding bears the above annual rental value of a Kanomdar (Malabar) the assessment on whose holding is not less than Rs. 30.

(IV) A person paying income-tax.

The persons thus qualified are landowners, ryotwari pattadars, tenants (occupancy) under landholders and kanom tenants in Malabar on the Rs. 30 basis and persons who pay income-tax.

Urban Qualifications.

A person who has resided or carried on business within the limits of a municipality situated in the district or within two miles of the boundary thereof, for at least 120 days in the aggregate in the year preceding that in which the electoral roll is published, and has paid in such preceding year to such municipality a tax of Rs. 5 or more under the tax on arts, trades, professions or callings or the tax on buildings and lands or both taxes together. On this basis there would be an enormous increase in the number of voters in each group. The figures are given hereunder:—

Group No.	Total number of voters on the electoral rolls.		Total number of Brahmins.	Percentage of Col. 2 to 3.	Total number of voters under the qualifications proposed in para. 12.	Brahmins.	Percentage of Col. 5 to 6.
		Details.					
Group No. I.							
Ganjam	359	147	136	38	13,916	1,772	13
Vizagapatam		212			17,615	1,877	11
		359					
Group No. II.							
Godavary	431	127	206	48	20,746	3,550	17
Kistna		169			37,383	5,431	14
Guntur		135			24,877	3,303	13
		431					

Group No.	Total number of voters on the electoral rolls.	Details.	Total number of Brahmins.	Percentage of Col. 2 to 3.	Total number of voters under the qualifications proposed in para. 12.	Brahmins.	Percentage of Col. 5 to 6.
Group No. III.							
Nellore		118			12,154	1,321	11
Chuddapah	272	80	89	33	6,050	558	9
Chittoor		74			4,633	571	12
		272					
Group No. IV.							
Kurnool		95			6,667	601	9
Bellary	263	110	90	34	6,581	669	10
Anantapur		58			4,296		
		263					
Group No. V.							
Chingleput		116			11,561	2,016	17
North Arcot	427	181	100	23	14,163	2,135	15
South Arcot		130			9,718	1,214	13
		427					
Group No. VI.							
Salem		108			6,900	949	14
Coimbatore	296	151	78	26	11,754	1,417	12
Nilgiris		37			811	39	5
		296					
Group No. VII.							
Including Anjengo and Tangaseri, Malabar	324	84	62	19	7,920	2,157	27
South Canara		240			8,475	4,601	54
		324					
Group No. VIII.							
Tanjore	406	243	155	38	23,207	8,656	37
Trinchinopoly		163			5,087	1,190	23
		406					
Group No. IX.							
Madura		157			13,840	1,167	8
Ramnad	426	109	109	26	6,609	786	12
Tinnevelly		160			9,567	2,548	27
	3,204	426	1,025	32	284,530	49,190	17

N.B.—These figures are taken from the statistics compiled by the Government.

It will be clear from the above statement that in the existing electorates the proportion of the number of Brahmins is considerably higher than under the qualifications referred to above, and it is not conceivable how it will be possible for Brahmin candidates to capture a large number of the seats in the electorates. Any apprehensions existing on this score must be set at rest on the basis of the statistics compiled by the Government and referred to above. A Brahmin candidate, under the proposed arrangements, can get into the Council only with the goodwill of a large majority of voters, and not by the support of his own class.

Communal Eectorates Illogical.

13. The proposals generally put forward by some of the leaders of the non-Brahmin movement now remain to be noticed, and before dealing with them it is perhaps necessary briefly to refer to this movement. This was started in 1916, sometime after the Legislative Council elections, by Dr. T. M. Nair, who was a member of the deputation of the South Indian Liberal Federation that waited upon the Secretary of State and the Viceroy. Under the above name a new political organisation was formed in that year leading to the developments in the next year connected with it, namely, the establishment of its organs, the "Justice" and the two vernacular newspapers, the "Andhraprakasika" and the "Dravidan." The South Indian Liberal Federation claimed to represent the views and to express the sentiments of the forty million non-Brahmins of this Presidency. This claim was soon afterwards repudiated by the Panchamas in various meetings and conferences, who resented the "ill-treatment of all the high class Hindus" whether Brahmin or non-Brahmin and who stated they would have nothing to do with either and would take care of their own interests. The Indian Christians similarly stated that they preferred to stand on their own legs through their own associations. Finally an influential section of the so-called non-Brahmins themselves repudiated the claims of the South Indian Liberal Federation to represent their views and the Madras Presidency Association was accordingly formed in 1917 for that purpose. Under the stimulus of the agitation of the South Indian Liberal Federation for communal electorates, many of the communities in Southern India came forward before the Secretary of State and the Viceroy and asked for separate communal electorates. Twenty-one addresses were formally presented and 38 addresses were received in this Presidency without formal presentation and while many of the communities asked for separate communal electorates, the only community that did not ask for separate

communal representation was the Brahmin community. The proposal now put forward by the advocates of communal electorates is diametrically in opposition to what has been suggested in these addresses. They propose to club together all other Hindu communities except the Panchama and the Brahmin communities and to classify the Hindu community under (1) Brahmins, (2) caste Hindus other than Brahmins, (3) non-Brahmin non-caste Hindus (comprising the depressed classes). In the first place the constitution of electorates on this basis was never asked for and the proposal to club together all communities, who have asked for special electorates for themselves and to constitute a separate electorate for the only community that did not ask for it is to ignore the facts entirely. If separate communal electorates are politically inexpedient and if it is not practicable to constitute them there is no reason for setting up communal electorates as now proposed on an entirely fictitious classification of the Hindu community. The only ground urged is the desire to segregate the Brahmins from the general Hindu communities. Attention is invited to the details given in Appendix III as to the various castes in the Andhra and the Tamil country. To treat all these communities which do not interdine or intermarry with each other as one homogeneous community and to treat the Brahmin community alone as a separate entity by itself is absurd. There is as much or as little affinity between a Kshatria or a Kamma and Vellala and a Shanar and as between a Brahmin and any other community. In these circumstances, the claim put forward by a few of the aggressive leaders of this movement, to pose as the true representatives of the non-Brahmin communities, is preposterous.

14. Another ground on which I strongly deprecate the constitution of communal electorates on the basis suggested is such an arrangement would practically commit the interests of the very large numbers of agricultural labourers and the landless classes to the wealthy among the non-Brahmin caste Hindus. Much has been said about the Brahmin oligarchy but if an electorate composed of non-Brahmin caste Hindus is created, an oligarchy of the rich non-Brahmin Hindus in the Legislative Council must be the result. I feel almost certain that out of the 40 castes mentioned in appendices III (a) and III (b), the candidates for the Legislative Council would be drawn mainly from 3 or 4 of the more progressive non-Brahmin castes in the Andhra country and from a similar number of castes in the Tamil country. There are many agrarian questions in this Presidency in which the interests of the agricultural labourers and the tenants are at variance with the landed pattadars. There is absolutely no reason for regarding the non-Brahmin caste Hindus who form the marjority of the land-owning classes as a truer or safer representatives of the agricultural labourers, than the Brahmins.

Politically Inexpedient.

15. I also believe that apart from the general grounds referred to in the discussions of 1908 and in the report on Indian Constitutional Reforms it is inexpedient to recognise such a claim. The constitution of communal electorates for the Legislative Council will react on the work of the local bodies of this country. Already a claim has been set up on behalf of Muhammadans in Municipalities and Local Boards for representation by separate electorates and after the concession of communal representation, there is every likelihood of an agitation to the extension of the principle to local bodies. Such a step will be detrimental to the progress of local self-government in this Presidency. On all these grouuds I consider the constitution of communal electorates fatal to the development of responsible government in this country, and that the representation of all classes and creeds may be obtained, if need be, by a system of plural constituencies. I feel confident that the various communities in each district will thus find adequate representation.

The Muhammadans.

16. The present demand for communal representation is also sought to be supported by the example of the Muhammadan community to whom separate representation has been conceded. This matter received a great deal of attention when the Minto-Morley proposals were under discussion in Parliament. It must, however, be pointed out that one of the determining factors in the discussion was the promise made by Lord Minto, who committed himself in various ways at an early stage of the discussion in regard to Muhammadan representation and the Secretary of State had to stand by him to carry out the pledges made by the Viceroy. Lord Morley recognised that the Muhammadans are an important minority and should receive separate treatment; but he disliked religious discrimination and his political instincts were greatly averse to a sectarian vote in politics. He therefore proposed his scheme for electoral colleges by which proportional representation could be secured to the Muhammadans. He stated in the House of Lords that "to the best of his belief the plan of the Hindus and Muhammadans voting together in a mixed and composite electorate would have secured to a Muhammadan electorate whereever they were to be so minded, the chances of returning their own representatives in due proportion." He also went on to say that the political idea at the bottom of his proposal was the promotion of harmony and co-ordinated political action and that these views were entertained by men of very high Indian authority and experience at the time. The Government of India doubted, however, whether this plan would work and Lord Morley accordingly gave it up with great regret. Separate representation to an important minority is an accepted political principle. But will this justify us in extending this principle to Hindu communities merely because the composition of Hindu society has still in it disintegrating tendencies which are rapidly disappearing under the influence of Western education? The ideal to which the leaders of the non-Brahmin movement along with all other progressive men in the country look to is the fusion of all communities into a politically homogeneous whole. The perpetuation politically of the already existing social differences will be most unfortunate. This view has found very strong expression in 1908. I may refer to only one opinion among the many. It is that of one of the important and liberal minded Zamindars of this Presidency. The Rajah of Pittapur said :

> "Successive social and religious reformers have decried caste as clogging the wheels of progress and it is very strange as that, in a country whose watchword is forward, an enlightened government should think of not only accentuating sectarian differences but of pepetuating them.
>
> "A Hindu like the late Mr. Prakasa Mudaliar, a Muhammadan like the Hon'ble Nawab Syed Muhammad Bahadur, a Sudra like the late Mr. Jambulingam Mudaliar have been elected by all classes of people alike and won their esteem and gratitude."

The Raja condemned separate representation even to minorities like the Muhammadans:—"I am not in favour of special representation being granted to minorities for the simple reason that they have no special interest of their own apart from those of the people in general requiring separate legislation." However, the step having been taken, it cannot be retraced now, but this principle should not be further extended in, adopting a scheme of electoral machinery. Our aim must be to develop a homogeneous electorate in due time.

APPENDIX M.

PAPER handed in by Mr. *Maung Pu*, B.A., on behalf of the Burmese Deputation of the 19th August, 1919. (*See* Question 5287.)

A PLEA FOR BURMA.

Burma asks for equality of treatment with the other Provinces of India. Though holding on several points with the moderate party of the Indian National Congress, she is not criticising the provisions of the Government of India Bill. She is here simply to ask that whatever constitutional reform is granted to the other Provinces may be granted to her also. Give her that and she will be content.

It will be conceded that in legislation uniformity is desirable, and that when the constitution of a country is reformed, the reforms should apply through its whole extent, save only where good cause to the contrary exists. From the Government of India Bill three Provinces only are excepted: Baluchistan, the North-West Frontier Province, and Burma. The first two are small frontier Provinces, subject to quasi military rule. The reason for their exception is obvious. Why has Burma, prosperous, law-abiding and governed like any other of the great Provinces, been barred, with these small and special tracts, from the benefits of the Bill?

The following reasons are given in paragraph 198 of the Joint Report:—

(1) "The people belong to a different race in a different stage of political development, and its problems are altogether different." There are many different races in India, but this fact has not excluded any of them from the Bill. The second reason—"in a different stage of political development"—is vague; but vague as it is, it is the main reason for the exclusion of Burma. It will be dealt with separately.

The only different "problem" cited is that the throwing open of the public services more widely to Indians would result in the replacement of one alien bureaucracy by another. By this is meant that Indians would occupy many posts in Burma. But this danger, if danger there be, could be obviated by the simple expedient of restricting the service to persons born in Burma. There is no "problem" in the ordinary sense of the term. After all, the essential problem in Burma, as in India, is the transfer of power, by stages, from the bureaucracy to the people. As will be seen Burma differs only from India in that the stages might well be swifter.

(2) "The desire for electoral institutions has not developed." Whether or not these words were accurate when penned, they do not now apply. The Burmese are awake, keenly desirous to participate on equal terms in the boons given to other Provinces, anxious to develop their country and their civilisation on their own lines. Sir Reginald Craddock has since (December, 1918) admitted this:—

(3) "The Provincial Legislative Council has no Burmese elected element." That is not the fault of the Burmese but of their rulers.

(4) The last reason given is that a new Lieut.-Governor (Sir R. Craddock) had just assumed office. That reason of course no longer applies.

The Burmese, it is alleged, are in a different stage of "political development." How do they differ? The same general laws apply as in India. The Contract Act, Evidence Act, Penal Code, Criminal and Civil Procedure Codes, and practically all Indian laws hold in Burma exactly as elsewhere. The revenue system is the same, the executive system is the same, the judicial system is the same. In all the essentials of government, the Indian Government has dealt with Burma on precisely the same lines as the other great Provinces. Would it have done this had there been any marked difference in culture or development? In culture and in enlightenment the Burmese are fully equal to the Indians; in material wealth they are certainly superior, women, too, occupying a higher and freer position than elsewhere in Asia. Divergence where divergence exists is all in their favour, not against them.

Take now the reasons urged against all constitutional reform in India, or at least against the grant of anything but a very limited measure. It is not intended here to test those reasons, to weigh their force or to examine how far they are true to-day. They are merely stated as the reasons given by those who desire to maintain as far as possible existing conditions.

(1) *Diversity of Race and Language.*—In these respects the people of India admittedly differ even in the same provinces. Thus Madras is divided between Tamils, Telugus, Canarese and Malayalims. Burma is practically homogeneous. As the census shows, so greatly do the Burmese preponderate that the minor races such as Karens, or immigrants such as Indians and Chinese, offer no special problems. And few, indeed, of these peoples but speak well the Burmese language.

(2) *Difference of Religion.*—The past feuds between Hindus and Mohammedans are well known. In Burma the Buddhist religion—the most tolerant of all the great religions—is almost universal. In all the world there is no country with less religious bitterness or sectarian rancour. A kindly tolerance reigns supreme.

(3) *Divisions of Caste.*—In India this point needs no labouring. Burma, except for the few Indian immigrants, knows no caste. The structure of society—owing perhaps to the absence of family names—is essentially democratic, more democratic in fact than in the British Isles. There is less class distinction and more fraternity than in England.

(4) *Absence of National Feeling for the Country as a Whole.*—The Burmese have always been patriotic, have always cherished an intense love for their country, have taken a pride in themselves and their race. Nowhere does patriotism burn with a truer flame than in Burma.

(5) *Illiteracy.*—In Burma, thanks largely to the monastery schools, primary education is more widely diffused than in India. The proportion of those who can read and write is nearly four times as large as that in India, and is three times as large as the best Indian provinces, Bengal and Madras.

True, owing to the failure to create a University at Rangoon, the number of graduates is small. But there is at least as large a proportion as in India of capable, level-headed men, fit to grasp the problems and carry out the functions of representative government. That, and not the number of B.A.'s is the essential point.

(6) *Sedition and Covert Rebellion.*—The Burmese desire nothing more than to march to self-government under the British flag. That is admitted. Hear Sir R. Craddock, an alarmist on this point, as his speech on the Rowlatt Act abundantly testifies. "There has been no extremist party of Young Burmans; there has been no unbridled and defamatory Press; there have been, thank God! no signs of unrest among Burmese students and not even the slightest suspicion of anarchy." Since unrest and anarchy are the chief arguments of many against concessions to India, the claims of a people without them to self-government should have special weight. You cannot have it both ways.

To recapitulate. Do you fear religious feuds or warfare? Burma has none; in all the world no country enjoys such a divine tolerance. Is diversity of language the difficulty? Burmese carries you everywhere. Are you concerned for racial discord? The Burmese are on excellent terms with the minor races. Caste? It does not exist. Illiteracy? Primary education is more general in Burma than in other Provinces. Is sedition or anarchy the bugbear? We have the word of Sir R. Craddock that they do not exist in Burma.

The orders in paragraph 198 of the Joint Report that as soon as it was published (June, 1918), the Government of Burma should consider how far the proposals were applicable, have been disobeyed. Instead there has been put forward an entirely different scheme, containing provisions of an unusual and reactionary character, which scheme, it is contended, is no step forward towards self-government. The Burmese have been grievously disappointed. They are the more disappointed because Sir R. Craddock, although no friend to Indian aspirations, had himself noted the favourable conditions in Burma. "It can be confidently affirmed," he remarked, "that Burma is endowed with many advantages, notably in respect to those conditions which favour development on democratic lines. Thus she is free from those religious dissensions which militate against the co-operation of men of different creeds. Toleration of the scruples of others is a ruling tenet of her religion. There is an entire absence of caste, and no marked cleavage of social distinction or occupation exists. The man of humble birth in Burma has always been able to rise as high as his ability or his education might carry him . . . Burma undoubtedly offers a more promising field for self-government than does India at the present juncture."

For these reasons, indeed, and on account of the relative simplicity of the problems that will confront her new Legislative Assembly, Burma might claim, and rightly claim, a more generous measure of self-government than that accorded to India. Many apprehensions that have fettered the gift of self-government to India do not exist; others are weaker, mere shadows. But Burma does not ask for wider concessions or greater powers; she asks only to be treated with the same generosity as that meted out to the other Provinces. She comes to England and says: The table is spread and the feast set out for the peoples of India. Am I only to remain uninvited, a Cinderella amongst the great Provinces of the Indian Empire? I am loyal to your flag. Where my problems differ from those of India, they differ only in being more simple. My people are intelligent, capable of reasoned discussion and of sane conclusion. They are tolerant of others' opinions, charitable towards their neighbours, loved by all who dwell among them. Like India, I earnestly desire to govern myself; like India, I aspire to develop under the ægis of Britain my own civilisation. Fulfil your promise. Give me equal treatment with India. You will not be disappointed. I will not abuse your generosity, but will repay it in full with loyalty, with prosperity, and with a contented people.

MAUNG PU, B.A., Barrister-at-Law,
President of the Burma Reform League.

BA PE, B.A.,
TUN SHEIN, B.A. } Members of the Burma Deputation.

APPENDIX N.

PAPER handed in by Mr. *Sydney Loo—Nee*, Tuesday, 19th August, 1919. (*See* Question 5290.)

To the Right Honourable Mr. EDWIN S. MONTAGU, P.C., His Majesty's Secretary of State for India.

The Humble Memorial af the NATIONAL KAREN ASSOCIATION, BURMA, on behalf of the KARENS OF BURMA

HUMBLY SHEWETH,

1. The Karens of Burma, availing themselves of the courteous invitation of the Head of the Government of Burma to make criticisms and suggestions on his proposals, duly and respectfully submitted their criticisms and suggestions on the framework of the Constitution recommended by the Local Government for the solution of the problem of Burma's political evolution.

A copy of the same is annexed hereunto and permission is sought for to treat it as part of this Memorial.

2. In paragraph 1 of the said "Criticisms and Suggestions," the Karens of Burma humbly hoped that their case might be submitted to the British Parliament for judicious consideration when the time arrived for Parliament to finally solve the problem of Burma's political evolution.

3. For the fulfilment of the aforesaid hope, seeing that the Head of the Burma Government has ignored the Karen rights, the National Karen Association, Burma, which exists mainly to stand between the British Government and the Karens, ever endeavouring to preserve unabated and untarnished in all Karens the spirit of healthy loyalty to the British Crown, has considered it expedient to despatch a Karen deputation to England to appeal to the wisdom and justice of British statesmanship.

4. Burma is inhabited by many different races, and of the indigenous races thereof, the Karens are the second race and as such the Karens claim that in any political programme aiming at Burma's evolution the Karens should not only precede the aliens in Burma, but also progress and advance step by step along with the Burmans.

5. Swayed by the firm belief that we possess men, educated, fit and enlightened, of our own race who can and will better represent us, voicing our own sentiments, wishes and aspirations, than leaders, if any, of a different race, we have all along been inspired by the doctrine of Self-help; or else, neither the Karen Deputation to Culcutta in December, 1917, nor that to His Honour the Lieutenant-Governor of Burma, at Maymyo, in October, 1918, nor yet this one direct to the Right Honourable the Secretary of State for India, would have had a "*raison d'être.*"

6. With reference to the Craddock Scheme or Schemes, popularly so-called, we beg to reaffirm paragraphs 1 and 2 of our "Criticisms and Suggestions" already alluded to above.

It is, perhaps, superfluous to note that if the Karens are to figure only by nomination in the Constitutional Reforms in store for Burma, it, *i.e.*, mere Nomination, in addition to initially nullifying "the energy and industry which the people and their representatives devote to fitting themselves for the task before them," will assuredly not hold out to the Karens any substantial hope for them:

(*a*) To secure representatives of independent, moral character;

(*b*) To be educated politically;

(*c*) To possess mutual ties of real binding force; and

(*d*) To aspire at all to any of the Presidentships (*vide* Craddock Scheme, paragraph 28); or, in the phraseology of the Indian Reforms Bill, Ministerships [*vide* Section 3 (2)]; and, generally, *cf.* "Report on Indian Constitutional Reforms," paragraph 324.

7. The Karens of Burma "are a distinct and (comparatively) important people; they supply a (fairly) gallant and valuable element to the Indian Army; but they are everywhere in a minority, and experience has shown that they are virtually unrepresented." In Burma, therefore, the Karens ask that they be favoured with "the system already adopted in the case of Mahommedans" in India, and proposed to be extended in India to the Sikhs in the Punjab.

8. That we are everywhere in a minority is not a surprising circumstance in the light of the fact that we Karens may properly be said to have had our national birth only at the advent of the British to Burma. But, whereas subject-peoples have, *in rerum natura*, first to prove their loyalty to the governing power before they can hope to claim any privilege, our case is characteristic in that our loyalty to the British Government is already admitted.

9. Paragraph 5 of our Memorial to His Excellency the Viceroy and Governor-General of India, and to the Right Honourable His Majesty's Secretary of State for India, conclusively shows that the move we made then and there was solely and wholly dictated by the dominating idea of self-protection, emphasised by the pardonable pride and convincing consciousness of race.

As Burke profoundly puts it:—"Circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour and discriminating effect."

Now, as the historic pronouncement of August 20, 1917, is going sacredly and without undue delay to shape and form our destinies, we Karens entreat that we may graciously be permitted, in our desire for advance, actuated by the British boon of Education, to participate substantially, *ab initio*, in the political programme fashioned out for Burma.

10. Sir, the situation in Burma for some years has been creating an uncomfortable fear in the Karens that new Pharaohs have arisen that knew not Joseph.

We no not desire to be politically inferior to the other races in Burma, and this aspiration, we hold, is both natural and legitimate.

We need the fostering care of the British Government to work out the highest ends of our national existence.

Accordingly, we hope and pray that our Mission to the fountain of British justice and sympathy will mark an epoch in our history, treasured by us, exalted by our children, and glorified by our children's children.

WHEREFORE the Karens of Burma, in humbly and dutifully appealing to the British character for fair dealing and justice, earnestly pray, in the weighty words, *mutatis mutandis*, of The Right Honourable Mr. H. A. L. Fisher, M.P., that England may never "alienate the patriotism of the loyal population of Burma."

And shall ever Pray.

Signed on behalf of the Karens of Burma,

SYDNEY LOO-NEE, *Delegate*,
Karen Deputation to England.

London:
The 8th day of August, 1919.

To the Honourable Mr. WALTER FRANCIS RICE, C.S.I., I.C.S., Chief Secretary to the Government of Burma, the Secretariat, Rangoon.

Criticisms and suggestions on the framework of the Constitution recommended by the Local Government for the solution of the problem of Burma's political evolution by THE NATIONAL KAREN ASSOCIATION, BURMA, on behalf of THE KARENS OF BURMA.

SIR,

On behalf of the Karens of Burma we, the president and members of the National Karen Association, Burma, fully accept the generous invitation conveyed in liberal terms in paragraph 40 of what is popularly known as the Craddock Scheme and express ourselves as hereunder :—

1. The proposed scheme of constitutional reforms for Burma gives invidious preference of the claims of aliens over those of ourselves in our own fair land. The Karens are the sons of the soil, possessing distinct characteristics and holding defined sentiments. We are the second race in Burma, and thus we venture to maintain that our rights and privileges are superior and precedent to those of the aliens, such as the Indians (both Hindus and Muhammadans) and the Chinese. We, therefore, humbly hope that this phase of the problem will be judiciously considered in the final scheme for Burma's political evolution decided upon by Parliament.

2. Some unsettled provision is intended for us in paragraph 23 of the proposed scheme under review. While we appreciate this mark of recognition we beg to submit with due deference that the educative element is sadly missing from the policy purported to be pursued, and thus we are virtually denied progress and advancement step by step along with other races, communities and interests.

"Unless the political changes now in contemplation are accompanied by an educational campaign directed to awaking in all classes alike . . . a sense of citizenship, disaster will certainly result."

If the Karens are to be educated at all they wish to be taught "that in future they must bring their troubles to the notice of an elected representative—further, that they have the power to compel his attention."

As in the training up of ministers, so, too, in the training up of responsible representatives, direct responsibility is, we humbly submit, absolutely essential.

It is probably apprehended that if the Karens are given the right of securing representation by election, which is the most educative method, it is probable, or rather possible, that they will commit mistakes.

As it has been profoundly remarked, "Capacity can come only by the exercise of responsibility." Further, "the mistakes made are the price which the people must inevitably pay for their education in self-government." And the Karens are willing to pay this inevitable price for their political education.

3. We pause here to state in parenthesis that mass education, as advocated by us in paragraph 4 of our Memorial to His Excellency the Viceroy and the Secretary of State, will bridge many gulfs and be a lasting monument of British Statesmanship.

4. In view of the observed fact: "The more enlightened and educated Karens are too scattered in the various districts of Lower Burma to be assured of representation in the ordinary way," we respectfully suggest that measures be adopted to grant us a general electorate for the whole of Burma, charged with the Karen interests in every phase and form.

As to the number of the representatives of our own nationality, six, the number prayed for in paragraph 8 of our Memorial to His Honour at Maymyo, will, we believe, suffice to represent the Karen interest in the Provincial Legislature.

In the event, however, of this number, in process of time, proving insufficient to adequately represent our interests, we pray that any additional number may be nominated.

Albeit we claim six elected representatives, regard being had to the fact that representation in the ordinary way for the Karens will be out of the question (except in very, very rare instances) by virtue of our diffusion throughout the province, we suggest that, provided six be deemed too large a number, four seats may be reserved for the Karens of Burma—one each for the divisions of Pegu, Irrawaddy and Tenasserim, and one for Rangoon, Syriam and Insein.

5 We beg to state that we Karens have contributed our loyal services in response to the Empire's Call' and a generous recognition by the British Government of our legitimate aspirations will ever keep alive the healthy spirit of loyalty in the Karen breast.

SAU PO MIN, *President.*

ROBERT LUTHER POKEY, *Honorary President.*

SYDNEY LOO-NEE,
SAN CROMBIE PO,
MAN SAN TE,
SAU SAN BAW,
MAN PO SIN,
MAN S'RA NWAI, } *Vice-Presidents.*

THRA PAN,
SAU E ZI, } *Joint Secretaries.*

SAU MYA PON, *Treasurer.*

Rangoon :
The 14th day of January, 1919.

APPENDIX O.

PAPER handed in by Messrs. *V. Chakkarai Chetty*, B.A., B.L., and *P. Chenchiah*, B.A., M.L., Tuesday, 19th August, 1919. (*See* Question 5266.)

THE MADRAS PRESIDENCY ASSOCIATION.

MEMORANDUM presented by the delegates of the Madras Presidency Association to the Joint Committee on the Government of India Bill.

The delegates of the Madras Presidency Association are Messrs. V. Chakkarai Chetty, B.A., B.L., B. P. Wadia, and P. Chenchiah, B.A., M.L. Mr. V. Chakkarai Chetty is the Official Secretary of the Association. Mr. P. Chenchiah is a member of the Executive Council, and Mr. B. P. Wadia is an ordinary Member. They have been authorised by resolutions passed by the Executive Committee to place before this Committee the views of the Association on the question of Indian Constitutional Reforms. Mr. V. Chakkarai Chetty and Mr. P. Chenchiah have also been elected as delegates by the Congress, and Mr. B. P. Wadia is a delegate of the National Home Rule League. As the views of the National Congress and the National Home Rule League have already been placed before the Committee it is not proposed to deal at length with the general questions of political reforms. The Madras Presidency Association represents a considerable section of the non-Brahmanas of the Presidency, and it includes among its members not only non-Brahmana Hindus but also men belonging to non-Hindu religions, who fall under the general category of non-Brahmanas. The President of the Association is Dewan Bahadur P. Kesava Pillai, who was for two terms a Member of the Madras Legislative Council, and is well known for his services in the political and social fields. Among the Vice-Presidents are men who are prominent in the commercial life of Madras and in the politics of the Presidency. The ordinary members and secretaries are drawn from all ranks of Society, and are fully representative of a very large section of the non-Brahmanas of the Presidency. The Association has several branches all over the Presidency, and it has held conferences in Madras, Trichinopoly, Tanjora, Madura, Tinnevelly, Bezwada, and other important centres in the Presidency. It was started with the main object of safeguarding the interests of non-Brahmanas without prejudice to the larger political interests of the country, and with a view to work harmoniously with other sections of the Indian people. The President and other office bearers of the Association have been Congressmen along with Dr. T. M. Nair and other leaders of the South Indian Liberal Federation. When, in 1917, the South Indian Liberal Federation, formed with the ostensible purpose of promoting non-Brahmana interests, began to attack the National Congress and adopt a course of conduct prejudicial to National unity, it was felt by the leaders of the Madras Presidency Association that they should rally round the Indian National Congress, of which they had long been members, and that the claim of the South Indian Liberal Federation to represent the entire non-Brahmana community should be contradicted. It became necessary to expose such pretensions, and to give expression to the real non-Brahmana opinion in the country. The South Indian Liberal Federation thought fit to carry on a systematic campaign of vilification of the Brahmanas of the Presidency, supporting its propaganda by what can only be characterised as gross exaggerations, half truths and untruths. The better section of the community felt that the time had come in the interests of truth and fair play to speak out its mind. It will be thus seen that the object of the Association is to safeguard the interests of the non-Brahmanas without giving rise to communal warfare. The Association appeared before the Right Honourable the Secretary of State for India and His Excellency the Viceroy when they visited Madras in 1917, and also submitted its views before the Franchise and Functions Committees.

Since the question of the social relations subsisting between Brahmanas and non-Brahmanas in the Presidency has been much canvassed before this Committee, and since several statements made by the representative of the South Indian Liberal Federation are totally unfounded and are calculated to leave an erroneous impression, it is necessary to contravert them in some detail:—

(1) The first statement that has been made before this Committee which requires repudiation is that the Brahmana is playing the part of a tyrant. A lurid picture was drawn of the abject and miserable condition of the Panchama, and the Brahmana was brought in as the villain of the plot whose only pleasure in life is to torture the poor Panchama and keep him in perpetual bondage. Deeply sympathetic as the delegates are with the Panchama, and anxious as they are to safeguard his interests, they cannot allow this unfounded imputation to remain uncontradicted. The exact position of each caste in the social polity of the Hindu community is the result of forces which have been operating for centuries and for which the responsibility cannot be traced to any particular caste or source. Moreover, the non-Brahmana shares equally with the Brahmana the responsibility for the condition of the Panchama. In the past many of the social movements which have for their object the social and religious amelioration of the Panchama were led by Brahmana leaders, like Ramanuja in the middle ages, and during the last century by Raja Ram Mohum Roy, and Pundit Vidysager and Swami Dyanand Sraswati in the North and by Pundit Veerasalingam in the South. It is within the personal knowledge of the delegates that in all the social service organisations in the Presidency which actually interest themselves in and work among the Panchamas the Brahmanas have been most conspicuous. It will be of interest to note that the Social Reform Association, which aims in Madras at the welding together of the different castes, is presided over by a Brahmana, the Advocate-General of Madras, the successor of Sir C. Sankara Nair, and the Madras Social Service League, which was founded by Mrs. Whitehead, the wife of the Lord Bishop of Madras, and which carries on work in the slums, has for its President now a Brahmana. From these facts it can be seen that this charge is as unfounded as it is ungenerous.

(2) In this connection it was stated by one of the witnesses that the Varnasrama Dharma movement and the Home Rule League have common leaders who are mainly Theosophists. In the first place, it may be stated that the Varnasrama movement is an insignificant and obscurantist movement which can never be taken as an index of the social feeling in the country. Some of the most vigorous and determined opponents of the movement are to be found among the Brahmanas, among whom may be

mentioned the name of one of the Brahmana Judges of the High Court of Madras, a staunch Theosophist. Not a single prominent Home Rule Brahmana leader in Madras has identified himself with this reactionary movement. Mrs. Besant and her paper "New India" have dissociated themselves from the movement. It is also noteworthy that some of the leaders of the Varnasrama movement have attacked the Home Rulers as anti-Hindu for their desire to place political and national welfare above caste distinction. The statement that caste feeling is on the increase is so obviously at variance with the impartial testimony of European and Indian observers that it can only be regarded as an argument of despair.

(3) Another charge that has been levelled against him before the committee is that the Brahmanas occupy important positions in official life, and take advantage of their power to influence elections. This statement rests on mere assertion, and no evidence has been adduced to substantiate it. Under the rules of Government service no Government servant can take part in politics, and he can only do so at very grave risk. This fact alone would operate as an effective check on any inclinations in that direction. It is also remarkable that as far as they are aware no complaint has been made on this ground before the authorities, though petitions to set aside elections by defeated candidates have been made on other grounds.

(4) The curious contention was urged that Brahmanas, as members of the legal profession, exercise undue influence on the non-Brahmanas. It is very difficult to see how the fact of a man belonging to the legal profesion could put into his hand a weapon of political oppression. The connection sought to be established is too remote to be intelligible.

(5) The statement that the Brahmana alone stands in the way of social progress is not borne out by facts. Mr. Basiu's Bill for validating civil marriages was opposed not only by Brahmanas but by non-Brahmanas also, amongst whom may be mentioned one of the leaders of the South Indian Liberal Federation. Mr. Sastry's Puberty Marriage Bill was very strongly opposed by Brahmanas and non-Brahmanas alike.

It is not necessary to have recourse either to exaggerations or misrepresentations to account for the present position of the non-Brahmana classes. Two main reasons may be assigned for their failure to take their due share in the public life of the Presidency. The Brahmana, who has a traditional aptitude for intellectual pursuits, has taken the fullest advantage of the educational facilities offered by the Government, and owing to this distaste for agricultural and commercial life has taken largely to what are called the learned professions and the Government service, which play in the present system of British government in the country an important part, whereas the non-Brahmana, unwilling to occupy positions of subordination in official life, was content to pursue his ancestral callings in commerce and industry. When they did take to education they distinguished themselves, as in the case of Mr. Ramganatha Mudaliar, Professor of Mathematics in the Madras Presidency College; Rangiah Naidu, a lawyer and member of the Madras Legislature Council; Mr. Thumboo Chetty, an Indian Christian, who was Chief Justice of the Mysore High Court, and several others. As stated by Sir C. Sankara Nair, who would undoubtedly be regarded as the leader of the non-Brahmanas of the Presidency, in his minute of dissent to the Despatch of the Government of India on the Division of Functions by the Southborough Committee: "In the earlier years of the Congress the non-Brahmana leaders were invited by officials to stand aloof from it, and, if possible, to denounce it as inimical to their interests. They resolved to disregard the advice." So some of the most prominent among the Madras Congressmen were non-Brahmanas, and the present somewhat backward condition is almost entirely due to their not pressing forward in education. With the growing self-consciousness of the non-Brahmanas it may be confidently asserted that they will regain their dominant position in public and official life. In the second place, the Anglo-Saxon methods of administration and the peculiar conditions of political life called into prominence leaders who possessed the power of persuasion. Every reform, and even minor concessions, had to be extracted from an unwilling bureaucracy that had to be convinced by arguments. This accounts for the part played by the legal profession, which is particularly fitted to fill this role. It is the legal professions and not the distinction of being a Brahmana that accounts for the large part which he is alleged to have taken in the leadership of the country. Now, the mercantile and commercial classes are beginning to take part in political life, and with their increasing importance it will not be possible for the lawyer to play the distinguished part that he has done in the earlier years of constitutional struggle in India. It may be noteworthy that almost all the bigger and smaller merchants and traders in Madras are in favour of reforms, including fiscal autonomy, and a good number of them are members of the Presidency Association.

The delegates have tried to refute some of the misrepresentations made before the Committee, and to show the true causes of the present position of the non-Brahmanas of the Presidency. As practical politicians, they cannot, however, overlook the fact that certain sections of the non-Brahmanas want their interests to be safeguarded. It is therefore essential to the harmony and whole-hearted working of the Reforms to devise some method whereby their misapprehensions may be allayed. It is in view of this fact that political associations affiliated to the Congress in Madras have agreed to the representations of the non-Brahmanas in general electorates. Any attempt to get behind this compact will be regarded as a breach of political faith. Two solutions have been offered by extreme parties which it is not expedient to recommend. (1) The first is the creating of separate electorates for the non-Brahmana Hindus. In addition to the arguments against communal electorates mentioned in the Joint Report we may mention the following objections, strongly felt by the non-Brahmanas whom the Association represents: (1) National solidarity is above all consideration of caste, and any method of helping the non-Brahmanas which carries the grave danger of isolating him will in the long run lead to his own detriment. (2) The non-Brahmana Hindus are not a homogeneous unit but composed of divergent castes. The recognition of separate electorates will lead to the demand of caste electorates by some of the important non-Brahmana castes. This will lead to a political situation which it will be impossible to deal with. (3) The creation of special electorates will necessarily restrict the number of non-Brahmanas that may get into the Council, and will deprive him of the influence that he may otherwise exercise in the general electorates. Whereas in the scheme that is proposed by the Association, a certain number of seats is fixed as a maximum for the Brahmanas. Non-Brahmanas will be at liberty to contest in all the general electorates. The Association is therefore distinctly in favour of this. The contention is strengthened by the fact that during the discussions under the Minto-Morley Scheme, the considered opinion of the important leaders of the non-Brahmana Community was against the formation of separate communal electorates, and nothing has happened in the interval to justify a change.

The other alternative of ignoring altogether the desire for safeguarding the interests of the non-Brahmanas will be deplored as a political blunder. A *via media* has therefore to be discovered which will satisfy the non-Brahmanas generally.

After giving careful consideration to the subject and viewing it from all aspects, the Madras Presidency Association has come to the conclusion that the best method would be to create plural constituencies with a general electoral roll and fix a limit to the number of Brahmanas to be returned. The following is the full text of the resolution that was passed at the Second Annual Conference of the Association :—

This Conference recommends to the Franchise Committee that the Members of the Legislation Council of the Presidency be fixed at 200 and the distribution of seats be as follows :—

Nominated Members of the Government	20
Mahomedans	28
Indian Christians	7
European Trade and Commerce (including Planters)	6
Indian Trade and Commerce	6
Graduates of the Madras University	3
Uriya Tamindars	1
Uriyas	1
Tamindars other than Uriyas	4
Landholders : North	2
South	2
Malehar	1
Backward classes to be nominated by elected representatives if election by them is not possible	8

108 Members to be elected by 12 groups of general electorates, each group returning 9 members, of whom not more than 2 should be Brahmanas.

With regard to franchise, all those who pay Rs.5 and over as land revenue or as tax per annum should be entitled to vote.

The Government of India, in the Despatch on the Franchise Committee's Report, in paragraph 26, while disapproving the creation of separate electorates for non-Brahmanas, makes the following suggestion : "We share the committee's main views regarding the undesirability of forcing a separate electorate on the Brahmanas, but we are anxious to consult the Madras Government in regard to the reservation of non-Brahmana seats in plural constituencies. It seems to us that the constituencies might be arranged in such a way that 30 out of the 61 non-Mahomedan seats could be reserved for non-Brahmanas, while both parties might contest the remaining seats without restriction." It will be seen that there are two important differences between the scheme proposed by the Government of India and that by the Association. In the first place the Government of India would fix a minimum for non-Brahmanas whilst we fix a maximum for the Brahmanas. In the second place the Government of India would throw open thirty-one seats to Brahmanas as well as non-Brahmanas, whereas in our Scheme a restriction is placed in all the twelve electorates. The Government of India has not indicated on what principle it is going to create general electorates which have to return only non-Brahmanas. We foresee great difficulties in making out such a distinction.

It is proposed, in conclusion, to make a few suggestions with regard to the General Reform Scheme :—

1. The Association strongly recommends that the Franchise should be lowered at least in urban areas, so as to render it possible for wage-earners who earn between Rs.15 and Rs.20 to have a vote.
2. The Association strongly supports the Franchise for women.
3. The Association strongly supports the demand for the introduction of the principle of transferred and reserved subjects in the Central Government, and the grant of fiscal autonomy.

V. CHAKKARAI CHETTY.
The Hon. Secretary to the Association.

P. CHENCHIAH,
Executive Council Member.

APPENDIX P.

MEMORANDUM supplied by Mr. *V. S. Srinivasa Sastri* at the direction of the Committee and received on 19th August, 1919.

The Education Codes of the various Local Governments in India contain a conscience clause for European and Anglo-Indian schools, but none for Indian schools. This is felt to be a grievance, and an attempt is now on foot to get it remedied. The agitation is now perfectly legitimate, and there is no reason why, if properly conducted, it should not succeed.

My point in the evidence I gave on the 13th instant was that Clause XI. of the Instrument of Instructions, as drafted by the Government of India (see pages 64 and 65, Views of the Government of India upon the Reports of Lord Southborough's Committees) is couched in such stringent terms that, if narrowly interpreted, they might preclude such an agitation being disposed of on its merits. The clause

runs : "The Governor is required to secure that the interests of existing educational institutions maintained or controlled by religious bodies are duly protected in the event of any changes of educational policy affecting them adversely." In my humble judgment the provision goes too far; all that missionary authorities may properly ask is that no changes adverse to them should be introduced without due consideration or without due notice to them. The Feetham Committee had this very matter before them when they considered the transfer of education to popular control. They recommended that the Governor be required "to take care that no change of educational policy affecting adversely Government assistance afforded to existing institutions maintained or controlled by religious bodies is adopted without due consideration." I contended that this language is preferable to that adopted by the Government of India. It would be unfortunate indeed if an agitation, which is now legitimate, should be liable under the reform scheme to be choked off by a stringently-worded Instruction to the Governor of a Province

This contention has no reference to the precise form or wording of the conscience clause. Still, it may possibly be of use to give two forms of it :

ELEMENTARY EDUCATION ACT, 1870.

It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend, or abstain from attending, any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs.

EDUCATION (SCOTLAND) ACT, 1872.

Every public school, and every school subject to inspection and in receipt of any public money as hereinbefore provided, shall be open to children of all denominations, and any child may be withdrawn by his parents from any instruction in religious subjects and from any religious observance in any such school; and no child shall in any such school be placed at any disadvantage with respect to the secular instruction given therein by reason of the denomination to which such child or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects. The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school for elementary instruction shall be either at the beginning or at the end or at the beginning and at the end of such meetings, and shall be specified in a table approved of by the Scotch Education Department.

APPENDIX Q.

PAPER handed in by Mr. *Maung Pu*, B.A., on behalf of the Burmese deputation on 19th August, 1919. (*See* Question 5287.)

A SCHEME OF REFORMS FOR BURMA.

1. GOVERNOR.—Burma wants a Governor sent direct from England, and members of Indian services should not be eligible for this post.

2. EXECUTIVE COUNCIL.—The Executive Council should consist of one official (European) and two Burman Ministers, selected by the Governor from among the elected members of the Legislative Council. The Ministers shall hold office so long as they retain the confidence of the Legislative Council.

3. LEGISLATIVE COUNCIL.—There should be 100 members, of which four-fifths should be elected and one-fifth nominated.

4. ELECTED MEMBERS should represent (1) pure urban areas, (2) rural areas, and (3) special electorates, as follows :—

5. URBAN AREAS like Rangoon, Mandalay, Moulmein, Bassein, Akyab, Henzada, Prome, Pegu, Myingyan, and Pakokku, &c., will get separate seats. The total number of seats will be about 20.

6. RURAL AREAS.—Small urban areas should go along with rural areas. In rural areas the districts which are of unwieldy size should be divided into one-member constituencies for effective representation. The total number of seats will be about 55.

7. SPECIAL ELECTORATES will consist of University (1), Burma Chamber of Commerce (1), and European community (2).

8. NOMINATED MEMBERS.—Five non-officials and 16 officials. There is no necessity to reserve seats for experts. The distribution of members will be as follows :—

Elected (urban 20 and rural 55)	75	
Elected (special electorates)	4	
	—	79
Nominated (non-officials)	5	
Nominated (officials)	16	
	—	21
		100

The President and Vice-President of the Council should be elected by the Legislative Council from among its elected members.

9. FRANCHISE.—In Burma we have ready-made register in the form of capitation and Thathamada assessment rolls and municipal franchise. Hence all that is necessary to do is to allow all *persons* of 21 years and of sound mind, who pay capitation or Thathamada, or who are specially exempted from these taxes in rural areas, and municipal voters in urban areas, to vote. The total voters under this scheme will be between one and two millions. There should be no residential qualification for the candidates to the Legislative Council.

Women already enjoy municipal franchise, and we want to give them political franchise also. They are fit to enjoy it.

10. FUNCTIONS.—Excepting (1) foreign and political, including administration of the Shan States, frontier districts, and hill tracts, (2) army and marine, (3) police, (4) appointments and discipline, (5) law and justice, (6) ports, (7) land revenue (except capitation and Thathamada); all other subjects, including the Budget, should be transferred to popular control.

11. CONTRIBUTION TO THE COST OF THE CENTRAL GOVERNMENT.—Thathamada and capitation taxes are peculiar to Burma only, and as such they should be deducted from the total provincial revenue when determining the amount of contribution to be made by Burma towards the cost of the Central Government.

12. OTHER MATTERS.—As regards other matters we claim to have the same status as that given to the United Provinces at least.

MAUNG PU, Barrister-at Law,
BA PE, B.A.,
TUN SHEIN, B.A.,
} *Members of the Burma Deputation.*

APPENDIX R

MEMORANDUM handed in by *B. V. Jadhav*, Vice-President of the Maratha League and the Deccan Ryots' Association, on 19 August, 1919. (*See* Question 5277.)

I am specially deputed by the Deccan Ryots' Association and the Maratha League, both having headquarters at Poona, to give evidence before this Joint Committee on behalf of the Marathas and other backward communities, and have come here for that purpose only.

I am an M.A., LL.B. of the Bombay University. I was for the first three years General Secretary of the Maratha Educational Conference. I was President of the Second Maratha Political Conference, which met at Nasik, in the Bombay Presidency, last year, and I was deputed by it to give evidence before the Southborough Committee in their behalf. I am Vice-President of the Maratha League, and also of the Deccan Ryots' Association. At Kolhapur I worked for many years as district magistrate and additional sessions judge, and at present I am chief revenue officer and a councillor of the State. I am an inhabitant of Mahad, in the Kolaba district of the Bombay Presidency, and have got landed interest in that Taluka.

Since the time I gave evidence before the Southborough Franchise Committee my personal views and those of the leaders of the Maratha community have undergone a good deal of change.

On behalf of the Marathas and other allied communities I beg to claim 30 per cent. of the non-Mahomedan rural seats in the southern and central divisions and in the district of Thana, in the northern division of the Bombay Presidency, and two seats in the City of Bombay out of the six allotted to it.

These seats are to be reserved in plural member constituencies, and where a district has got only one seat it may be joined with its neighbouring district for electoral purposes. These communities ought to be allowed to compete in the electorates with others in regard to the other seats.

These communities form about 80 per cent. of the total population. They supply the fighting and labour corps in the army, and practically the whole of the labour in the new industrial areas. They are the landed peasantry, and supply agricultural labour, and the important artisan class is from them. They pay the major portion of the land revenue. From them come the hereditary village headmen, who symbolise the government of every village. They were also the old district officers, and once formed the aristocracy in the Deccan, and they were the founders of tha Maratha Empire. These communities supplied the best generals to the Maratha army and admirals to the then Maratha navy. But they could not stand their ground against the Brahmans, who obtained supreme power under the Peshwas.

Being hereditary agriculturists and soldiers they were not as keen about learning as the Brahman and other advanced communities, and naturally lagged behind them in the educational race. They could not take advantage of the educational facilities offered by the British rule, and have therefore been in the leading strings of the advanced communities. In the peaceful times the distance continued to increase, so that these communities are now nowhere in spite of their numbers. In municipal and local board elections their success is meagre, if any, and none of them had yet the courage even to seek election to the legislative council of the local government.

Primary and secondary education are questions of more vital interest to these communities than to other advanced ones. Lack of interest in village sanitation directly affects their health. The housing problem in villages and industrial centres remains untouched. The question of wages of the industrial and agricultural labourers has not received due attention, and is responsible to a very large extent for the poverty of these classes. Land legislation will have direct incidence from their point of view. Forest laws hit these classes with a peculiar force. Excise policy contributes to a greater extent to their degradation and misery. These and other industrial and economic problems may present opposite points of view to the advanced and backward communities.

In fact, their social evolution and religious independence mean conflict in interest and ideals. All these factors make out, I humbly venture to submit, a strong case for their representation by their own men.

In support of the foregoing remarks in this Memorandum, I beg to refer to the opinions expressed by eminent gentlemen and bodies. The Report on Indian Constitutional Reform says: "There shall be in each province an enlarged legislative council . . . with a substantial elected majority, elected by direct election on a broad franchise, with such communal and special representation as may be necessary."

The case for the Marathas has been fully stated in the first view given by the Government of Bombay in the note prepared by them for the consideration of the Franchise Committee (*vide* page 135 Southborough Report, vol. 1): "They (the Marathas) are so subject to Brahmin influence that, even where they command a majority of votes, they will be unable to return their own representatives. At the same time, their number and importance make it desirable that they should be represented. This representation can only be secured either by communal electorates or by reserving seats for them in general electorates as suggested in para. 232 of the Report, or by some similar device. It is feared that there may be serious discontent if the aspirations of the Marathas are not met in some way."

The remarks of the Honourable Mr. Carmichael, Member of the Executive Council, Bombay, are very pertinent (*vide* page 151 Southborough Report, vol. 1): "They represented a very large portion of the population in the Deccan and the Konkan. They were the fighting class of the Presidency and they supplied the labour force in the big industrial cities. They maintained their connection with their villages, and, in his opinion, they should have representation in their rural constituencies. Owing to Brahmin influence, a Maratha candidate would not ordinarily have a chance of election even though the Marathas might be in a majority, and he did not think that cumulative voting would help them."

The Southborough Committee in their Report, page 19, say: "A similar claim (communal representation) on similar grounds was urged by the Marathas and allied castes in the Deccan and Southern Divisions of the Bombay Presidency. The representatives of this class were divided in their recommendations, some urging the necessity of separate electorates and the others proposing the reservation of seats in plural-member constituencies. Two of our members (Mr. Hailey and Mr. Hogg) would have been glad to grant special electoral facilities to them by the reservation of a single seat in each of the six districts where they preponderate. They consider that this guarantee would secure to them an assured minimum of representation, of which, otherwise, they would be uncertain, owing to the ascendancy of the Brahman. They believe that if this representation were once secured, the community would be encouraged to take its share in the political life of the province from which it might otherwise be excluded."

The Government of India have, in paragraph 26 of their despatch on Southborough Reports, supported the claims of the Madras non-Brahmans, and in paragraph 27 admit "that it becomes extremely difficult to resist the claims of the Marathas in Bombay."

I beg to bring to the notice of this Honourable Committee the considered opinion of responsible public bodies whose voice deserves close attention.

The Deccan Sabha of Poona have passed a resolution urging the necessity of reserving a certain number of seats for the members of the backward classes in the Bombay Deccan The Sabha is a political association carrying on its work on moderate and non-sectarian lines. It is not an anti-Brahman body, and includes in its membership a large number of distinguished Brahmans, who are responsible for its resolutions. The Sabha instituted an inquiry into the question of the representation of the Lingayat, Jain, Maratha, and other allied communities in the central and southern divisions of the Bombay Presidency. The leaders of these communities were invited and heard, and a settlement was ultimately arrived at that they should be given some reserved seats in plural-member constituencies.

In support of this view of the Sabha it may be useful to quote the opinion of the late Mr. Gokhale, who was the guiding spirit of the Sabha. In paragraph 3 of Gokhale's views on provincial autonomy he writes: "Here and there a member may have to be given to communities like the Lingayats, where they are strong."

The question of the non-Brahman Hindus of Madras and the backward communities of the Bombay Deccan was very anxiously gone into by the Special Session of the All India Moderate Conference held in Bombay in 1918, and presided over by Babu Surendra Nath Bonnerjea. It passed a resolution recommending the reservation of seats in plural-member constituencies.

Reservation of seats has been thus recommended by eminent authorities, and it is not open to the theoretical and practical objections that can be brought against communal electorates. It violates no sound principle, and is evidently a temporary expedient. Such an arrangement will allay the true fears of the backward classes, including the Marathas, whose historical position and loyalty and importance require special recognition. It will also tend to the successful and smooth working of the reforms.

In conclusion, I once more beg to submit that 30 per cent. of the total number of non-Mahomedan rural seats and two in the City of Bombay should be reserved for these communities. The last ground which would support my request is that such reservation, besides giving an encouragement to these communities, will serve them from falling into undesirable hands, which would be ruinous to the interests of these communities and a danger to the political evolution of the country.

B. V. JADHAV.

APPENDIX S.

MEMORANDUM handed in by *A. Ramaswami Mudaliar*, B.A., B.L., High Court Vakil, Delegate Madra Dravidian Association and South Indian Liberal Federation, on August 25th, 1919. (*See* Question 6987.)

INTRODUCTION.

I desire to place before the Joint Committee the views of the two Associations which I have the honour of representing, on the Indian Reforms Bill, now engaging the attention of the Joint Committee.

DECLARATION OF AUGUST 20TH AND RESPONSIBLE GOVERNMENT.

My Association welcomes the announcement of August 20th, 1917, declaring that the policy of His Majesty's Government is the realisation of Responsible Government in India. It accepts the principle that it must be realised by progressive and gradual stages, and further that the Imperial Parliament ought to be the judges of those stages. My Association would, however, like to make it clear what they understand by "Responsible Government." By "Responsible Government" we understand a government or executive body responsible to the "people"—to the masses of the country—not a Government which looks solely to the wishes of any particular section of the community, but one which carries out the wishes of all classes and sections of the people. The wishes of the people will naturally be expressed through their representatives in Legislative Councils. The real responsible character of the Government would, therefore, depend on the representative character of these assemblies. They must contain the representatives of every important section of the people, and it is the wishes of such a body that ought to be respected and carried out by the executive. If, therefore, the popular or Legislative Council is not really representative of the people, then however much the Government may be bound by the decision of that body it will not be a responsible Government in the sense indicated above. If, for instance, only one set or class of persons were to compose the Legislative Council, and this class though elected by the people is not really representative of them, it is obvious that in carrying out the wishes of these people there will be no responsible Goverment: it will be the substitution of "many-men control" for the "single-man's control" that now exists. It will be an oligarchy—but it will not be a responsible Government.

COMMUNAL REPRESENTATION.

This brings us at once to the question of communal representation. In the Madras Presidency, owing to a variety of reasons which have been fully set out in the Memorandum submitted by another witness, and in the despatches of the Government of India and the Local Government under any scheme of general electorates, only one class of persons will be returned in a vast majority—viz., the Brahmins. The Mohamedans, Anglo-Indians, Indian Christians and Europeans have all been given communal representation by the Franchise Committee, and its recommendation has been accepted in the draft Bill, but the one community which has been loudly complaining that its interests are not safeguarded through general electorates—viz., the Non-Brahmins of Madras—has not been given such representation.

REFORMS—A DANGER WITHOUT COMMUNAL REPRESENTATION.

My Association is emphatically of opinion that without the safeguards of Communal Representation, any scheme of reforms would be unacceptable to the large bulk of the Non-Brahmins of Madras. So far from promoting the happiness and contentment of the people, the scheme of reforms would be a grave danger, as far as my Presidency is concerned. The Non-Brahmins of Madras have been touched by the principles for which the world-war has been waged. Whether these principles have reached the Government of Madras, or not, we Non-Brahmins have had the object lessons of the war placed vividly before us. We feel that we ought to progress towards responsible Government; that it will be an evil if the Government continues in the same way as it exists at present, but we feel it will be a far greater evil if any scheme of reforms are introduced which will jeopardise the interests of vast millions. If, therefore, we were to choose between the two evils—no reforms at all or reforms without Communal Representation—we would unhesitatingly choose the former, which is undoubtedly the lesser of the two evils.

THE MINTO-MORLEY SCHEME OF REFORMS AND THEIR EFFECT ON NON-BRAHMINS.

The Minto-Morley scheme of reforms has been condemned by the authorities, and the "politically-minded classes," but it is the Non-Brahmins who have been most prejudiced. Its policy of "rallying the moderates" has been worked out in practice by giving the most lucrative posts to troublesome agitators who have invariably been the Brahmins. What the Brahmins in the Legislative Councils have done to the detriment of the Non-Brahmins has already been placed before the Joint Committee, but what they have done outside the Council Chamber is still more interesting, and more disastrous to the Non-Brahmins. In my Presidency all the Executive Council Members, with the exception of one, Zamidar, who held office for a short time, have been Brahmins, almost all the Indian Judges of the High Court and various other high functionaries, like the Secretary to the Local Government, have been Brahmins, and the result is faithfully portrayed in the condition of the public services to-day. Whereas the percentage of Non-Brahmin graduates are increasing year by year, as compared with Brahmin graduates, the percentage of appointments in the public services is rapidly going down, and the ubiquitous Brahmin fills almost every place. In this country the public services occupy a very inferior position in public life, but in India the pre-eminent position for

good or evil is to be given to the public servant. It is recognised by every one that the Indian civil servant occupies a position which cannot be compared to what the civil servant occupies at home. Brahmin politicians have repeatedly complained that the Indian civil servant is neither "civil" nor a "servant." I can only say that the ordinary Indian public servant is several times worse. It is, therefore, not so much a question of emoluments—though that is by no means negligible. It is more a question of the influence and power that he commands. If, therefore, a single community has been favoured in the public services it results in enormous power being concentrated in its hands.

RECRUITMENT PUBLIC SERVICES—A SCANDALOUS INJUSTICE.

It is often assumed that the Brahmin is employed in the public offices because he is the fittest candidate, and because no Non-Brahmin candidate is available. I find it even stated by Sir Alexander Cardew that "in spite of all efforts" on the part of the Government the Brahmin has a preponderating place in the services. My Association respectfully submits that the actual facts do not warrant either of these statements, that the Government has made no attempt at all to deal out even justice to the communities, that it has on the other hand pursued a policy of "least resistance," and has tried to appease the most "vocal section" of the community. I only take one department of the public service, namely, the Judical Department. The recruitment to it is from among the graduates in Law, practising in the High Court and Moffusil Courts. It is not by a competitive examination. The rules only say that anyone who is a graduate in law of a certain standing is eligible for an appointment. Now Sir Alexander himself points out that out of 171 appointments 118 are held by Brahmins. Are we to understand that there were no qualified candidates among Non-Brahmins? If we look at the university calendar we find several hundreds of Non-Brahmin graduates in law, every one of whom has all the qualifications required by the rules regarding recruitment. It is therefore idle to talk of efforts being made to secure representation. The reason is merely this: There is no one to speak on behalf of these Non-Brahmins, whereas there are any number of Brahmins, advocate-generals, high court judges, executive council members, to recommend and press for the appointment of Brahmin candidates.

The recruitment to the judiciary is generally made by the High Court. Prior to 1910 the senior civilian judge was the sole dispenser of this patronage. In that year a Brahmin High Court judge—the late Mr. V. Krishnaswami Iyer—conceived the brilliant idea that all the judges should meet together and decide on the candidates who should be appointed. And the suggestion was accepted by the other judges. Since 1910 there have been at least three Brahmin judges in the High Court. Now if the percentage of Brahmin to Non-Brahmin candidates who have been appointed before 1910 is compared to the percentage of those since appointed, it will be seen that Brahmins have been appointed to a much greater extent than before. It will be an interesting and not altogether useless investigation if the committee were to enquire how far the number of Brahmin judges in the High Court had any bearing on this result. My Association respectfully submits that this is not the only department in which, without any reference to merit, Brahmin candidates of doubtful qualifications have been dumped into the services to the exclusion of Non-Brahmins. The same result will be seen in most other departments. For instance, during the tenure of Sir Sivaswami Iyer as Executive Council member 13 out of 15 District Board Engineers appointed were Brahmins. In fact, Nepotism has been made a fine art in my Presidency by a certain section of the people. We can give many instances where Brahmin Legislative Council members have used their influence with the European officials, with whom they became acquainted through the Legislative Councils, to get their friends and relatives appointed to good positions. One notorious instance of such influence came to light the other day. A Brahmin member of the Corporation of Madras, who was also the elected representative of the Corporation on the Local Legislative Council—Mr. T. Rangachari—wrote a letter, which was subsequently published in the newspapers, to one of the executive officials of the Corporation, recommending a near relation of his for an appointment, and urging that "he would not take a refusal." Such occurrences are frequent, and happen almost every day, though they may not all come to light.

The Government itself, as can be shown conclusively, has been pursuing a most unjust policy. If it were solely going by the test of efficiency there would not be so much room to complain, but unfortunately the individual officers give the go-by to all such tests, and are very much amenable to influence. Take the case of Deputy Superintendents of Police who were directly recruited a few years back. The candidates were selected not because they had the highest educational qualification or the best character, but because they were the sons, grandsons or other relations of Indian High Court Judges or other high officials. As Brahmins alone have in the past held these places, more of their number again come to occupy these high posts, and so is fulfilled the saying, "To him that hath shall be given, and from him that hath not shall be taken away even that which he hath." Sir Subramania Iyer, for instance, the ex-Chief Justice of Madras, who the other day relinquished his title, has had his relations to the third generation safely entrenched in high official positions, and does not *now* care if he is deprived of his decorations.

I have dilated at some length on the position in the public services because it is the key to all anomalies. With that vital point in the possession of the Brahmin the elections can be played to any effect. That is the main reason why nine out of ten elected candidates were Brahmins in the last Council.

I have heard one Brahmin witness naively suggesting that Brahmin officials could not have influenced elections, because during the last "ten years not a single petition has been presented under the election rules to set aside any election on the ground of undue influence of the official class." I can only say that this piece of argument is characteristic of the Brahmin lawyer. If the official has influenced the voter is it possible for any one to successfully allege and prove such undue influence? Any unprejudiced judge can at once see that the same influence that coerces the voter can easily and more effectively coerce him from exposing such practises, and if any non-Brahmin is foolish enough to put in a petition the result will be that the very voter will come and swear that no official influenced him, and that he gave his vote of his free will because he thought the Brahmin was the best candidate in the field!

The public services from the highest grade exercise a most baneful influence on the discretion of the voter. It has been stated by Mr. Sastri (Q. 3932) that "it was the majority of the Non-Brahmin votes which sent him up, and Dr. Nair had, perhaps, more Brahmin votes than Non-Brahmin votes." While accepting the first part of the statement, I can state from personal knowledge that the latter statement is not true. Dr. Nair got only one Brahmin vote, and that was from Mr. Rangachariar, whom he had helped to get into the Council as a personal friend of his, and about which so much has been said by almost every Brahmin witness. Dr. Nair did not get any other vote at all from Brahmins. But Mr. Sastri did get votes from Non-Brahmins, and that is exactly what we complain of. It would have been fairer to the Committee

if he had stated—what he knows as a fact—that Sir Sivaswami Iyer, then Executive Council Member (a Brahmin), had actively canvassed for him among the Non-Brahmin and European members, and that two European members even, Mr. Gordon Fraser and Mr. J. C. Robinson, voted for Mr. Sastri at the urgent request of Sir Sivaswami. These are facts which can easily be proved, and both these European gentlemen who are now in England, may be asked whether Sir Sivaswami did not request them to vote for Mr. Sastri.

Nor was the case of Mr. Sastri by any means unique. During a recent election a Brahmin home ruler had the support of a Judge of the High Court, who actively canvassed for him and secured him many votes. During the present Legislative Council election in Madras the Brahmin Executive Council Member, Mr. Rajagopalachari, toured in Tanjore, and visited the municipalities in company with Mr. Ramaruijachari, a Brahmin candidate, in the midst of an electioneering campaign, and among the very people who had to vote. It will not surprise the Committee to learn that Mr. Ramaruijachari has been since elected to the Legislative Council.

It is no wonder that when high functionaries give the lead, lesser luminaries are not slow in following, and the baneful influence of the official is one of the worst features of elections in our Presidency.

PUBLIC SERVICES AND NON-BRAHMIN ORGANISATION.

We are thankful to Lord Southborough and his Committee for the advice to organise ourselves, but we may be pardoned for stating that they know not what they are talking about. The organisation of the Non-Brahmins is not an easy task. It is not of the difficulties inherent that we have to take account – such as illiteracy. Outside impediments are numerous. The hand of every Brahmin, from the Executive Councillor and High Court Judge down to the lowest, is against us. Only the other day a Brahmin High Court Judge had a fling at the Non-Brahmin movement and the "evil" that it is doing. Is it any wonder that Non-Brahmins who feel as strongly as any one the unenviable position which is their lot, hesitate before openly showing their sympathy for the movement? In the Moffusil the conditions are infinitely worse. The Non-Brahmin who is known to subscribe for the Non-Brahmin daily newspaper "Justice" or "Dravidan" is a marked man, and the penalties to which he is liable at the hands of Brahmin judges, deputy collectors and other officials are innumerable. No subordinate Non-Brahmin official dare openly subscribe for these papers. No Non-Brahmin ryot dare openly avow his sympathy for the movement. My association wishes it to be distinctly understood that this is not an exaggerated statement. In fact, the position of the Non-Brahmin is becoming intolerable. The educational institutions are almost all manned by Brahmin teachers and headmasters, and in more than one school Brahmin headmasters have not allowed Non-Brahmin students—especially those whose parents or guardians are connected with the Non Brahmin movement—to appear at the public examinations, and from more than one centre complaints have been received by the authorities that Brahmin teachers are purposely rusticating Non-Brahmin students. In fact, the evil became so acute that there was an interpellation in the local Legislative Council by the Hon. Ahmed Thambi Maricair whether the Government had received a petition from Trichinopoly that the Brahmin headmaster of the place had disqualified all the Non-Bradmin students of the school-final class.

HOME RULE AND VARNASHRAMA DHARMA MOVEMENTS.

Side by side with the advanced political movement called Home Rule, which had its origin in my Presidency, has grown another thundering movement called the Varnashrama Dharma movement, which has for its object the aggravation of the influence of the highest caste—the Brahmin. So far from there being any desire for progress in social matters, so far from taking any part in humanising some of the atrocious customs that have come down through centuries of social injustice, the Brahmins have started this movement to revive and perpetuate the rigidity of caste with all its attendant evils. My association desires to state deliberately that the political influence and power that is sought in my province has a close bearing on this movement. I have read with amazement a statement by one of the witnesses that it is an "obscurantist movement," that "no politician in Madras of any consequence" has anything to do with it. I can only explain these statements on the charitable hypothesis that the witness's memory was treacherous. A few facts may revive the failing memory. Mr. V. P. Madbava Rao—an extremist home ruler—"the Dewan of three progressive native states"—the chairman of more than one political conference and public meeting in Madras—may be "a politician of no consequence," and an "obscurantist," but he was the President of the Varnashrama Dharma Conference held at Tanjore. The Hon. Mr. K. V. Rangaswami Iyengar—a Brahmin member of the Imperial Legislative Council—an extremist home ruler—the organising secretary at one time of the Home Rule League, founded by Mrs. Besant—may be an "obscurantist" and a "politician of no consequence," but he is closely associated with the Varnashrama Dharma Movement. Mr. T. R. Ramachandra Iyer, a Brahmin leading Vakil of the Madras Presidency, who the other day, at a meeting called by the Advocate-General, and presided over by the Chief Justice of Madras for devising means to make the new war loan a success, threw out an ultimatum to the Government that unless they apologised to the lawyers in general, and the Brahmins in particular, for suffering the Non-Brahmin movement to continue, he and his friends could not subscribe to the war loan—who presided at more than one public meeting to protest against the application of martial law and other political matters, who has since been elected to the Madras Legislative Council—may be an "obscurantist" and a "politician of no consequence," but he is one of the chief organisers of the Varnashrama movement. Paudit Madan Mohan Malaviya, the Brahmin member of the Imperial Legislative Council for the last 10 years—twice President of the Indian National Congress—may be an "obscurantist" and a "politician of no consequence," but he is a faithful believer in "Varnashrama." The organising secretary of the Home Rule League of the Audra Province believes that "castes are immutable." Instances can be multiplied where prominent people have taken a part in the Home Rule Movement and in this "obscurantist body." It should further be remembered that many a prominent Brahmin member has thought it wise to lie low just at present, and has very tactfully kept apart from the movement. But—and this is very important—no Brahmin politician has come forward to dissociate himself openly from this movement. In fact, Mr. Sastri himself realised that his community was definitely pledged to this "obscurantist movement," for we find that when Mr. Patel introduced the Inter-caste Marriage Bill in the Legislative Council, Mr. Sastri opposed it on the ground that that was not the proper time for introducing a Bill of that nature. May one ask what was wrong with the psychology of the moment? The real reason, of course, is—and Mr. Sastri was shrewd enough to see it—it would have exposed the advanced Brahmin politician in his true colours—viz., as an intolerant and reactionary person. And that has exactly been the case. While Non-Brahmin bodies in Madras—the South Indian Liberal Federation, the Madras

Dravidian Association, and even the Madras Presidency Association—have whole heartedly supported the Bill, not a single Brahmin Association has expressed its hearty approval of the Bill. And we are not surprised at it. Nor have the activities of the Varnashrama Dharma Movement been confined to individuals and to obscurantists as the witness would have it.

The Varnashrama Conferences have been held since about 1915, and they are closely connected with the political gatherings. In May, 1917, the third provincial Varnashrama Conference was held at Cuddalore along with the Provincial Congress Meeting. In June, the fifth Conference of the Guntur Varnashrama Sabha was held at Repalli along with the Guntur District Conference, and the fifth Audra Varnashrama Conference was held at Nellore in conjunction with the Audra Political Conference. In August, 1917, the first Chittore Varnashrama Conference and the Inaugural Meeting of the Madanapalle Students' Varnashrama Sabha was held at Madanapalle along with the Chittore District Conference. A special lecture on "Federalism: The Keynote of Varnashrama and Home Rule," was delivered on the occasion of the special Madras Provincial Conference. The fourth Tanjore Varnashrama Conference was held in November, 1917, along with the Tanjore District Conference. The All-India Varnashrama Conference was started in December, 1916, at Lucknow, on the occasion of the famous Indian National Congress, when the ill-fated Congress-League Scheme was formulated. This is only a short account of its activities during one year. Subsequent years have seen greater progress in the movement, and it shows how closely it is allied to the advanced political movements. My Associations are distinctly of opinion that *the Home Rule Movement has a very real, if perhaps a subterranean connection, with the reactionary Varnashrama movement.*

THEORETICAL OBJECTIONS TO COMMUNAL REPRESENTATION.

We have shown how official predominance and caste-prejudice tend to make the Brahmin the only possible representative in the Councils. The device that commends itself to us to get rid of these two evils is what is known as Communal Representation for the Non-Brahmins. We are aware of the theoretical objections urged against it, but we must submit *when five different Communities have been given Communal Representation it is too late in the day to urge against it purely theoretical objections.* We need only add that historic parallels are inapplicable to conditions which defy the teachings of history and that new conditions require novel remedies which cannot be unearthed from the archives of history; that charges can equally well be levelled against Government if communal representation is not granted; that a sense of satisfied security is better than no security at all, and that existing conditions are too bad to be allowed to get worse. There is only one other argument which we should like to meet.

THE ARGUMENT OF MAJORITIES.

The Franchise Committee hopes that with our large numbers we shall easily secure our due share of representation. But it overlooks the fact that in the existing electorates Non-Brahmins are in a majority—twice generally, and sometimes three or four times the number of Brahmins—and yet nine Brahmins have been returned out of ten seats thrown open to general electorates. This is the result in constituencies which are fairly well educated. What then will be the chance in constituencies where the vast majority are illiterate, especially in English, and where the Brahmin, literate in English, far outnumber the Non-Brahmins? We therefore have no faith in numbers. In any event we do not wish to take risks, especially when even an iota of real power is intended to be transferred to the people. In the present councils, which have been described as merely advisory bodies, with no effective voice in the administration, our interests have been adversely affected in many ways. The position of the Brahmin has improved enormously since 1909, and that of the Non-Brahmin has correspondingly deteriorated, as has been pointed out above.

The Non-Brahmins therefore feel that when, with the very limited powers which the Councils possessed, so much harm has been done to the Non-Brahmin, when greater power is given the injury will be incalculable, unless the constitution of the council is radically altered. We do not want to take the risk—the risk especially of political annihilation, and we cannot depend on mere majorities in the electorates. We are prepared to take the risk on one condition. Let there be no transfer of power, no diarchy, no ministers, so far as our Presidency is concerned. Let us merely have a broadening of the electorates, and an increase of members. Let resolutions continue to be mere recommendations, and let us see the result of the working of these Councils. Let us watch how the electors discharge their duty, how the different communities stand in the Councils. Let this experiment be tried for the next decade, and if our fears are groundless, let us then be refused communal representation, and let us then have the scheme of reforms now propounded which is going to be a panacea for all ills.

MADRAS—"THE POLITICAL ULSTER OF INDIA."

We would seriously and with a due sense of responsibility urge this alternative suggestion on the Committee *in case communal representation is denied.* We do not wish to speak of other Presidencies, but so far as Madras is concerned let it be treated as the "political Ulster of India." It is with a feeling of thankfulness that we read in the Government of India's despatch the following: "The Madras representative upon the Subjects Committee has declined to recommend the transfer of any subject in Madras, unless separate provision is made for Non-Brahmins; and though we have not been in communication with the Madras Government it would not surprise us to learn that they share his views of the need for securing the interests of that body." This is exactly our position, as has been amply made clear above.

COMMUNAL REPRESENTATION—A TENTATIVE MEASURE.

My association is anxious to make it clear to the Joint Committee that the advocates of communal representation do not put it forward as an end in itself, but only as a means to an end; the end or object being the adequate representation of all-important communities in the Councils of the country. We desire it to be understood that the principle ought to be applied under the present conditions of society, that like the reforms suggested, it is also a *tentative measure* subject to revision by the periodic committees which may *set aside the principle* when and *if they find that it has worked injury to the State or has outgrown its period of usefulness.* It is under these limitations and with this understanding that we would desire the Joint Committee to approach this question.

FISSIPAROUS TENDENCIES—A POLICY OF DIVIDING CHEESE BETWEEN TWO CATS.

It has been urged by one Brahmin witness that "the constitution of communal electorates would give rise to more fissiparous tendencies than already exist in the Non-Brahmin community," that the Non-Brahmins are not a homogeneous community, and that Thurston's book on "Castes and Tribes of Southern India" reveals the "wonderful fact" that there are 153 sub-communities among them. In other words, because there are divisions amongst Non-Brahmins, and the sub-sects may fight in future for the division of seats, therefore let there be no communal representation and let the Brahmin represent all these sub-sects so that there may be harmony among them, and "the fissiparous tendency" may not develop. I can only say that this argument strongly reminds me of a fable I learnt when young of the monkey who divided the cheese between two fighting cats.

But apart from this crude argument, I desire to state that the conditions are not as stated by the witness. If the depressed classes are excluded it will be found that the sub-sects among the Non-Brahmins are all more or less on the same level of advancement—in education, in official influence, &c., and there is not the additional religious influence as between themselves which the Brahmin possesses Moreover the different sub-sects are so situated geographically that there will be no possibility of one sub sect swamping in any system of communal territorial electorates. There is every likelihood of a Pillai from the extreme south, a Naidu from Godavery or Kistna, a Mudaliar from North Arcot and adjacent parts, a Reddy from the Ceded Districts being returned by such electorates, so that naturally by the very manner in which different sub-divisions are geographically distributed they will be more or less equally represented. This is therefore only an interested piece of argument which the Brahmin in his last desperate attempt to fight against a just cause has chosen to put forward.

Another witness put forward the plea that if communal representation is granted in Legislative Councils, it may be extended to Municipalities and District Boards. In the first place it will be time enough to consider such a situation when it arises, and it will be for the local authorities to decide it. Such a contention has not been put forward, and the witness is only trying to draw a red herring across the scent. Secondly, as has been already pointed out, the ambition of the Brahmin has been enlarged, and in the future we do not expect to find any Brahmins caring for the dull prosaic work of local and county councils. The only place where he can be in the limelight is the provincial councils and the Indian Legislative Assembly. So that such a position will not arise at all. If necessary, I am in a position to give an undertaking on behalf of my association that no such request will be put forward on behalf of Municipalities and District Boards—and I need only add that the witness knows full well that such a contingency will never arise.

I may as well answer here another ingenuous statement of this witness, who seems to be the most Brahmin of all the Brahmin witnesses. He read out a long list of Non-Brahmin names of gentlemen who had been in the Legislative Councils, but he was careful enough not to give a list of the Brahmin gentlemen, which would have been really a very impressive list. Showing that there were about a dozen Non-Brahmins in the Councils during 27 years only proves our disabilities when we remember that there were several dozens of Brahmins. The witness has also tried to confuse the committee by including in the list several Non-Brahmins who were returned by special electorates like the Zamindars or landholders' electorate, and not by general electorates. It is the general electorates that afford a chance for the proletariat to be represented, and it is not a fair means of meeting the argument that for 27 years there has not been a single Non-Brahmin representative from the six coast districts, if the witness gives the name of a representative of the landholders.

This witness made a passionate appeal to the Joint Committee that the Brahmins never injured the interests of the Non-Brahmins. We may be a particularly ungrateful lot, but I may be permitted to draw the attention of the Committee to one of a series of resolutions which this witness moved in the Legislative Council. In 1912 this witness proposed in the Legislative Council that appointments to the public services of Rs. 35, or £3, a month should be made by competitive examination. Remembering what is obvious, that in these competitive examinations it is only the Brahmin that has a chance generally of succeeding, it is easy to see how much this gentleman was solicitous of the Non-Brahmins. He is not satisfied that 75 per cent. of the posts are held by Brahmins; he wants 99 per cent. to be filled by Brahmins—of course in the interests of public efficiency and because the best available talent should be got for public funds—and it is all in the interests of Non-Brahmins themselves, who are so dense that they cannot understand what is good for them.

Another witness gave a magnificent illustration of Brahmin philanthropy and disinterestedness—viz, the resolution moved by a Brahmin member for the abolition of the punishment by stocks. The Non-Brahmins, who are all a set of criminals, and are daily being put into the stocks by the thousands, ought really to be grateful to the Brahmins for thus working for their amelioration.

If these are the ways in which Brahmin gentlemen have toiled for our elevation and advancement, we can only exclaim "save us from our friends."

But the question is not merely whether Brahmin members have done good to the Non-Brahmins or not. It is a much broader question of principle whether any particular caste can represent another, especially where there are possibilities of clashing of interests. That there will be conflict of interests in the future councils is obvious. Very many measures which tend to promote the happiness of one community may have a disastrous effect on another. Take, for instance, the question of simultaneous examinations for the Civil Service. The Brahmins in a body are for it, while the Non-Brahmins are all against it. The fact was clearly disclosed in the evidence given by them before Lord Islington's Commission. Even Sir Saukaran Nair—who is *persona grata* with the Brahmins just now, but against whose appointment as judge and Executive Council Member scores of telegrams were despatched by Brahmin associations, and may to this day be found in the pigeon-holes of the Secretary of State's desk—in giving evidence before the Commission, stated that unless some safeguards were made to prevent the Hindu of the Pandit type from getting into the service he was against simultaneous examinations. There are scores of other similar problems which will be constantly arising. It is, therefore, only just and proper that Non-Brahmins should have their own representatives in the Councils of the country.

NON-BRAHMINS ONCE AGAINST COMMUNAL REPRESENTATION.

It has been urged by one witness that in 1908 several Non-Brahmin leaders were against Communal Representation, and that therefore now in the year of grace 1919 Communal Representation ought not to be granted to them. It would have been more to the purpose if the witness had quoted the later opinions of these gentlemen: Dewan Bahadur P. Rajaratna Mudaliar, whom this witness quotes in his memorandum, was the President of my association, the South Indian Liberal Federation, and he was one of those who in 1916 and later refused to consent to any reforms unless Communal Representation was granted. The same may be said of the Maharajas, whom this witness has thought it fit to rely upon. The Rajah of Kollengode, for instance, is all for Communal Representation to-day; so is the Rajah of Pithapur. So is every sane man among the Non-Brahmins. Even Mr. Kesava Pillai, who is hand-in-glove with the Brahmins, cannot but say on behalf of his association that Communal Representation for the Non-Brahmins must be granted. The Local Government and the Board of Revenue have similarly changed their opinions. What does this mean? Has a vendetta been suddenly raised against the Brahmin? Does it not suggest itself to anyone that while in 1908 the Non-Brahmins took the Brahmins on trust and thought that everyone was working towards the same goal and that everyone would have the same opportunities, ten years' experience has disillusioned them, and made them see that "Indian" meant only "Brahmin" advancement? This change of opinion is the strongest indication that it is after mature deliberation and experience that the Non-Brahmins have come to realise that that way lies their salvation. The Brahmins of the Madras Presidency, with all their manipulation, cannot get a single representative Non-Brahmin from Madras to give evidence before the Committee that he is against Communal Representation. In fact, no Non-Brahmin has stated so before the Franchise Committee, and the only Non-Brahmins that have given evidence before the Joint Committee are those who belong to what has been termed the Justice Party. The gentlemen who gave evidence on behalf of the Madras Presidency Association are two Christians and a Parsee from Bombay, not Non-Brahmin Hindus, and this is sufficient to disprove the hollow contention of the Brahmins that this association, inspired, organised and developed by Brahmins, has any very large following of Non-Brahmins.

One witness goes into a long history of how nine out of ten members happen to be Brahmins. Elaborate arguments can now be invented, but facts cannot be got over. If four seats were not contested by Non-Brahmins it proves not that there were no fit candidates among them, as the witness would have the committee believe, but that they found the position of the Brahmin so strong that they wisely gave up all idea of contest. It only establishes that the Brahmin has, with all the influences at his control, secured a very safe and almost impregnable position.

WHY ARE BRAHMINS AGAINST COMMUNAL REPRESENTATION.

It would be interesting if the Joint Committee were to try and find out why Brahmins are so much opposed to Communal Representation. The Non-Brahmins have stated that they will loyally carry out any scheme of reforms which the Joint Committee may recommend and the Parliament pass, provided Communal Representation is granted. Why then should the Brahmins be against it? The interests of the country cannot suffer: the reforms will not be whittled down by the grant of Communal Representation. If it was only a question of the country getting reforms it is obvious that the question of Communal Representation has nothing to do with it. The only reason that they put forward is that the development of Nationhood will be frustrated. But can anyone seriously take this argument? I have already pointed out how the Home Rule movement and the Varnashrama movement are but the obverse and reverse of the same picture. The Brahmin has done nothing towards levelling the distinctions of caste. In fact, a vicious principle has been introduced and is being followed, that political bodies ought not to concern themselves with any social disabilities. Are these the people who are working for a common nation, or are they working for their own aggrandisement? My associations have, on the other hand, from the very start brought politics and social reform on a common platform. In advocating the abolition of caste, in supporting Mr. Patel's inter-caste marriage bill, in advocating that Nadars and other castes ought to be permitted entry into Hindu temples, and in other ways side by side with our political programme we are hastening the day when a common nationhood is possible. It is therefore with feelings of surprise that we see people who are all for the maintenance of present day illogicalities and incongruities, which militate against the development of a common nation, seriously opposing Communal Representation on the ground that it hinders nationality and perpetuates caste divisions. It is only as a means of doing away with these divisions that we desire Communal Representation. We have tried social reform on various lines—on national lines, on rational lines, on lines of least resistance—and we have failed throughout. We think that the only way of success is by putting every community on a level of equality politically. Then only can social equality evolve, and with it the possibility of a common nation.

BRAHMINS AND SOCIAL SERVICE LEAGUE.

A great deal has been said about Brahmins being members of social service leagues and improving the condition of the depressed classes. As one who has inside knowledge of these organisations I wish to place before the Committee a correct statement of facts. The Social Service League was first started by Mrs. Whitehead, the wife of Bishop Whitehead, of Madras, to improve the condition of the depressed classes. The great majority of members were Non Brahmins, and it was doing quite unostentatious work for several years. Within the last two years, when the Home Rule movement was started, the Brahmins were astute enough to see that it would strengthen their hands if they were to join such associations. At about that time a Brahmin High Court Judge was elected president of the League in place of Mrs. Whitehead, and immediately there was an inrush of members—mostly young Brahmin lawyers—to the League. Whether these "estimable young men" have come into actual touch with the panchama or not, there can be no denying the fact that they lose no opportunity to get into touch with the president. But for this one central league of which a Brahmin High Court Judge is the president, there are dozens of associations in the Moffusil which are entirely controlled and worked by Non-Brahmins. In fact, every branch of the South Indian Liberal Federation—at Tanjore, at Madura, at Trichinopoly, Dindigul, Coimbatore Srivilliputtur—and in various other places, has a social service league attached to it and works for social amelioration. But, of course, no high officials preside over their anniversary meetings, no press publishes long accounts of their work. They pursue "the even tenor of their way" without anyone singing paeans of

praise. Every one of them is exclusively controlled by Non-Brahmins. They may not come under the category of "estimable young men," but they are young men who are devoted to the cause and do a great deal of useful work among the depressed classes. It is absolutely incorrect to say that the great majority of workers are Brahmins. It may be true of the Madras league at present, for obvious reasons.

DEPRESSED CLASSES.

This leads me at once to the question of the depressed classes. The question is how best to improve them. I had been asked by the Audi Dravida Association of Madras (the political organisation of the panchamas) to represent their case to the Committee, but as I had not received written credentials I did not put myself forward as their authorised representative. I may, however, say that they are anxious that they should have at least six seats, as proposed by the Government of India, and that these should be by election and not nomination. However small and however distributed the electorate may be it will afford some sort of political education, and in course of time within the next one or two elections they may have a better electorate. Though they may not have an effective voice, their point of view will be authoritatively put before the Council. In the past the higher castes have positively stood in the way of their advancement. They would invite the attention of the Committee in this connection to the resolution moved in the Imperial Legislative Council by a Parsee gentleman, Mr. M. B. Dadabhoy, in 1916, which ran thus: "That this Council recommends to the Governor-General in Council that measures be devised, with the help, if necessary, of a small representative committee of officials and non-officials, for an amelioration in the moral, material and educational condition of what are known as the depressed classes, and that as a preliminary step the local governments and administrations be invited to formulate schemes with due regard to local conditions." In opening the debate the hon. member who, I take it, is not a "Non-Brahmin," said, "My justification for bringing in this resolution, if any justification were needed, is to be found in the unenthusiastic and half-hearted support which I have received from my non-official colleagues. It was no pleasure to me to bring in this resolution. If I could possibly have avoided it, I would have very cheerfully and very willingly done so. This is the sixth year of the life of the reformed council, and the second term is now approaching expiration. During the major part of that time—the five years that I have been on this Council—I anticipated that champions of public liberty, public spirit and public enterprise, and cultured men like my friends the Hon. Mr. Surendranath Banerjee or the Hon. Pandit Madan Mohan Malaviya, would take the trouble of moving a resolution to this effect. I waited all this time to see if one of these enthusiastic members would bring in a resolution for the amelioration of the depressed classes, but when I found that none of them had taken up the matter—when I found that it was not taken up in this Council—I thought it my duty to do so." One would have thought that though they had not introduced the resolution it was an excellent opportunity to see that something was done for these classes. But both the gentlemen unfortunately opposed it. In fact, the Hon. Pandit thought it was all a question of prejudice, and actually compared it with the prejudice that existed in England for the Deceased Wife's Sister Bill. In fact, the Government member, Sir Reginald Craddock, in his reply, stated, "The Hon. Member who moved this resolution has accused the Government of apathy and of merely following a negative policy of drift. Well, sir, my task in defending the Government from this charge has been considerably lightened. Not only have representatives of two Governments got up to protest against the accusation, but I find myself in the pleasant position of having two Hon. Members with whom I often have to disagree, as *the staunchest supporters of Government of any who have risen to speak—I refer to the Hon Mr. Surendranath Bannerjee and the Hon. Pandit Madan Mohan Malaviya. I welcome their support.*" Poor Mr. Dadabhoy, attacked on all sides, forsaken by friend and foe alike, vehemently criticised by his erstwhile fiery comrades, was forced to make a strategic retreat; and we find in the official report of the proceedings, the short, pithy, yet pregnant statement, "The resolution was, by permission, withdrawn."

The depressed classes, therefore, do not desire to depend on the higher castes to voice forth their grievances. They would like that their own representatives should sit in the Councils, and it is obvious that nomination is not a happy method of getting such representatives.

They would like to draw the attention of the Joint Committee to a small fact. It has been stated that in co-operative movements the panchama takes a part with the higher castes, and that they sit together in solemn conclave to deliberate on matters concerning the society. They are unable to recognise that this description applies to the Madras Presidency. Not long ago a panchama applied for admission as a member to the Triplicame Co-operative Credit Society, of which the Hon. Mr. Srivivasa Sartri was the president and all that I can say is that his application was rejected, and there are no panchamas in that organisation.

THE SCHEME OF REFORMS.

If, and *only if*, Communal Representation is granted to the Non-Brahmins, my association would accept that there should be some devolution of responsible government in the provinces. The scheme that would commend itself to my association closely corresponds to that which has been put forward by another witness.

My association would prefer that the Bill be amended so as to have a unified government without the distinction of Executive Councillors and Ministers. The Executive Council will be composed of four members, two of whom are Europeans and two Indians. Some subjects would be transferred to the Legislative Councils, and in these subjects the wishes of the Council will be carried out unless the Governor certifies against them. The Indian members may be appointed from the elected members of the Legislative Council. The transferred subjects will be administered ordinarily by the Indian members of the Council, but not necessarily. It will be a unitary government absolutely bound by the wishes of the Legislative Council in transferred subjects—unless it is certified by the Governor to be opposed to fundamental principles of justice or peace, order or good government—and responsible for the reserved subjects to the Government of India and Parliament.

My association would desire that further Select Committees of the Legislative Council may be associated with the members in charge of transferred subjects in the administration of the subjects.

Certain revenues may be assigned to the transferred subjects, or a fixed proportion of the whole revenues may be set apart for these subjects, and this proportion may be liable to revision by the periodic committees.

The other provisions of the Bill would apply to the scheme put forward by my Association.

TRANSFERRED SUBJECTS.

With respect to transferred subjects, my association would accept the list of the Feetham Committee, except as regards education. My association would transfer primary education, but would treat secondary and university education as reserved subjects. Just at present very nebulous ideas are in the air about education. There is, for example, the propaganda of "national education" which Mrs. Besant has pushed forward within the last two years. She proposes to have national mathematics, national science and other national subjects. History, of course, will be re-written and become national. But, apart from this, there is the greatest objection to the religious teaching which is supposed to be taught in these national schools. The Missionary colleges are now condemned because the Bible is taught in them. There are the advocates of the "conseience clause." Now what happens, at least in the Madanapodle National College of Mrs. Besant, is this: Instead of hearing a disquisition on the New Testament or the prophecies of Jeremiah or the vision of Saul, whether it was subjective or objective—which of course would denationalise them—Mrs. Besant's National College has the White Lotus day, the Besant day and the Arundale day, when the boys are assembled and prayers are given to the Creator for sending into the world saviours like Madame Blavatsky, Mrs. Besant and Mr. Arundale. Now we distinctly oppose such teachings We would rather our children listen to the teaching of Christian missionaries than to such vapourings. The advocates of conscience clause do not further stop to see what the effect of it will be on Missionary efforts towards higher education. It may be said that if the Non-Brahmins are in a majority they need not fear such results to happen. But the truth is that no Indian has really an idea of how educational reform should proceed, and even the Government is not very much wiser, and under all the circumstances it is better to allow things to proceed along old grooves for some time longer than to permit any sudden and violent changes being made.

SOCIAL LEGISLATION.

My association is very anxious that some way must be found by which social legislation may be effected to allow the society to progress. No witness has thought it fit to advert to this so far, and yet we are all trying towards making the Indians a nation. So far as social legislation is concerned, it is stated that as its effects are very widespread it ought not to be the subject of provincial legislation, but only of central legislation. Granting that this is so, there must be some provision of carrying such legislation through the central Government. At present the Government has committed itself to a policy which says that unless the very large majority of Indians are in favour of social legislation, the Government will not give their support, and as the Government is also to be the judges of the volume of Indian opinion in favour or against, it is easy to frighten the Government by carefully manipulated telegrams that Indian opinion is against it. It is obvious that society cannot progress in India very far unless at least permissive social legislat on is enacted. My association therefore proposes that there should be a well understood convention that if the majority of elected members are in favour of a certain measure of social legislation the Government should accept it. If it is contended that the Mahomedans should not legislate for Hindus and *vice versa*, my association would suggest that the opinion of the majority of the elected representatives of the particular religious community which will be affected by such legislation should be taken and the action of the Goverment guided by such opinion. This is a very important matter, and my association feels that the whole future of India as a civilised country depends upon it.

In conclusion, my association would like to thank the Committee for being allowed an opportunity to lay its views before the Committee. We would once more strongly urge that it is absolutely essential that the Non-Brahmins of the Presidency should be granted Communal Representation. The reforms themselves would prove a blessing or a curse according as such representation is granted or not. Great issues are involved on the decision of the question. We shall not be exaggerating matters if we say that the ordered progress of the country and the advancement of all classes of people depends upon the grant of Communal Representation to the Non-Brahmins of Madras.

72, KENSINGTON PARK ROAD, W.,
20th August, 1919

APPENDIX T.

MEMORANDUM handed in by *L. K. Tulasiram*, Delegate of the Non-Brahmin Deputation, on 25th August, 1919. (*See* Question 6718.)

1. In the Memorandum, I propose to deal with the "vexed question" of the Brahmin versus Non-Brahmin, as it, in my opinion, has a very important bearing on the present Bill. If no safeguards are provided in the Bill itself for securing Communal Representation to the Non-Brahmins of the Madras Presidency, I am afraid that the consequences to follow will be very disastrous.

2. The population of the Madras Presidency, excluding that of the Native States is according to the Census of 1911 more than 41 millions, or 414 lakhs. Hindus account for 89 per cent., Mohammedans for 7 per cent., Christians for 3 per cent., and Animists for 1 per cent. The vast majority of the population is Non-Brahmin Hindu, of Dravidian race, and possess an ancient civilisation. The two principal Dravidian languages Tamil and Telugu are spoken of by 17 and 16 millions Persons respectively. Of every thousand people 407 speak Tamil, 377 speak Telugu, 74 Malayalam, 38 Uruia, 37 Canarese and 23 Hindustani.

3. The population of the Madras Presidency, deducting that of the Agenty tracts, is distributed as follows:—

	Lakhs.
Hindus—	
Brahmins	13
Non-Brahmins	277
Panchamas or Untouchables	63
Mohammedans	27
Indian Christians	11
Others	6

4. The Brahmins form a small percentage of the whole population. Owing to the accident of two first-grade colleges being founded in the Tanjore district in the early fifties, the Brahmins got themselves educated earlier than other communities, and were first in the field. Though it has long been the rule of the British Government to secure a due representation of all castes in the publice service, the Brahmin has everywhere established a marked supremacy, and with the supremacy and prodominance in most walks of life, he has easily secured control in politics. Among the Non-Brahmin Hindus 115 men and 8 women per thousand of each sex are according to the Census of 1911 able to read and write while about 654 Brahmin men and 93 Brahmin women per thousand of each sex are literate generally. In the Madras Presidency, of every thousand persons 6 are literate in English. Of every ten thousand Hindu men of each community, 1,553 Brahmins and 52 Non-Brahmins are literate in English. While there is only one university graduate to every 6,000 Non-Brahmin Hindus, there is one university graduate to every 66 Brahmins, though the proportion according to the strength of population between the Brahmins and Non-Brahmins, including Panchamas, is about 1 to 27.

5. The Non-Brahmin movement is a democratic movement for the uplift of the less educated classes. It aims to prevent the substitution of a Brahmin oligarchy in the place of British bureaucracy. Certainly the Non-Brahmin movement is not a movement of hatred of the Brahmins.

The Non-Brahmin is the real democratic movement of the country, which seeks to give to the people the heritage which is theirs, a movement which seeks not for the aggrandisement of any individual or caste, which tries not to vest power in any class oligarchy, but which attempts by educating the masses to a sense of their own dignity to make them realise the destiny that is theirs. The movement is against the tyranny of a pernicious social system which had blunted the finer feelings of dignity and self-respect of the Non-Brahmins.

6. The Varnashrama Dharma movement has been started in Madras with the sole intention of reviving the tyranny of caste. It is closely connected with politics, and the majority of the Brahmin politicians are directly or indirectly hand and-glove with the movement. The tenets of the Varnashrama movement are to resuscitate the code of Manu, which provides that if a Non-Brahmin were to hear the Vedas being recited, molten lead should be poured into those ears, and if a Non-Brahmin were to take seat on the same dais along with a Brahmin, the Non-Brahmin should be severely tortured.

7. The success or failure of the Government of India Bill so far as the Presidency of Madras is concerned, will depend upon who will exercise the powers proposed to be transferred to popular control. The composition of the future Legislative Councils is therefore the vital question to be considered. The reforms proposed will be a blessing or a curse according as the Councils constituted under the Bill are representative of the people or of only one section thereof. No scheme of reforms will be acceptable to the Non-Brahmins of the Madras Presidency unless Communal Representation through Communal Electorates is guaranteed to us as an essential preliminary.

8. It has been suggested that the broadening of the franchise will create such a large majority of Non-Brahmin voters that there will be no possibility of Brahmins being returned to the Legislative Councils. Those who make the suggestion either do not realise the conditions that at present prevail at elections or wish to shut their eyes to them. As a matter of fact, even in the electorates existing at present the Non-Brahmin classes form a very decided majority and yet we find that nine out of the ten seats have been captured by the Brahmins. The influence of local officials, lawyers, and teachers who are mostly Brahmins is so overwhelming that the elector has really no free vote to exercise at elections at all. Subtle influences are brought to bear on the electors, sometimes direct, sometimes indirect, so that it is impossible for the ordinary voter to steer clear of them all and to vote for the real candidate of his choice.

9. That out of ten seats on the local Legislative Council thrown open to election by the Local Board and municipalities in the ten groups of the whole Presidency, nine seats were captured by the Brahmins and only one went to a Non-Brahmin, and in the Imperial Legislative Council all the three seats open to the Indians of the Madras Presidency are at present held by Brahmins. The reasons why the Brahmins are able to capture the seats are many. First, the majority of the returning officers are Brahmins, and they influence the voters, who always look upon them for help and protection, to vote for their Brahmin candidate.

Secondly, two thirds of the graduates in arts are Brahmins, and those who are college teachers and professors influence their former student voters, and three-fourths of the graduates in law are Brahmins, and as lawyers they influence their client voters.

Thirdly, the Brahmin officials form exactly half the total number of the Madras public services, and the Non-Brahmin Hindus contribute about one-sixth of that number, and it is the interest of the Brahmin official to see that there is a large number of his own community on the local Legislative Council to advance the interests of the Brahmin officials.

It was urged by one of the witnesses before this Committee that there were three Non-Brahmin representatives representing the Madras Corporation between the year 1893 and 1916. If you understand that the Brahmin population of the Madras City is only 32 thousand out of a total Non-Brahmin population of 312 thousand, it is really surprising how two Brahmin representatives were so lucky as to capture the Madras Corporation seat each on one occasion.

10. The Brahmin representatives on the Madras Legislative Council have actually acted detrimentally to the interests of the Non-Brahmin masses. The particular caste which predominates in the local Legislative Council at present is trying to improve it own position and that of the individual members thereof, both in public offices and councils by forming a close ring. It has failed to lend a helping hand to communities that are less fortunately circumstanced.

Though the grievances of Hindu widows in Madras is the same for the member of Brahmin and Non-Brahmin communities, a Brahmin widows' home has been provided for the use of the widows of the Brahmin community, and nothing whatever has been done for the amelioration of the pitiable condition of the Non-Brahmin widows. A rule was made by a Brahmin ex member of the Executive Council of Madras Government that the clothes worn by a Brahmin convict in the Indian jails should not be worn by a Non-Brahmin convict. Now and then proposals are adumbrated to reserve carriages in the railway trains for Brahmins only. The members of the Non-Brahmins communities honestly apprehend that unless something is done to secure adequate representation to the Non-Brahmins of the Madras Presidency through communal

electorates the British Parliament would be really acquiescing in the establishment of a Brahmin oligarchy in the Madras Presidency. The Brahmins of Bengal are meek and submissive, of Bombay and Gujerat are tolerant and cosmopolitan, but the Brahmins of Madras are intolerant, clannish and selfish.

11. The population of the Nadars (a class of Non-Brahmin Hindus in the Madras Presidency) is more than half a million. This community has taken to trade, cultivation and money lending. The members of this community have won for themselves by education, industry and frugality, respectable positions as traders and merchants. But by the tyranny of caste the Nadars are being looked upon by the orthodox Hindus as community having a low social status. These Nadars, who are staunch Saivites, or worshippers of the Hindu gods, are not allowed to enter and worship in the Hindu temples where all other caste Hindus are allowed to worship, and no Brahmin member of the local Legislative Council has thought it just to bring a resolution before the Legislative Council, sanctioning the entry of this community into the Hindu temples. The Non-Brahmins of the Madras Presidency have passed a resolution at the Non-Brahmins Conference held at Tinnevelly, in the year 1917, recognising their right to enter and worship in the Hindu temples.

12. The resolution regarding the recruitment to Public Services by open competition moved by Messrs. L. A. Govindaraghava Aiyer, in 1911, and M. Ramachandra Rao, in 1912; the resolution regarding the recruitment of subordinate Magistrates from the Bar which is almost exclusively monopolised by the Brahmins, moved by Mr. Narasimha Aiyar; the resolution regarding the amendments of the Civil Courts Acts, so as to vest in the High Court the power of appointing Subordinate Judges moved by Mr. Ranga Achariar; the resolution of which notice was given by Mr. V. K. Ramanuja Achariar regarding the deletion of the Board of Revenue Standing Order No. 128, Clause 2, which provided for the representation of all communities in the public service; the interpellations put by five other enthusiastic Brahmin members simultaneously requiring a list of newspapers subsidised by the Government which were provoked by the starting of the Non-Brahmin daily organ "Justice"—all these are only a few instances in support of the contention that the Brahmin members of the Legislative Councils have not been very keen in promoting the interests of the Non-Brahmin classes, or at any rate the purpose of these several resolutions have been to promote the interests of the Brahmins, knowing full well that the effect of these resolutions would be positively disadvantageous to the Non-Brahmins. At the recent debate in the Legislative Council regarding the subjects to be transferred and reserved, all the Brahmin members were unanimously in favour of transferring "Civil Justice" to popular control, while every Non-Brahmin member whether Mohammedan, Indian-Christian or European, was opposed to it. This would suggest that the interests of the two communities are diametrically opposed in some cases at least.

13. It has been suggested by a Brahmin witness that there are more than one hundred and fifty communities among the Non-Brahmins who could not all be adequately represented. Our proposal is that the Non-Brahmins of each locality should be grouped in a single electorate and the Brahmins grouped separately. One reason why we look upon the different Non-Brahmins castes as one community is that these castes are more or less in the same position in point of education and official influence and have more or less the same social habits and customs and are labouring under the same difficulties and have the same grievances against the Brahmins. There is not that huge disparity and racial difference between one Non Brahmin caste and another as exists between the Brahmin and the Non-Brahmin. They are all the victims of common social tyranny exercised by a common priesthood. We propose to group all Non-Brahmin Hindus (except the Panchamas) in a certain territorial limit into one electorate and this electorate will in most cases return that candidate whose community preponderates and is most influential in the locality. Small sub-sections among the Non Brahmins have either no voters at all or if they have, their number is small as almost to be negligible, and such sub-sections can have no reason to be dissatisfied if they are not in a position to return their own member.

14. It has been suggested by the Government of India that a representation of Non-Brahmins can be secured by reserving thirty out of sixty-one seats in a general electorate. This suggestion cannot be accepted because the result will be the election of men who are not really representatives of Non-Brahmin opinion, but people who will be pledged to a policy of affairs more dangerous than not being represented at all. In the mixed general electorates all the unwholesome influences which we are trying to guard against will be present, exercising their power as freely as possible. The Brahmin members of the electorate being a close and organised body will have a potent voice in elections, and their packed voting may turn the scale between two rival Non-Brahmin candidates. Though in every electorate the Non-Brahmins are in an overwhelming majority as compared with the Brahmins, the literate and specially the English educated will be far more among the Brahmins than among the Non-Brahmins, so that they will have a real and a very potent voice in directing the voting, especially in the rural areas. The Non-Brahmin canditate who gets returned by the votes of the Brahmins and with their help in canvassing votes, will certainly not feel himself free to voice the real wishes of the Non-Brahmins. The formation of seperate communal electorates will minimise these evil influences as much as possible. Those who are outside the electorate altogether will not have the same recognised opportunity of taking a very active part in influencing the elections. Therefore it is that we urge representation through seperate communal electorates till, by the spread of education and the more even distribution of offical patronage among the classes, the influence of each community will be balanced by that of others, when the necessity for separate electorates will cease to exist.

15. Non-Brahmins need, then, educational development. The percentage of the literates in the vernaculars is 5 per cent. among the Non-Brahmins and 50 among the Brahmins, and herein lies one of the explanations as to why that single community occupy a predominant position in the country. Hemmed in on all sides by forces which would encourage the higher forms of education, the Government have neglected primary education to the detriment of the Non-Brahmin classes living mostly in the rural areas.

16. The extension of primary education has been further impeded by the indifference of the more advanced and ambitious classes to the spread of primary education. In spite of repeated declarations by the Government only a quarter of the amount was spent on primary education out of the total amounts set apart for education general in 1912. In consequence of the disparity found in the sums spent upon primary and higher education, the classes that have suffered mainly are the Non-Brahmins, because while one out of three Brahmin boys is undergoing instruction, one out of nine among Non-Brahmins is receiving primary education.

17. Dharma Rakshana Sabha is an ingenious association, started by Sir S. Subrawania Aryai with the avowed object of safeguarding the charitable and religious endowments in the Madras Presidency. In practice the work that this Sabha, or association, has done is to oust the Non-Brahmin trustees, both appointed and hereditary, from their places, and to fill them with Brahmin members, by providing schemes for their management which enables the Brahmin members to have an easy walk over to the offices, and provides fat fees for Brahmin vakils by giving rise to long and protracted litigation.

18. For the last few years the suits against the trustees of temples and charitable endowments have increased under the auspices of the so-called Dharma Rakshana Sabha, and the result in the majority of cases is the substitution of the existing trustees by the Court-appointed trustees, mostly consisting of Brahmins and Brahmin Vakils, who can have no claim or interest of any kind to be trustees. Even when the trust is the benefaction of a single individual or family, when any nominal defect is found in the management by the inheritors, they are summarily dismissed and sent out as if they had no interest of any kind and replaced by utter strangers to be the custodians of such institutions. The Government has recognised the principle of heredity even in the case of petty village officers, and the Non-Brahmins very much desire that religious and charitable endowments should not be a transferred subject in Madras. On account of the activities of the Dharma Rakshana Sabha, the situation has become anomalous, and is giving rise to much irritation and heart-burning among the Non-Brahmins, who are on this account losing their prestige, as the funds are being utilised for objects which are not beneficial to the communities. The funds of the Tirupati temple are being utilised for purposes benefiting a single community. The Non-Brahmin funds of the Tireukkarungudi Chattram were diverted for starting a Sanskrit College at Kallidaikui-Chi in the Tinnevelly District. The funds of the famous shrine at Rameswaram are being spent towards the maintenance of a Sanskrit College named "Rameswaram Devastanam Patasala" at Madura, to which Non-Brahmins have no access whatsoever. The conduct of the scheme suits lodged at the instance of the Dharma Rakshana Sabha are mostly conducted by junior Brahmin Vakils to their profit.

19. The agitation with regard to separate electorates for Non-Brahmins in Madras was first raised at the time of the Morley-Minto reforms. The leaders of the Non-Brahmin movement having the best interests of the country at heart, and believing that the Brahmins would treat the Non-Brahmins fairly and squarely, did not press for separate electorates then. Now, the Indian Press is in the hands of the Brahmins. The men returned to Madras electorates are pushed into prominence by the Brahmin press. Since the introduction of the Morley-Minto scheme increased power bestowed on the people without Communal Representation led to that power being concentrated in the hands of a single educated community, and led to greater disparity between the educated and uneducated classes. This is one of the chief causes for the starting of the Non-Brahmin movement.

20. It was suggested by one of the witnesses before the Committee that this Non-Brahmin moment has been started by a few Non-Brahmin candidates who were defeated at the Council elections. When the Non-Brahmins found that there were no chances of success even for the best men of their community in competition with the ordinary men of the Brahmin community, they opened their eyes and found that there was something fundamentally wrong in the Morley-Minto reforms, and began to agitate for Communal Representation by communal electorates.

21. It has been stated by a Brahmin witness who appeared before the Committee that the moment the system of Communal Representation is conceded with regard to the Legislative Council elections the demand would be extended to the field of local self-government. There is no fear for such a demand. The Hindus and Mohammadans had a number of differences between themselves, and the moment Communal Representation was conceded to the Mohammadans the differences that existed have vanished, and they are so united as to submit the Joint Congress Muslim League scheme. In the same way, we confidently believe, the moment Communal Representation by communal electorates is conceded to the Non-Brahmins of the Madras Presidency, the Brahmins and the Non-Brahmins will stand together united and happy.

PUBLIC SERVICES.

22. In the Madras Presidency the Brahmins, who form about 3 per cent. of the total population, have monopolised 50 per cent. of the higher appointments in all the services. For the last half a century ended with 1917 there had been only a single Non-Brahmin nominated as a Judge of the High Court, while there were seven Brahmin High Court Judges during the same period. There has not been an even distribution of official patronage. There is no dearth of qualified candidates among Non-Brahmins. It is suggested that a priviso should be made under a Clause of the Bill that no community should be represented in the Public Service to an extent which is more than a fixed percentage, and the minimum number of appointments to be held by a community should be fixed. It is absolutely incorrect if any witness says that there were a large number of Non-Brahmin members during any term of the local Legislative Council.

23. The Southborough Committee reject the scheme for separate communal electorate for Non-Brahmin Hindus of the Madras Presidency on the ground that it would force the Brahmins into a separate electorate against their will.

It is estimated that the total number of Brahmin voters is about 52 thousand and that of the Non-Brahmin voters at 248 thousand. The question is, whose will is to prevail? Whether the will of the 50 thousand Brahmins not to have separate electorates, or the will of the 250 thousand Non-Brahmin voters to have separate communal electorates.

24. The Brahmin members, who preponderate in the local Legislative Council, are not one of them a merchant or manufacturer, and do not take sufficient interest in the development of industries and trades. If we were to have Non-Brahmin representatives who are really interested in the development of trades and industries, they should be elected by a separate communal electorate consisting only of Non-Brahmins, without any interference of the Brahmins.

In view of the possibility of the rise of industrialism in India and the labour problems attending in its wake, it is necessary to create a special franchise for factory workers in some of the important industrial centres of India.

1,335 per ten thousand of the population find employment on the side of industries, and 661 per ten thousand of the population are engaged in trade, of whom 437 per ten thousand are engaged in trade in foodstuffs.

APPENDIX U.

MEMORANDUM handed in by *Koka Appa Rao Naidu*, B.A. and B.L., Pleader, Berhampur, Madras, on 25th August, 1919. (*See* Question 6718.)

I beg to state that I am the Secretary of the Ganjam People's Association, Berhampur, and also a Member of the South Indian Liberal Federation, Madras. I was elected as their delegate to give evidence before the Joint Committee. I was also requested by the Uriyas to represent them. I lived for most part in rural areas and worked amongst the agricultural classes. I am closely connected with various Non-Brahmin organisations and attended many of the Non-Brahmin Conferences held in Madras Province.

SOCIAL REFORM *v.* POLITICAL REFORM.

Amongst the educated classes in India, there have been two schools of thought with regard to political reform, one led by Keshule and Ranade and another by Mr. Bal Gangadhar Tilak. The former held that Social Reform should precede or at least go hand in hand with Political Reform, and the latter contended either that Hindu Society did not require any reformation and caste system was essential to the Hindu Society, or that Political Reform should precede all Social Reform. On account of India's contact with British civilisation, with its ideals of liberty, equality and fraternity, men's minds in India were turned towards the tyranny of caste and custom. This gave rise to two liberal theistic movements, the Brahmos amaj in Bengal and the Aryas amaj in the Punjab, which are broad-based on the brotherhood of man. These two organisations worked against caste vigorously for some time in Bengal and the Punjab. Just after the starting of the Congress at Bombay, Ranade and his friends started what is known as the Indian National Social Conference, for they felt that social reform should at least go hand in hand with political reform, so that there may be no breakdown of the political machinery leading into chaos and confusion. When the Congress was held at Poona for the first time, the social reactionaries of Poona, led by Mr. Tilak, who have always been political extremists, prevented the Indian Social Conference from being held in the Congress Pandal. I may state here the views of three Indians about the tyranny of caste and custom in India "under whose ponderous wheels the Hindu nation is squeezed and crushed."

Swami Vivekananda said: "We are at present neither Vedantins nor Tantriks nor Mantriks. We are just Don't Touchists. Our God is pot. Our religion is kitchen. If we go on in this way for a century more, we are sure to be in the lunatic asylum."

Bishen Narayan Dhar, Barrister-at Law, of Lucknow, said: "A selfish priesthood imposed its yoke upon the neck of the people; custom fixed and stereotyped the course of national life; caste system elaborated its net, in the meshes of which were caught all the elements of progress and advancement."

Keshule Chandersen said: "Caste is the bulwark of Hindu idolatry and the safeguard of the Brahmanical priesthood."

The same state of things continues even to-day. When such has been the horrid state of things, it has been considered highly necessary to reform the society, for "there can be no advancement politically without social and moral advancement." So Ranade and his friends carried on their social activities.

REVIVAL AND RETROGRESSION.

The two Theistic Movements and the Social Reform Movement led by Ranade received a huge shock from Mrs. Besant, with her Theosophical and Esoteric teachings. She, with her power of eloquence, with her organising ability, with her followers, men and women, and with large funds at her disposal, began to preach that everything in the Hindu religion and Hindu social policy is the best; that caste system is based on right social and spiritual principles, and endeavoured to give justification and even scientific and esoteric explanation to every superstitious custom, practice and ceremonial. By applauding the past glories of Hindu civilisation she was able to impress upon the young minds. This gave a turn in the tide of social reform. Then came the Swadeshi and Boycott Movement, with the agitation against the partition of Bengal. These were followed by the fad of national education, led by Mrs. Besant, in order to remove the liberalising tendencies of English education. At the same time there was started what is known as the Varnashrama Dharma Movement in the Madras and United Provinces, to place the system of caste on a firm basis. This movement has been led by the Brahmin politicians in Madras. In the United Provinces it has been actively supported by the Honourable Pandit Malavya and Maharajah of Durbangha, who took great pains in collecting funds for the Hindu University, which was condemned by Sir C. Sankaran Nair, and characterised by him as a separatist and sectarian university, to which Government should not lend its support. It may be stated here that Maharajah of Durbangha, a Brahmin, is one of those that opposed the introduction of free and compulsory primary education in India. Thus the activities of Mrs. Besant and her Theosophical societies, Varnashrama Dharmists and the so called Nationalists—all these came in the way of the progress of social reform, with the result that the two Theistic Movements and the Social Reform Movement failed, and retrogression and reaction to social reform became the order of the day. This is clear from the strong opposition of the Brahmin politicians to Bupendra Nath Bas's Civil Marriage Bill, and Patel's Inter-Caste Marriage Bill. The climax was reached last year when the Annual Social Conference was not held at Delhi, although a dozen other Conferences assembled with the Extremist Congress. Nowadays, nobody even thinks of reforming the Society. The condition of affairs is worse in the Madras Province, and Caste has a stronger hold in Madras than in other Provinces for the following reasons:—

(1) The activities of Mrs. Besant and Sir S. Subhramanya Iyer, the author of the "disgraceful letter" to the President of the United States, and their Brahmin followers, with their Theosophical headquarters at Adray, near Madras.

(2) The activities of the Varnashrama Dharma Movement of Madras.

(3) The absence of a movement like the Brahmo Samaj of Bengal, or the Arya Samaj of the Punjab.

(4) Most of the Northern India Brahmins, including the Bengalee and Uriya Brahmins, eat flesh

and fish as the Non-Brahmins do, and there is not so much rigidity with regard to interdining. On the other hand the Madras Brahmin is a strict vegetarian, while the Non-Brahmin is a non-vegetarian, and the former rigidly observes the restrictions against interdining and untouchability.

(5) In Northern India, the Mohamedans settled themselves in large numbers, and their kings ruled over it for centuries. The Mohamedan kings were no respecters of Caste, and they used to treat all castes equally. So the Non-Brahmins in the Punjab, Bengal and United Provinces used to hold positions of influence and power equally with the Brahmins, so that there was not so much predominance of any one caste over other castes. Further, in Northern India, the problem has been always the Hindu and Mohamedan Problem.

BENGAL.—

Hindus	Brahmins	1,233,825	20,173,937
	Non-Brahmins	8,991,868	
	Others	9,948,244	
Mohamedans			23,975,171

As the Mohamedans are greater in numbers, and they were once the ruling race, the Hindus could not afford to quarrel as between themselves and adjusted their differences, giving rise only to Hindu Mohamedan struggle. In the Madras Province the Mohamedans never settled themselves in numbers, and their Kings did not rule over it for a long period.

MADRAS.—

Hindus	Brahmins	1,221,907	35,315,381
	Non-Brahmins	27,716,306	
	Others	6,377,168	
Mohamedans			2,735,673

From the above figures, it can be seen that the Mohamedans form a very small Community when compared with the Hindus.

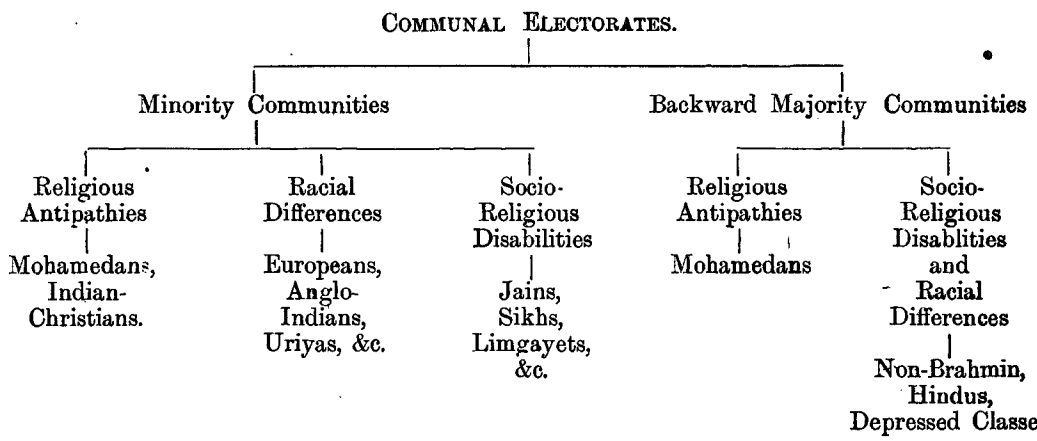
These, among other causes, led to the rigidity of caste system in the Madras Province This is accentuated by his belief that he is distinct in race from the Non-Brahmins who are considered to be of Dravidian origin.

ANNOUNCEMENT OF AUGUST 20TH, 1917.

When such was the general state of things in India, and when caste exclusiveness and Brahmin priesthood were sapping the vitals of the people at large, especially in the Madras Province, and when some of the leaders of Indian thought were of the opinion that Social Reform should precede Political Reform, an announcement was made in Parliament by the Secretary of State for India on the 20th of August, 1917, to the effect that substantial powers would be conferred on the Indians with a view to the progressive realisation of responsible government. Naturally, it caused a stir amongst the Non-Brahmins of the Madras Province, who were suffering under the social and spiritual, official and political ascendancy of the Brahmins. So they opposed the demands of the Extremists and asked for a moderate advance, for they have been always of the opinion that "Slavery at home is incompatible with political liberty." Further, they have been persistently demanding for Communal Electorates to them, as a protection against the all-powerful influences of Brahmins, in any scheme of reforms that are going to be granted, and for the effective representation of all communities in the Councils.

DEMAND FOR COMMUNAL ELECTORATES.

The demand for Communal Electorates in India is based upon five grounds or standpoints. This can be very well explained by the following table.



From the above table it is clear that Communal Electorates are demanded not only by Minority Communities, but also by those Majority Communities which are less advanced, *i.e.*, politically and educationally backward, to safeguard their interests, as they cannot be properly represented by the members of other communities on account of the acute religious antipathies, socio-religious disabilities and racial differences under which these communities are suffering. It is unnecessary to state in detail the various religious antipathies and socio-religious disabilities. The long cleavages of religion, race and caste are to a certain extent described in the first part of the Joint Report. It may now be considered why a Majority Community, like the Non-Brahmins, require special representation.

THE VILLAGE AS UNIT.

Lord Morley, in his famous despatch to the Viceroy of India, said, "The village in India (generally) has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire your Excellency in Council to consider the best way of carrying out a policy that would make the village a starting point of public life." I would add that village has always been the unit of administration both under the ancient kings and under British rule. The Government of India in their fifth despatch on the Indian Constitutional Reforms (Franchise) in para. 28 said, "After religion and race, the boundary between town and country is the greatest dividing line that runs through the Indian people. It corresponds closely with the division between progress and conservatism; between English education and vernacular; between experience of self-government and lack of such experience; between the existence of newspapers, professions, bar-libraries, societies, &c., and their absence." Therefore, any scheme of reforms, any grant of political rights, any question of franchise or electoral reform and any changes in the administrative machinery must be considered from the standpoint of the village. So, it is incumbent upon the constitution makers to understand the conditions of village life, the nature of the people that inhabit the rural parts and the ideals and sentiments that prevail in those areas.

Lord Morley, in his Budget speech of 1906, said, "Remember that India is essentially agricultural with varying degrees of fertility." India is mostly an agricultural country, and its population is more rural than urban, and this is much more true in the Madras Province. In Madras, more than 90 per cent. of the population live in villages. There has been no growth of towns in Madras, on account of the absence of any appreciable growing industries. So, the rural population never migrates to the towns in large numbers, as in the Western countries or in some parts of India, and they confine to their village holdings. The village population consists of artisans, half a dozen petty traders, peasant proprietors, ryots, agricultural labourers and about half a dozen Brahmins. These agriculturalists till the soil, sow the seeds, rear the crops, pay the taxes and cesses on land and reap the harvest as the fruit of their labour of months. More than 95 per cent. of the rural population are Non-Brahmin Hindus and Depressed classes. Even the half-dozen Brahmins in the villages exercise all power and influence over the ignorant and docile rural classes on account of the conditions prevailing in the village life.

ILLITERACY IN RURAL AREAS.

Most of these villagers are illiterate and ignorant, and in every village we can find many petty landholders who cannot even sign their own names. The policy of the Government, encouraged by the politically-minded class, the Brahmin, has been to give more attention to University and Secondary Education, which mostly benefits the Brahmins and the townfolk, than to Primary Education, the greatest need of the rural classes—*i.e.*, the Non-Brahmin millions. This short-sighted educational policy of the Government, coupled with the superstitious ideas and notions instilled in the minds of the Non-Brahmins from generation to generation by the Brahmin priesthood that their duty is to serve for ever and ever, but not to acquire knowledge and culture, made the Non-Brahmins to lag behind in literacy, while the Brahmin, by his traditions, heredity and special facilities opened to him, made rapid strides in education, with the result that in India education is mostly confined to towns and has become a matter of caste. In the first part of the Joint Report, the ignorance of the ryot, the aloofness between the educated few and the ignorant many, the total absence of interest of the Brahmin political leaders in the masses are well depicted.

THE INDIAN VILLAGE TRIO.

Next, we have to consider who generally exercise influence and power over these ignorant villagers who are going to be enfranchised. There are three persons in the village itself whom, I term as Village Trio—the priest or purohit, the Karnam or patwari, and the document-writer or schoolmaster—and they control the village life in the Madras Province :—

(1) *The Priest.*—The purohitor priest is always a Brahmin. Every day he visits every Non-Brahmin house, and is worshipped by the ignorant women, who are easily duped into the cunning sayings and puranic stories told by these men. Especially for an agriculturist, his help is very necessary. To begin to till the soil, to sow the seeds, to cut the harvest, to send his daughter to his son-in-law's house, to apply for a poromboke, to visit the nearest revenue official, he has to consult his priest to find out whether the day and hour are auspicious. To perform all rituals and ceremonies, these superstitious and conservative agriculturists seek their aid often. The priest commands great influence over them on account of the traditional and superstitious veneration in which he is looked up to mostly by the women, and the repeated consultation with and information that is sought from him, in every-day life of the cultivating tenant and ryot. Customs, ceremonials and superstitions have still a very strong hold over the villagers, and it is no wonder that these ignorant villagers are easily influenced by a a cunning priesthood.

(2) *The Karnam.*—He is otherwise known as patwari or village accountant. He is invariably a Brahmin. He is the intermediary between the villagers and the nearest revenue official, the Tahisildar. He keeps the accounts of all holdings in the village, demarcates the fields, checks encroachments, notifies the failure of crops in the various holdings and the use of Government water without application, and does such other allied duties. No landowner, peasant or ryot can afford to gainsay him in any matter, for the produce on land is the only source of income to him and his large family. Further, in civil suits, where questions relating to occupancy, possession and tenures, &c., are involved, he is usually cited as a witness for one or the other of the parties. So these agriculturists are anxious to be in his good graces. The Rt. Hon. Mr. Montagu, in his speech on the Indian Land Policy, at a dinner at the Liberal Colonial Club, London, said, "Each village has its 'patwari,' or village accountant, to act as intermediary between the people and the representatives of Government An exact record is kept in his charge, and continually corrected up to date, giving the entire history of each plot of land in the area, with not only the full

terms of ownership and tenancy, but a complete account of its crop possibilities and the particular advantages or drawbacks under which it is worked." With these official duties, his influence is paramount.

(3) *The Document Writer.*—He is invariably a Brahmin schoolmaster or a dismissed karnam or assistant karnam. As many of the villagers cannot even sign their own names, they cannot but approach these document-writers to write documents, applications to revenue authorities and even ordinary postal letters. In most of the contested money suits and suits relating to land and contracts, they are invariably cited as witnesses by the parties. So he naturally exercises a lot of influence over them.

Thus, the Village Trio—the Brahmin Priest, with all his religious influence; the Brahmin Karnam, with all his official influence; and the Brahmin Document Writer, with all his mediatory influence—exercise all their power over the ignorant rural voters with the result that they are not in a position to exercise their vote to the best interests of the country or community to which they belong.

VAKILS AND OFFICIALS.

Then comes the influence of Vakils and Officials who are mostly drawn from a single community—the Brahmins. The Madras Province is divided into districts, which are sub-divided into revenue divisions and taluks or tahisils. In every taluk there are two to five civil and criminal courts of inferior jurisdiction, and in every district a District Court, and five to ten Civil and Criminal Courts of Superior Jurisdiction. On account of this network of Civil and Criminal Courts, the Brahmin Vakils are distributed all over the country in large numbers. The Village Trio in many cases act as law touts to the litigants. As many of the law touts are Brahmins, as they in most cases figure as important witnesses, and as most of the judicial officers are Brahmins, it is no wonder that many of these Non-Brahmin litigants flock to the Brahmin Vakils instead of the Non-Brahmin Vakils, who are very few in numbers. Thus, many of these ryots and peasant proprietors are always under obligations to these Brahmin Vakils and Brahmin law touts.

The Revenue Officials that are in touch with the villagers are the Deputy Collectors, the Tahisldars and Revenue Inspectors. The Judicial Officers that try the cases of these Villagers are the Sub-Judges, District Mumsiffs and Sub-Magistrates. These Sub-Magistrates are always drawn from the Revenue Officials, and most of these Revenue Officials exercise Magisterial Duties. The following figures, which are approximately accurate, will speak for themselves :—

DEPUTY COLLECTORS.

Brahmins	108	206
Non-Brahmins	50	
Christians, Eurasians, &c.	26	
Mohammedans	22	

TAHISILDARS.

District.	Brahmins.	Non-Brahmins.	Moham-medans.	Christians and Others.
1. Ananthapur	7	3	1	—
2. North Arcot	5	6	0	—
3. South Arcot	5	3	1	—
4. Bellary	7	2	1	—
5. Chingelput	3	6	—	—
6. Chittore	3	3	—	—
7. Coimbathore	6	6	—	1
8. Cuddapah	6	4	—	—
9. Ganjam	7	—	—	1
10. Godavery	7	4	—	—
11. Guntur	7	3	1	—
12. South Canara	3	3	1	1
13. Kistna	11	3	—	—
14. Kurnool	8	3	—	—
15 Madras	1	—	—	—
16. Madura	6	2	—	—
17. Malabar	3	5	—	1
18. Nellore	7	4	—	—
19. Niligiris	2	—	—	—
20. Ramnad	4	7	1	—
21. Salem	7	1	1	1
22. Tanjore	8	4	—	1
23. Tinnevelly	5	4	—	1
24. Tirichinapally	6	2	1	—
25. Vizagapatnam	6	4	—	—
TOTAL	140	82	8	7

Thus it is clear that the important Revenue Officials are mostly found amongst the Brahmins, in spite of the fact that there is a Board Standing Order providing for the adequate representation of all communities in the services. The Brahmin Revenue Officials rougnly double the Non-Brahmin Revenue Officials, in spite of the fact that the proportion of the Brahmins to Non-Brahmins is 1 : 22.

JUDICIAL FIGURES.

——	No.	Brahmins.	Non-Brahmins.	Christians and Eurasians.	Mohammedans.
31*st March*, 1913—					
Sub-Judges - -	18	16	2	—	—
District Mumsiffs -	162	119	32	9	2
31*st March*, 1916—					
Sub-Judges - -	19	13	5	1	—
District Mumsiffs -	185	142	34	6	3
1*st January*, 1919—					
Sub Judges - -	42	26	12	3	1
Permanent - -	18	9	8	1	—
Sub pro tem., &c.	24	17	4	2	1
District Mumsiffs -	191	145	35	6	5
Permanent - -	126	91	27	6	2
Sub-pro tem., &c.	65	54	8	—	3

These figures show clearly what position the Non-Brahmins are relegated to in the Judicial Service The Non-Brahmin District Mumsiffs are only 18 per cent. of the total number.

OTHER OFFICIAL FIGURES.

——	No.	Brahmins.	Non-Brahmins.	Christians and Eurasians.	Mohammedans.
District Registrars -	26	17	4	1	4
Assistant Registrars of Co-operative Credit Department - -	10	8	1	1	—

These are the two departments that deal with the agriculturists mostly, but yet the Non-Brahmin proportion is very insignificant.

With these figures it is interesting to compare the figures of officers granted with King's Police Medals. Out of 41 awards, 16 were won by the Europeans, 13 by the Non-Brahmins, 1 by a Christian, 5 by the Mohammedans, and only 6 by the Brahmins. This is a sad commentary on the efficiency of the Brahmins in the discharge of hard and responsible duties.

I have shown how the officials, who are expected to be in close touch with the rural and agricultural classes, and who exercise their authority and power over them, are mainly drawn from a single community, the Brahmins.

AN AUTOMATIC ELECTORAL MACHINERY.

A large contingent of Brahmin lawyers distributed all over the district, with the aid and co-operation of the Brahmin Officials, both Revenue and Judicial, and further assisted by the law touts and the Brahmin Village Trio, command the elections. Thus, the Brahmin Electoral Machinery is complete without any special organisation or special efforts to defeat a Non-Brahmin candidate. The various branches of this Brahmin organisation automatically work with tremendous results, without any kind of appeals from their Brahmin Whips. The distinguished authors of the Joint Report, in considering the condition of the rural classes, stated: "It is just because the Indian ryot is inarticulate and has not been directly represented in our deliberations that we feel bound to emphasise the great claim he has upon our consideration. *He has never exercised vote on public questions. His mind has been made up for him by his landlord or banker or his priest or his relatives, or the nearest official.* These facts make it an imperative duty to assist and to protect him, while he is learning to shoulder political responsibilities." The authors forgot to mention the Vakil in the category of those that influence the ignorant ryot. The banker is often a Vysya who is always in the hands of his Brahmin Lawyer or Official. Thus, from the standpoint of the illustrious authors themselves, the ryot and the smaller landed gentry can never exercise their vote independently to the detriment of a Brahmin. What safeguards did the authors provide to assist and protect the ryot while he is learning to shoulder political responsibilities? His position will be made worse. Now, having conferred some political power on the so-called representatives, under the proposed reforms, if no sufficient safeguards are provided for their adequate representation, they are sure to suffer under a clannish oligarchy. The broadening of the franchise instead of proving an advantage to the hard-working ryot will be a decided disadvantage, for, if he exercises his vote in favour of a candidate from his community in whom he has confidence, he will be incurring the displeasure of the Brahmin Karnam, Revenue Inspector and Tahisildar. If, on the other hand, he votes for the nominee of the Brahmins, he will be cutting his own throat with the very weapon with which he has to guard himself against the attacks of Brahmin oligarchy. The result of this will be discontentment of the agricultural population who hitherto have been docile and loyal.

Further, the authors said that "the fraction of the people who are town dwellers contribute only a very small proportion to the revenues of the State," and that "the rural classes have the greatest stake in the country, because they contribute most to its revenues." This is the important plank on which the Non-Brahmins urge special representation. It is we that are the tillers of the soil and producers of wealth; it is

we that pay the revenues of the State; it is we that contributed largely to the war loan, and it is we that mostly keep the internal peace and defend the country from external invasion; but, yet, we will be nowhere in the Councils. Perhaps, the political theory "no taxation, no representation" has become obsolete. If this political maxim is to be applied in the case of India, special representation should also be granted to the Non-Brahmins in the Madras Province.

On account of the various influences and factors mentioned above and admitted to a certain extent by the distinguished authors in the Joint Report, it is clear that general electorates will return only Brahmins. How can an orthodox Brahmin, with his caste exclusiveness and his supposed Divine origin really and effectually represent the Non-Brahmins? As long as caste system remains with all its present day concommitants, as long as the Brahmin remains on the holy citadel of aloofness from, and superiority to other communities, a general election on territorial basis will further perpetuate the class divisions, giving room for more latent antipathy, resentment and indignation between the two communities in the electoral campaigns. Therefore, it is idle to expect any spirit of citizenship or nationality to be developed in the people when the Non-Brahmins acutely feel that they are not sufficiently represented in the Council. They will be mere empty phrases when they give scope only for the formation of a close Brahmin oligarchy. We will have in the Madras Province a foreign but yet sympathetic bureaucracy replaced by a Brahmin oligarchy, which will be more rigid, exclusive, stereotyped and conservative. If the British Parliament really wants to train the peoples of India on the road to responsible government, the only effective way for the early realisation of the ideal is to grant communal electorates to backward communities. If they are not granted, it will result in discontentment of the vast masses of rural population. The very fact that, when all other minority communities are demanding for communal electorates, this minority community of the Brahmins, instead of demanding for separate electorates, oppose the same, because they are sure that most of the general seats can be very easily secured for them under the present conditions in Madras.

RESERVED SEATS.

Having made out a case that special safeguards should be provided for the effective representation of the Non-Brahmin communities of Madras Province, it is necessary to examine the method of reservation of seats in plural member constituencies suggested in lieu of communal electorates, and show how they do not satisfy the needs of the communities, for which special representation is considered necessary. In my memorandum submitted to the Franchise committee, I stated that reservation of a number of seats in plural-member constituencies is a half measure of very doubtful utility, for Non-Brahmin members returned from General Electoral Rolls through plural member constituencies cannot be *real* representatives of the Non-Brahmins, and they cannot be in a position to safeguard their interests *adequately* when they have to depend upon the sufferance of the mixed electorates in which the predominating influence will be exercised by what has been called the "politically minded community," consisting, as it does, at present mainly of the Brahmins.

OBJECTIONS TO RESERVED SEATS.

They are threefold :—

(*a*) Reservation of seats is opposed to the principles underlying responsible Government. A member returned through General Electoral Roll is not responsible to the community to which he belongs. In para. 189 of the Joint Report, the authors, in explaining this cardinal feature of Responsible Government, say that "Our objective is the realisation of Responsible Government. We understand this to mean, first, that the members of the Executive Government should be responsible to—because capable of being changed by—their constituents; and, secondly, that these constituents should exercise their power through the agency of their representatives in the Assembly." They further explain in para. 131 that "the electors send men to the Councils with power to act in their name, and the Councils commit power to Ministers, over whom they reserve control in the form of the power of removing them from office. The elector controls his Government, because, if his representative in Council supports Ministers of whom he disapproves he can at the next election change his representative." If a member of a certain community is elected by the mixed electorate, he is not the representative of that community alone, but the representative of all the communities that are included in the General Electoral Rolls. He is rather the general representative, but not a special representative of a certain community. Such representation cannot, by any stretch of imagination, be Communal Representation. So it is clear that that representative does not act in the name of the electors of that community, but acts in the name of all the electors in the General Electoral Roll. Further, the communal elector cannot change his communal representative returned through General Electoral Roll in the next election if the representative supports Ministers of whom he disapproves. If a communal representative desires to seek re-election, he naturally tries to satisfy, in the first instance, both the communal voters and the remaining general voters; and, in the second instance, only the general voters as against the communal voters, for he has to seek the sufferance once more of not only the communal electors, but also the general electors. It is also clear that in the case of a backward majority community like the Non-Brahmins, it is the "politically-minded" Brahmin community that decides its candidate. So, in the natural course of things, a communal representative cannot be responsible to the communal electors, but to the Brahmin electors who decide his fate in the next election. It is anomalous and illogical to call such a representative a communal representative. Therefore, a communal member returned through mixed constituencies may justify his name of a reserved member (seater)—*i.e.*, he may be very reserved without openly expressing his views on the controversial questions of the day. It is extremely difficult for any self-respecting member of the Non-Brahmins to undertake this inconsistent responsibility, for he is responsible to his community, not because he is elected by the communal constituents, but because he is a member of the community, and he is responsible to the general constituents, for he has to seek their sufferance and their votes decide his fate. Thus a communal member has to discharge two conflicting responsibilities, and his position becomes inconvenient.

(*b*) Reserved seats may hamper the political education of politically and educationally backward communities like the Non-Brahmins. In Chapter VI, the conditions of the problem, the authors express their anxiety for the ryot and peasant, realising that they are very poorly equipped for politics, and it is highly necessary to impart political education to the ryot (paras. 136 and 146). In the Madras

Province, while the Brahmin is for advanced politics, the Non-Brahmins have yet to learn the alphabet of politics. A mixed electorate is not at all the best school to give political education to the Non-Brahmins or agricultural classes, because they will have no scope to receive political education when they are dragged behind the wheels of a more advanced community like the Brahmins, who always dabble in politics for more reasons than one. The South Indian Liberal Federation of Madras, in their memorandum to the Madras Government, stated that "communal electorate is a school of political education in which a comparatively slow and ill-organised community can best study its interests in relation to the interests of the country, and bring itself into line with other communities, so as to march side by side with them, and not be dragged on by any of them. A mixed electorate, even with provision for a certain number of a particular community being returned, gives no scope for a less assertive community to think and act for itself. It has to be content with allowing itself to be dragged behind the wheels of a more aggressive, but by no means a more patriotic, community." The result of the mixed electorates will be that they will not create any political consciousness in the less advanced Non-Brahmins, for they will not be induced to interest themselves in politics, as their attempts to gain political training will be frustrated by being dragged by more assertive and politically advanced Brahmins.

(*c*) Reserved seats do not return real representatives who can completely and effectively safeguard the interests of the Non Brahmins. The influences and circumstances that operate in returning Brahmin members in general electorates also work in equal degree in returning a Brahminised Non-Brahmin Member or a nominal Non-Brahmin representative for a reserved seat with a General Electoral Roll. On account of the Brahmin influence and power mentioned above, the provision of reserved seats with mixed electorates will lead to the following results also :—

(1) It may give rise to pacts or compacts between a Brahmin candidate and a Non-Brahmin candidate. A Non-Brahmin candidate, who is not liked by the majority of Non-Brahmin voters, may, with the help of a Brahmin candidate, by mutual exchange of support, be returned to the Council. Further these pacts will result in always returning a Brahmin candidate to the remaining seat or seats in plural-member constituences—*i.e.*, these do not give room for a Non-Brahmin candidate to be returned to the general seat or seats.

(2) The Brahmins, being a well organised community, may *en bloc* vote for a Brahminised Non-Brahmin candidate, and thus turn the scale between two or more rival Non-Brahmin candidates. The packed voters may influence the elections in three ways :—

(i.) When there are more than two Non-Brahmin candidates for the same seat, the packed voting of the Brahmin electors alone may decide in favour of their own candidate without a single Non-Brahmin vote, for the Non-Brahmin votes are apt to be divided between the other rival candidates.

(ii.) Sometimes it may so happen that a few Brahmin votes may turn the scale in favour of a Non-Brahmin candidate upheld by the Brahmins, for the packed Brahmin vote with a few Non-Brahmin votes may form a majority.

(iii.) The Non-Brahmin voters, seeing that the Brahmin voters are *en bloc* voting to a certain candidate may be easily influenced to vote for that candidate—*i.e.*, the packed voting of Brahmins may lure the Non-Brahmin voter to vote to that candidate alone.

In this connection I may meet one of the arguments advanced very often by the opponents of communal electorates. It is often stated that as long as the predominating influence of the Brahmins over the other communities exists they would exercise that influence to the same extent both in the communal electorates and mixed electorates to return Brahminised Non-Brahmins to the Councils. This argument does not hold good for a moment for two reasons :—

(*a*) In a communal electorate, the task of the Brahmin is an uphill one, for he has to rely upon only Non-Brahmin votes, and he has no Brahmin votes to start with. On the other hand, in a mixed electorate, the Brahmin can have a good start with the packed Brahmin votes, and his task is an easy one. It is this difference which actuates the Brahmin community to meddle in mixed electorates, so as to return Non-Brahmin puppets who can be danced to their tunes, and it is this that makes them abstain from interfering with the elections in communal electorates.

(*b*) In communal electorates the influence of the Brahmin is very much lessened on account of four considerations of factors—namely, Natural, Physical, Personal and Communal.

(i.) *Natural.*—In a communal electorate, the Brahmins have no votes and they have no concern. Human nature abhors meddling in the affairs of others in which he has no direct concern or interest.

(ii.) *Physical.*—It is difficult to constitute a polling booth for every village. A number of villages grouped together may have a polling booth which may be at a distant place. On the day of election, the Brahmin who is expected to influence certain voters may have some other business elsewhere. A Brahmin, having no vote, may not much care to go to the Non-Brahmin polling booth and influence the Non-Brahmin voter. On the other hand, in a mixed electorate the Brahmin who happens to go to the polling booth to exercise his vote does not like to keep quiet, but tries to influence others.

(iii.) *Personal.*—A Brahmin, who has a right to vote, in the natural course of things, exercises his vote to his best interests. He not only exercises his vote for his own interests, but influences Non-Brahmin voters to exercise their votes to his interests. It is natural for a voter to think that because he has the right to vote, he is called upon not only to exercise his vote, but also to influence others to vote in a certain manner.

(iv.) *Communal.*—In a mixed electorate, a Brahmin voter likes to exert his influence on others to the best interests of his community, because he has a right to vote, and because his community or communal members have the right to vote and a Brahmin non-voter tries to influence the Non-Brahmin voters, as his community exercises votes in the electorate. In a communal electorate the Brahmins have no place in voting and communally they feel that because their community has no vote, they should not bother themselves.

From the above observations it is clear that those who have no vote in the electorate altogether do not have the same zeal and earnestness, inclinations and opportunities for influencing the elections.

Further, the Pro-Brahmin Non-Brahmin representatives cannot effectively and completely safeguard the interests of the Non-Brahmins. Whenever the interests of the Brahmins and Non-Brahmins conflict they are sure to safeguard the interests of the former, or at least adopt a policy of non-interference or rather of benevolent neutrality. As long as caste reigns supreme in the Hindu social polity, and as long as socio-religious differences between various communities continue acutely, it is futile to expect the interests of all communities in India to be identical. When the interests conflict, how can a communal member returned through mixed electorates safeguard the interests of his community ? I may briefly mention here a few questions on which the interests of the Brahmins and Non-Brahmins are not identical :—.

(i.) *Education.*—They differ at the outset with regard to the policy to be adopted. While the Non-Brahmins demand for more attention to Primary and Secondary education, the Brahmins demand for more Universities and colleges. While the latter advocate more grants and subsidies to Sanskrit pathasalas and scholarships to Sanskrit students and Brahmin widows, the former advocate for more agricultural and technical schools and scholarships to agricultural and backward classes. It is very likely that there will be considerable divergence of opinion between the two communities on the question of female education, for a Brahmin girl is called upon to discharge the duties of a mother at a very early age. Questions relating to the admission of the untouchables into schools and colleges, recognition of Christian Missionary Schools and Colleges, introduction of religious education in the curricula of studies, and many others will arise in course of time, and there is no unanimity of opinion in these matters between the various communities. In this connection it may be stated that the education of Non-Brahmin youths has been much affected by the control of Brahmin principals and headmasters over hostels attached to colleges and schools, for they provide only vegetarian diet suited to the Brahmin students but not to the Non-Brahmin students, who are bred up from their infancy on non-vegetarian diet.

(ii.) *Hereditary Village Karnams.*—In the interests of the Non-Brahmin communities, it is highly necessary to do away with the hereditary inheritance of the village karnams, whose influence and power I have already described. They are, as a class, mostly found amongst Brahmins, and they are naturally anxious to preserve this important hereditary office in their community. A recent resolution in the Madras Legislative Council with regard to the travelling allowances to village officers, moved by a Brahmin member, is a step in that direction, for it is the Brahmin karnam that often visits the taluq centre.

(iii.) *Public Services.*—The attempts of Brahmin politicians to get cancelled Board Standing Order No. 128, clause (2), providing for the representation of all communities in the public services, and indirectly condemning the preponderance of a single community like the Brahmin in any branch of administration, the resolutions of Mr. T. Rangachari and other Brahmin members to get the Civil Courts Act so amended as to vest the power of appointing the Sub-judges in the High Court in which the Indian element is Brahminical, the advocacy of the Brahmins for open competition by mere literary test in all grades of services—all these are detrimental to the Non Brahmins, and are strongly opposed by them. There are also differences between the two communities with regard to the standard and tests required for different departments of public services.

(iv.) *Religious Endowments.*—It is a bare truth that the religious endowments, Chathram funds and other benefactions were mostly endowed by the Non Brahmins, but now utilised for the Brahmins, in the name of religion. In India religion plays a wonderful part. To stifle any attempt at reformation of the society the people are made to cry out that the religion is in danger. To direct the utilisation of certain endowments or funds they invoke the help of religion. The attempts of the Brahmin lawyers, politicians and officials have always been to direct these large endowments for the betterment of their own class in the name of religion and national culture.

(v.) In questions relating to occupancy rights in minor inams, allocation of village and town sites to the Untouchables or Depressed classes, Christians and Brahmins, homes exclusively for Brahmin widows and other subjects, there are differences of opinion.

A QUALIFIED DEMAND.

Our demand for communal electorates is a limited one, for we demand it for a short period, say, 25 or 30 years, as a "temporary expedient in a transitory stage" in which all communities and all classes, the humble ryot, the rural peasant and the ignorant cultivator may be trained to start on the road to the attainment of self-government. The Bill provides in Clause 28 for the appointment of a Periodic Statutory Commission for the purpose of inquiring into the development of representative institutions and other connected matters. So there will be scope for the said Commission to consider periodically the necessity for the retention of communal electorates

I understand Messrs. Chandiah, Chakkarai Chetty and Wadia were examined on behalf of the Madras Presidency Association, and deposed that the South Indian Liberal Federation was exaggerating the Brahmin influence. The Madras Presidency Association was brought into existence by the Brahmin politicians to counteract the work of our Federation. It is not a really representative body. Of the gentlemen examined by the Committee, Mr. Chandiah is a Brahmin convert to Christianity. Mr. Chakkarai Chetty is also a Christian and a brother-in-law of Mr. Chandiah. Mr. Wadia is a Parsee and Theosophist of Bombay. None of them can represent the Non-Brahmin Hindus of Madras.

THE URIYAS.

The Uriyas form a Minority Community in the Madras Province, their population being 1,604,321 They differ from their neighbouring Andhras in language, race, customs and manners. Not even a single Uriya was returned to the Madras Legislative Council through election from the time of the establishment of the elected Councils in India. Even in the Municipality of Berhampur they could not secure a single elected seat although they are in a majority. Considering their importance as a separate community and considering their vested interests, the Madras Government usually nominated an Uriya Zenimdar to represent them in the Councils. Under the present scheme the number of nominated seats will be so few that it is difficult to nominate an Uriya always. Further the Uriyas demand two elected representatives in the Councils. In para. 18 of the Franchise Report the Committee stated that claims for

separate electorates were placed before them by the Uriyas of Madras, and they dispense with their demand by simply saying that they did not feel justified in admitting their claim, without assigning their reasons. The Uriyas of Madras will not be content with such a summary disposal of their claim for separate representation. The Anglo-Indians, numbering about 25,965, the Europeans, numbering about 12,692, were given each a separate seat, and Indian Christians, numbering 1,137,208 given three separate seats. So, it is just and reasonable that the Uriyas differing in language and race, and forming a minority community, should be protected by the grant of two separate seats.

CONCLUSION.

The question of Communal Electorates to the Non-Brahmins is a living one. It has stirred both the Communities in Madras. Non-Brahmin officials, traders, landed gentry and peasants are undergoing innumerable sufferings on account of this open demand of their Non-Brahmin leaders for their proper share of representation in the Councils and Public Services. They are enduring the harsh treatment meted out to them with patience, confiding in the even handed justice of the British Parliament, the Mother of all Parliaments and free Institutions.

If this provision of Communal Electorates is not inserted in the Bill by amending the Schedule, there will be transfer of power without adequate representation of the Non-Brahmins, resulting in oppression and tyranny of a majority by a minority, and the establishment of a Brahmin and exclusive oligarchy which is liable to crystallise itself into an adamantine rock on social, spiritual and esoteric foundations. The Non-Brahmins will be thoroughly dissatisfied with the Bill, and I am afraid that discord betweed the two Communities and discontentment will grow day by day. If this great Reform Scheme is to work smoothly for the betterment of the people at large, grant of Communal Electorates is the only means to attain that end.

APPENDIX V.

LETTER AND MEMORANDUM received from *M. Ramachandra Rao* and *M. Chenchenyzer*, representing Audhra Conference, on 25th August, 1919.

Sir,—Referring to your letter, dated 15th August, 1919, expressing the inability of the Joint Select Committee to give a hearing to us and desiring us to submit a memorandum on the subject for the consideration of the Committee, we have the honour to append hereto a memorandum containing the views of the Committee which we represent. The memorandum was presented to the Secretary of State and the Viceroy by an influential deputation from the 11 Telugu Districts of Madras Presidency, and contains the views of Telugu speaking people in that Presidency on the subject of the constitution of a separate Province for them. We have been asked to bring to the notice of the Joint Select Committee that in any Scheme of self-government a rearrangement of the Provinces on a linguistic basis is an essential reform for securing national solidarity. It is hardly necessary to point out that no Province in India, with the exception of Burma, represents a natural unit, and that the existing administrative divisions are so heterogenous as to prove a hindrance to good government. In fact, the authors of the joint report have in para. 246 dealt with this matter, and have expressed a clear opinion that a redistribution of provincial areas is necessary and should be effected by a process of consent of the people concerned. They also expressed the opinion that one of the earliest duties incumbent on the reformed provincial governments should be to test provincial opinion in regard to schemes directed to secure the redistribution.

2. In this connection we venture to invite attention of the Committee to Clause 12 of the Government of India Bill relating to the constitution of new provinces. The clause as drafted does not provide for the ascertainment of public opinion before a new province or a sub-province is constituted, nor does it contain any safeguards that the same form of administration as prevailing in the Province from which it is separated would be guaranteed to the new Province. We feel that the proposal for the appointment of a Deputy-Governor and the creation of Sub-Province is beset with difficulties. In the first place the clause does not define the relation between the executive of a major province and the executive of a minor province. We presume that a legislature will also be created for the minor province with subordinate powers of legislation. If this is the intention, various questions such as the powers of the two legislatures, the powers of representation of the minor province on the legislature of major province, the question whether the administration of the minor province will be entrusted to min sters, these and other questions arise for consideration. If it is the intention of the framers of the Bill that all these questions should be left to the decision of the Governor-General in Council, we see very strong objection to the clause as it stands. We therefore suggest that that portion of the clause as relates to the creation of sub-provinces under a deputy Governor should be deleted and that a new province should only be created when a Governor's province can be constituted with a local legislature such as that indicated in the Bill and with a Governor of the same status as that provided for in the Bill. Our Committee believe that the time is come for the constitution of a separate province for the Telugu Districts of the Madras Presidency and that the public feeling in the Districts concerned is ripe for such a change.

We request that the Joint Select Committee will be so good as to consider the views herein set out and those contained in Memorandum and to place them on the records of the proceedings of the Joint Committee so that the views of the Conference which we represent may be placed before Parliament.

We have the honour to remain,
Sir,
Your obedient servants,
M. RAMACHANDRA RAO,
pp. M. CHENCHENYZER.

45, Westminster Palace Gardens, Artillery Row.
25-8-19.

To the Clerk to the Joint Committee, Government of India Bill.

MEMORANDUM.

The history of Indian administration under British rule reveals a steady growth in the number of provinces in the country, due alike to the gradual expansion of British territory and the need of its rearrangement for administrative purposes. The growth has, therefore, been chronological and was not based on any logical, linguistic or ethnic considerations. Warren Hastings' Regulation Provinces of Bombay, Bengal and Madras have now grown into 15 provinces differing from one another in area, population and importance, and in language, manners and customs. In the present arrangement of provinces, the Mahrattas are divided between Bombay, the Central Provinces and the Nizam's Dominions; the Telugus, between the Central Provinces, Nizam's Dominions, Mysore State and Madras Presidency; the Canarese, between Madras Presidency, Mysore State and Bombay; the Uriyas, between Madras and Behar Provinces and till recently, Central Provinces. Such an arrangement clearly indicates that the grouping was haphazard and that neither ideals of administrative efficiency, nor those of national upbuilding have ever operated in its determination.

2. Nevertheless, there have arisen individual administrators, from time to time, who have had the perspicacity to discover the error in the existing territorial divisions and sketched a correct plan of distribution. Sir John Strachey pointed out that "the political limits of the provinces have little connection with any physical characteristics." Sir Thomas Holderness, observes that "with the exception of Burma, no province represents a natural unit; that is to say, the provinces do not stand for differences of race or language or geographical distribution. They are purely administrative divisions of territory." Sir Bampfylde Fuller wrote, "It would have been well for the country, had its divisions into provinces for purposes of government followed the lines marked by race and language, so as to re-inforce the sympathy which arises from similarity, by feelings of pride in the local government. The existing administrative divisions are so heterogeneous as to have a directly contrary effect." In 1870, Sir George Chesney advocated the constitution of Orissa into a separate province, and in 1900 Sir Francis Younghusband urged the necessity of giving to Sindh a distinct Provincial administration.

3. The object of such a re-organisation would, in the first place, be to develop that *sub-national* spirit which, in a properly constituted province, as pointed out by Sir Thomas Holderness, is not far removed from the beginning of national life. The upbuilding of the Indian nation is only possible on a plan of federation in which each provincial factor shall occupy a sub-national position. To secure this end, the Provinces should be homogeneous and be devoid of elements that lead to inequality of progress, so that, various subordinate centres of self consciousness may come into existence, around which, national life groups itself into distinct units. A clear stretch of contiguous territory, a common language and literature, common traditions and deep down a strong similarity of temper and character—these would constitute an adequate title for the different language—bound communities to be outlined each into a single entity and accorded all those communal and political institutions which illustrate and feed that unity. The existing conglomeration of peoples and provinces has not permitted the creation of such Provincial entities. Pride in local government has not been developed in adequate measure. Local patriotism which, in proper relationship to the larger national consciousness, ought to be "the only safe and sure incentive to right political execution," has not been duly fostered. Again, the present arrangement has manifestly resulted in impairing efficiency of administration by entrusting the administration of the province to men who have had to learn more than one language in the same province. The location, too, of the seat of authority and the centre of influence in one part of the province as against another, has resulted in markedly diminishing the influence of some communities and even denying them certain opportunities for self-development.

4. Some of the evils, notably those which have made administration cumbersome and inefficient, have been recognised by the authorities. The British administrator, however, has not so far paused to consider schemes of constructive re-organisation put forward by the nation-builder. Such events, as the Partition of Bengal, the addition of Assam to East Bengal at one time, and the coupling of Orissa with Behar are instances which prove the absence of true political insight in him in working out changes of real moment and magnitude. On 3rd December, 1902, Lord Curzon's Government wrote:— "The question of territorial and administrative redistribution of India is indeed, in our judgment, one of the most urgent and vital of the many problems for which we are at present endeavouring to find a solution." For the first time, however, a right solution was attempted by the Government of Lord Hardinge when they re-united the five Bengali speaking divisions into one province and integrated the Hindi speaking population of Behar and Chota Nagpur into another. But Orissa was tacked on to Behar, only because the Government of the day had not the imagination to take on hand a comprehensive scheme of reform affecting the whole country.

5. The fault did not lie with the Government alone. Popular ideals had not taken shape, and no constructive plan of Indian Nationality or of Indian Self-Government had been evolved, till the need for this emphasis upon the place and function of language was recognised as of paramount importance. Even the foremost men of the country advocated a re-union of Bengal as a remedy for the evils of Partition; and beneath all the persistent protests against this enforced dismemberment, one looks in vain for any large-eyed policy of territorial reorganisation. Likewise Behar's plea for separation was more for its advancement in education and influence than for integration as a part of a comprehensive scheme. More in tune, indeed, with the idealism of the present day, was the public opinion that faintly expressed itself when the Berars wished to be added to the Maharashtra, though any larger scheme of reorganization was not then enunciated. Latterly the Uriyas, the Sindhis and the Canarese have also put forward claims to separate provincial integration. The Andhra movement however, aiming at the construction of the whole country on linguistic lines, is the first organised effort, working as a true reflex of the larger national ideal.

6. Lord Hardinge's despatch (25–8–1911) laid down that a settlement of boundaries, in order to be satisfactory and conclusive, should provide convenient administrative units. These are at once furnished by contiguous tracts of country, where the people speak a common language. That is why Lord Hardinge had begun the annulment of the partition with a decision to "reunite the five Bengali speaking divisions, and form them into a presidency to be administered by a Governor-in-Council." Again, in paragraph 19, he proceeds to say, "We are satisfied that it is in the highest degree desirable to give the Hindi speaking people, now included within the Province of Bengal, a separate administration. These people have hitherto been unequally yoked with the Bengalees and have never, therefore, had a fair opportunity for development."

As a second principle, His Lordship also declared that "The settlement should satisfy the legitimate aspirations of the people." During the last few years, a new consciousness had dawned upon the people that

opportunities for self development, scope for civic discipline, chances for the cultivation of one's own language and literature, and above all conditions for effectual provincial autonomy, could exist only when each language-area has a scheme of administration wholly unto itself. Recognising this, Lord Hardinge writes in para. 19, as follows: "There has, moreover, been a very marked awakening in Behar in recent years and a strong belief has grown up among the Beharees that Behar will never develop until it is disassociated from Bengal." And Lord Hardinge recognises another factor, when he writes in paragraph 12, "No doubt, sentiment has played a considerable part in the opposition offered by the Bengalees and in saying this, we, by no means under the importance which would be attached to sentiment, even if it be exaggerated.

"The settlement should be clearly based upon broad grounds of political and administrative expediency." What Lord Hardinge's Government intended by it is made clear from paragraph 12:—"As matters now stand, the Bengalees can never exercise in either province that influence to which they consider themselves entitled by reason of their numbers, wealth and culture. This is a substantial grievance which will be felt all the more keenly in course of time as the representative character of the Legislative Council increases, and with it, the influence which these assemblies exercise upon the conduct of public affairs. There is, therefore, only too much reason to believe that this bitterness of feeling will become more and more acute." Another sentence in the despatch emphasises the same idea, where it is said, "that belief among the Beharees (that Behar will never develop until it is disassociated from Bengal) will, unless a remedy be found, give rise to agitation in the near future and the present is an admirable opportunity to carry out, on our own initiative, a thoroughly sound and much deserved change." A comprehensive scheme of reform is now advocated to bring about similar changes all over on the lines indicated in annexure II.

7. The advantages of such a rearrangement are obvious. The removal of the evils already out-lined brings, in its train, results of great value to the progress of the country. The ideal of provincial autonomy would have the surest chance of fulfilment only in homogeneous provinces. In them alone would solidarity of feeling and pride in Local Government develop, and the people thereof having a common language and literature, and inspired by common traditions, would be best able to examine their civic laws and social institution from a common standpoint and judge of their common need for reform and legislation. Lord Hardinge's scheme of Provincial autonomy would bring into existence separate, stable self contained and self-reliant States, in which no one community could retard another in its progress. It is only thus that "All the nationalities in India would be simultaneously started on the road to self-development and ultimate self-government. Those, which advance rapidly, would be given greater facilities and would necessarily be more independent than those that lagged. No greater facilities could be given to the peoples of India than the fostering of local patriotism by the construction of a new map of India on an ethnological and linguistic basis and the consequent friendly inter-racial competition for civilised progress and ultimate autonomy."

8. The organisation of Indian provinces, on natural and linguistic lines, forms but the first step in the achievement of that provincial unity, which is essential to the perfect flowering of Indian nationalism. For the singleness of political administration would prove of no farther significance, if it did not avail itself of those vital forces which sustain and develop communal life among a people. And any Government to be fruitful of those benefits which all Goverments exist, must, in the daily business of administration, relate itself intimately to the life and habits of the people, whom it seeks to govern. Administration is really no more mechanical than education depending for its success in a very vital measure, on the inner psychology of relations between the governing and the governed. One great defect of British administration in India would appear to be the lack of correspondence between the mind of the English rulers and of the Indian people between the demand for organisation and the impulse to respond. Thus, though essentially democratic in temper, the British scheme of Government has lain on its Indian subject races with the weight of arbitrary bureaucracy, while on the other hand, it has found its task of administration peculiarly hard and unsatisfactory, even with a people who have been for ages accustomed to democratic forms and institutions of self-government.

9. One important reason for such small measure of success is doubtless the fact that the daily administration is carried on in a language not understood by the people. The increasing employment of English educated Indian interpreters has never proved any real palliative to the evil of government in a foreign language. For, where the fountain of authority is foreign in *personnel*, the more faithfully and efficiently the task of interpretation is discharged, the more completely does the administration retain its impress of an alien character. So that, government by the English educated Indian has often-times proved itself as an un-Indian in tone and temper, as that by European officers uninformed of the ways of Indian life. Things seem to have been somewhat better, if not radically different, in the days when European administrators learnt the language of the land and were more intimately in touch with the habits and characteristics of the people.

10. But with the universal acceptance of English as the language of administration has come into being a body of English officials with set notions of how to govern India, and a great army of English educated Indians, who function only as passive media for the transference of ideas from the really governing to the vast mass of the governed. These Indian officials, without any power of initiative, have had only the result of putting further away from the vision of the rulers the real people of the land, so shutting off that natural exchange of influences which ought to exist between the governing and the governed. The few Indians in the higher ranks of service have had absolutely no influence in altering the tone and temper of the administration. While Indian opinion in the Legislative Councils has perhaps helped to moderate the rigour of English ideas, it has failed in its essential purpose, because it did not clearly enough realise or interpret the needs of Indian life. If this explanation be right, the one and only remedy must be in the complete *adoption of the vernacular as the language of administration in the land*, and in the necessary modification of the *personnel* of government at least to the limit of the District administration in accordance therewith. But this does not mean that, in th sphere of the hightest government the use of English would not prove essential both in the interest of the uniform evolution of national administration in the land and for the dominance of the finer tradition of the British Raj. But allowing for the inevitable supremacy of both language and *personnel* in the highest sphere of executive government the fountain sources of legislation and administration must be laid entirely in the realm of the vernacular, rendering possible the freest and fullest discussion of all vital problems of public interest, and their publication, as deep and wide, as would be necessary to reach the millions toiling in the Indian villages.

11. Such dominance of the vernacular in administration is bound to make it infinitely easier, more satisfactory, and more efficient, by enlisting on the side of good government the whole force of popular will, where it is substantially in agreement with the will of the executive, by facilitating a full and clear understanding by the people of the purpose and value of the various reforms to be introduced, and by ensuring natural and substantial justice, effecting incalculable saving in time and money, and ultimately by simplifying law and procedure in harmony with the social instincts of an essentially agricultural race. Thus, in many known and unknown ways, the introduction of this reform would make the British Government the nearest approach to a truly national institution springing from the heart of the people and deriving in strength, not from an objective fountain of power, but from the moral and emotional relation of its fundamental unity with the highest interests of national life.

12. Then, again, there is the general proposition, which has found acceptance with all classes of thinkers, that the children of a race would be best educated in and through their own mother tongue; but the full significance of the fact would be realised only when, in a rightly constituted province, the full vigour of national life expresses itself in a rich and varied glorification of the vernacular. The evil of forcing an alien language on the people has served to dry up, at their sources, the very fountain-springs of national power. A century of European education has left the Indian mind richer by a new language but seriously impoverished on the side of initiative and originality. The very extent of apparent success which has attended this tremendous educational experiment may really be accounted as the measure of its failure from the point of view of the evolution of a true national culture. And if it be true that the individuality of a people's culture is their greatest treasure in the eye of humanity, that nothing may weaken or destroy, then surely the primary duty of Government would lie in the restoration, to each vernacular, of that dominance which English now holds over all. For, if a culture is to be constantly replenished and kept alive as a growing entity, the language, which is its vehicle, must be accepted as the one medium of self-expression. Provinces so reorganised, become at once distinctive and potent states, federated together to constitute the mighty Indian Nationality of the future. As separate, self-governing states, acknowledging a suzerian power over themselves, they prepare the vast continent for that ultimate autonomy, which has been acknowledged as the ideal. The demand for self-government, safeguarded and exalted by the high ideal underlying the scheme of reorganisation, would not be exposed to the cavil that it emanates from the self-seeking classes; for, on the plan on which it is designed, it develops a policy beaten out into harmony with the needs of the nation, and serves primarily and for ever the requirements of the millions that toil. Again, provinces thus organised and strengthened would enjoy legitimate opportunities for independent self-development and foster distinctive tributary cultures, whose commingling enriches the central stream of national life; and while there is no antagonism between the consciousness of a separate sub-nationality and national pride and patriotism, modern thought and experience agree in the conclusion that nationalism would surely be counted highest which is compounded of the finest contrasts within the unity of one culture type. From whatever view-point the problem of India's future may be examined, the conclusion is irresistible that for a solution to be final and satisfactory the statesmen in India should display great imagination and courage and carve out natural self-contained provinces, each sustained by a thought of internal unity and organised on a self-governing basis, and all held together and uplifted by a common ambition to realise the individual soul in a life larger and diviner than its own.

ANNEXURE I.

THE TABLE SHOWING THE EXISTING CONDITION OF THE PROVINCES IN INDIA.

Provinces.	Number of Districts.	Area in square miles.	Population.
1. Ajmere-Merwara	2	2,711	501,395
2. Andamans and Nicobars	—	3,143	26,459
3. Assam	1	52,959	6,713,635
4. Beluchistan	6	45,804	414,412
5. Bengal	28	78,412	45,483,077
6. Behar, Chota Nagpur and Orissa	21	83,205	34,490,084
7. Bombay	26	123,064	19,672,642
8. Burma	41	236,738	12,115,217
9. Central Provinces and Berar	22	100,345	13,916,308
10. Coorg	1	1,582	174,976
11. Madras	24	141,726	41,405,404
12. North-West Frontier Province (Districts and administered territories).	5	16,466	2,196,933
13. The Punjab	29	97,209	19,974,956
14. United Provinces	48	107,164	47,182,044
15. Delhi has been made an enclave	—	507	391,828

ANNEXURE II.

REORGANISATION OF PROVINCES ON THE BASIS OF LANGUAGE WOULD ALTER THE MAP OF INDIA AS FOLLOWS :—

Provinces.	Language.	Number of Districts.	Area in square miles.	Population.	Relative size in relation to Belgium.
1 Ajmere Merwara	Local dialects of Rajasthani and Hindi.	2	2,711	501,395	11,300 square miles
2 Andamans and Nicobars	- - - - - - -	—	3,143	26,459	
3 Assam	Bengali 46 per cent., Assames 22 per cent., Hindi and Uriya.	12	52,959	6,713,635	
4 Beluchistan	- - - - - - -	6	45,804	414,412	
5 Bengal	Bengali - - - - -	28	78 412	45,483,077	
6 (i) Orissa, including tracts of Ganjam and Vizagapatam in Madras Presidency. (ii) Uriya	Uriya - - - - -	—	(i) Orissa 13,770 (ii) the rest 10,000	6½ millions	2 times.
7 (i) Behar, Chota Nagpur, excluding Orissa, (ii) Hindi speaking area of Central Provinces.	(i) Behari, (ii) Hindi, the rest.	—	(i) 70,000 (ii) 40,000	30 millions 7¾ millions	10 times.
			110,000	37¾ millions	
8 (i) Berars, (ii) Mahratta speaking area of Central Provinces, and (iii) of Bombay.	Marathi - - - -	—	(i) Berars 17,718	3 millions	
			Bombay (ii) 37,192	6 millions	
			the rest (iii) 20,982	4¼ millions	
			75,892	13¼ millions	7 times.
9 Gujarathi speaking area of Bombay.	Gujarathi - - - -	6	18,710	3½ millions	1¾ times.
10 Sindh	Sindhi - - - - -	6	47,066	3,513,435	4 times
11 Coorg	- - - - - -	1	1,582	174,976	
12 Andhra Province (Telugu speaking area in Madras Presidency).	Telugu - - - -	11 will become 12 districts in a year.	73,318	14 millions	6½ times.
13 Dravida Province (Tamil speaking area in Madras Presidency).	Tamil - - - - -	10	50,000 square miles including Madras	15 millions	4½ times.
14 Malbar Province	Malayali - - - -	1	5,794	3,015,119	½ of Belgium
15 Kannada Province (Bombay and Madras).	Kanarese - - -	7	29,015	6,265,919	2½ times.
16 North-West Frontier Province.	- - - - - -	5	16,466	2,196,933	
17 The Punjab	- - - - - -	29	97,209	9,974,956	
18 United Provinces	- - - - - -	48	107,164	47,182,044	
19 Delhi (Enclave)	- - - - - -	1	557	391,828	

ANNEXURE III.

THE ANDHRA CONFERENCES.

Number of the Conference.	Place.	Date.	Number of delegates.	Name of the President.
The First Andhra Conference	Bapatla, Guntur Dt.	May, 1913	800	Hon'ble Rao Bahadur B. N. Sarma Garu, B.A., B.L., Member, Madras Legislative Council (Now member, Imperial Legislative Council).
The Second „ „	Bezwada, Kistna Dt.	April, 1914	1800	Nyapati Subbarao Pantulu Garu, B.A., B.L., Member, Imperial Legislative Council (Now General Secretary of All India Congress Committee).
The Third „ „	Vizagapatam, Vizag Dt.	May, 1915	1000	Sree Raja Panuganti Ramarayanam Garu, M.A., Member of the Imperial Legislative Council.
The Fourth „ „	Cocanada, Godavary Dt.	May, 1916	1200	Hon'ble Rao Bahadur M. Ramachandrarao Pantulu Garu, B.A., B.L., Member, Madras Legislative Council.
The Fifth „ „	Nellore, Nellore Dt.	June, 1917	999	Konda Venkatappayya Pantulu Garu, B.A., B.L., Secretary, Andhra Conference Standing Committee, Guntur.
The Special „ „	Bezwada, Kistna Dt.	Sept. 1917	780	Ch. V. S. Narasimharazu Garu, B.A., B.L., Ex-Member of the Madras Legislative Council.

ANNEXURE IV.

RESOLUTIONS ON THE QUESTION OF THE ANDHRA PROVINCE.

FIRST CONFERENCE.

Resolution :—

That as some of the Andhras are of opinion

(1) That to ensure efficient administration and the promotion of the best interests of the people of India, the Government will, sooner or later, have to make language areas the territorial basis of provincial administration ;

(2) And that provincial administration on such a basis is necessary in order that both the Self-Government on colonial lines pleaded for by the Indian National Congress and the provincial autonomy approved of by the Government of India may develop on healthy and natural lines, this Conference requests the Andhra Conference Committee, now appointed, to ascertain public opinion on the question whether the Government should be asked to constitute the Telugu Districts into a separate province.

(Sd.) B. N. SARMA,
President.

SECOND CONFERENCE.

Resolution :—

(i) That to ensure the efficient administration and the promotion of the best interests of the people of India, language areas have to be made the territorial basis of provincial administration as far as possible ;

(ii) That provincial administration on such a basis is essential to the fulfilment of the ideals of self-government enunciated by the Congress and of provincial autonomy foreshadowed by the Government of India ;

(iii) That this Conference is of opinion that it is desirable to constitute the Telugu speaking areas of the Madras Presidency into a province : and

(iv) That this Conference urges that public opinion be focussed on this matter by the formation of leagues and other means.

(Sd.) N. SUBBA RAO,
President.

THIRD CONFERENCE.

Resolution :—

(*a*) That to ensure efficient administration and the promotion of the best interests of the people of India, language areas have to be made the territorial basis of provincial administration as far as possible ;

(*b*) That provincial administration on such a basis is essential to the fulfilment of the ideals of self government enunciated by the Congress, and of provincial autonomy foreshadowed by the Government of India ; and

(*c*) That it is proper and necessary to constitute the Telugu districts in the Presidency into a separate province.

(Sd.) P. RAMARAYAN,
President.

FOURTH CONFERENCE.

Resolution :—

This Conference is of opinion

That in order to ensure efficient administration, to promote the best interests of the people, and for the fulfilment of the ideals of self-government in India and as a practical measure for realisation of these ideals, the division of provinces should be based as far as possible on the principle of language ;

That provincial administration on such basis is essential to the fulfilment of the ideals of self government enunciated by the Indian National Congress and of Provincial Autonomy fore-shadowed by Lord Hardinge in his Despatch dated the 25th of August, 1911 ;

That it is proper and necessary to constitute all the Telugu districts into a separate province ;

And this Conference, therefore, resolves that the Government be requested to create such a province as early as possible after the termination of the war.

(Sd.) M. RAMACHANDRA RAO,
President.

FIFTH CONFERENCE.

Resolution :—

This Conference is of opinion

That in order to ensure efficient administration, to promote the best interests of the people, and for the fulfilment of the ideals of self-government in India and as a practical measure for realisation of these ideals, the division of provinces should be based, as far as possible, on the principle of language ;

That Provincial administration of such basis is essential to the fulfilment of the ideals of self-government enunciated by the Indian National Congress and of Provincial Autonomy foreshadowed by Lord Hardinge in his Despatch dated the 25th of August, 1911 ;

That it is proper and necessary to constitute all the Telugu districts into a separate province;

And this Conference, therefore, resolves that the Government be requested to create such a province as early as possible after the termination of the war.

(Sd.) K. VENKATAPPAYYA,
President.

SPECIAL CONFERENCE.

Resolution :—

This Conference is of opinion

(1) That in order to ensure efficient administration, to promote the best interests of the people, and for the fulfilment of the ideals of self-government in India and as a practical measure for the realisation of these ideals, the division of the provinces should be based, as far as possible, on the principle of language;

(2) That Provincial administration on such a basis is essential to the fulfilment of the ideals of self-government enunciated by the Indian National Congress and of Provincial Autonomy foreshadowed by Lord Hardinge in his Despatch dated 25th of August, 1911;

(3) That it is proper and necessary to constitute all the Telugu districts into a separate province;

(4) And therefore this Conference prays the Secretary of State for India and the Government of India to create such province as soon as possible.

(Sd.) CH. V. S. NARASIMHARAZU,
President.

APPENDIX W.

MEMORANDUM Handed in by Mr. *Sapru* on 26th August, 1919 (See Question 7243).

I am in favour of the proposition that it is desirable to bring about the progressive realisation of responsible government in India, and I generally accept the proposition contained in the preamble of the Bill introduced into Parliament. I have, however, one doubt. It seems to me that the second clause of the preamble is not sufficiently wide to provide for the extension of responsible government in the Central Government. The preamble as it is worded restricts the introduction of responsible government to the Provinces only. Even if it be finally decided to try the experiment for the time being in the Provinces, I should widen the scope of the Bill so as to provide for responsibility in the Central Government, in due course, without fresh legislation. In my opinion, however, it is necessary and desirable to introduce some element or form of responsibility into the Central Government simultaneously with responsible government in the Provinces. I would suggest that subjects such as salt, income-tax, railways, posts and telegraphs might be made transferred subjects, subject, of course, to certain reservations in regard to the last three, so far as they affect military considerations. It also seems to me that it would be possible to place a Minister in charge of those subjects, which, in the Provinces, would be transferred subjects.

With regard to the Central Government, I would also urge that the number of Indian members of the Executive Council should be equal to that of the European members.

With regard to the Provinces, I would, in particular, refer to two questions, viz., (a) the transfer of certain subjects, and (b) the subject of the divided purse.

As to (a), I think that the transfer of subjects to popular control in the Provinces should be on a liberal scale, but whatever other subjects may or may not be transferred, I strongly urge that Education as a whole should be immediately transferred. On this subject I stand firmly by the recommendations of the Feetham Committee, of which I was a member, and I regret that I am wholly unable to accept the views of the Government of India in regard to this matter. I think that it would be a fatal mistake to divide Education into water-tight compartments. It should be treated as a whole. I do not wish to say anything as to the transfer of primary education, as the Government of India are agreed that it should be a transferred subject. It is particularly with regard to secondary, technical, and higher education (including medical education) that I wish to emphasise that they should be transferred. The Government of India have had the control of these branches of education for over sixty years, and although I am prepared to recognise what they have done in regard to them, I am bound to say that from the national point of view the result has been very unsatisfactory. In my opinion, these branches of education have suffered, first, because funds adequate to the growing needs of the country have not been found; secondly, because the whole system has been too mechanical and lifeless, and ill-adapted to the social and economic development of the people; thirdly, because of the poor quality of the teaching agency in schools and colleges; and fourthly, because during the last 15 or 20 years educational questions in India have not been decided on purely educational grounds but upon ultimate considerations of political expediency. I strongly object to education being mixed up with politics, official or non-official. Under the present system of control, it is impossible to hope that the educational expert will come into his own. As it is, the final decision on educational policy rests with the Secretariats. I am not prepared to admit that the present system is efficient, and that the transfer to popular control will make it less efficient. At present, the whole controversy between the official and the non-official view centres round the question of expansion versus improvement. At the back of the Indian mind lies the feeling that expansion has been disfavoured by the Government because of political considerations, and that is what is largely responsible for the suspicious attitude of the general public towards the educational policy of the Government. Whilst I am strongly in favour of quality being improved, I do not think it is impossible to increase the quantity *pari passu*. This will, however, involve considerable financial outlay, and it may be necessary to continue to be a reserved subject, there will be considerable difficulty in financing it. I may add that it is beyond doubt that Indians are prepared to find more money for education when and if they feel that they have the power to control educational policy. I need only refer to the large donations that have been made by the general public and the Princes in India for the establishment of the Benares Hindu University, and

also by the Mahomedans for that of a Muslim University. Apart from this, large donations have been made in the past in almost every Province by private individuals for the advancement of secular education. I do not think that there is any force in the contention that the transfer of the subject will lead to the lowering of the standards. The Feetham Committee have provided what I submit are ample safeguards against any such danger. The question of education is pre-eminently a national one, and vitally affects the life of the people in every aspect. If we are to qualify ourselves for full responsible government, the training of the younger generation should be left in our hands. In any case, applying to it the tests laid down in para. 238 of the Montagu-Chelmsford Report, it seems to me that education in all its branches is a fit subject for transfer, and that, if this does involve risks, they are well worth taking. I would add that most of the educational experts who appeared before the Feetham Committee supported the transfer of education as a whole. Speaking with special reference to the United Provinces, from which I come, I would say that the present head of the Government, Sir Harcourt Butler, who was formerly the Education Member of the Government of India, supported such transfer. In the United Provinces the record of the Government in regard even to primary education has not been good, and in regard to technical education we have had a series of disappointments. The question of a Technological Institute at Cawnpore was taken up so far back as the time of Sir John Hewitt, and it has not yet been solved.

I now come to the subject of the divided purse. In my opinion, the divided purse is undesirable for the following reasons:—(i) It will leave no point of contact between the two divisions of the Government. (ii.) It will leave the Legislature without effective control over either section of the Budget. (iii.) Instead of fosterin a spirit of give-and-take between the two divisions of the Government it will promote friction. (iv.) From the taxpayer's point of view, it is desirable that there should be a single authority who should raise the taxes for provincial purposes. (v.) The system of diarchy is only a temporary expedient, and ultimately all subjects must be transferred. It is therefore desirable that the two divisions of the Government should, during the transitional period, understand each other's difficulties and point of view.

With reference to the transfer of the subject of industrial development and the position of the Minister in relation to the Government and the Governor, I have nothing to add to the recommendations of the Feetham Committee, save that, in my opinion, the status of the Governors of the United Provinces, the Punjab, and Behar and Orissa and the method of their appointment should not differ in any respect from that of those of Bengal, Madras and Bombay.

TEJ BAHADUR SAPRU.

Advocate, High Court of Allahabad.
Member of the Imperial Legislative Council.
Late Member, United Provinces Legislative Council.
Late Member, Feetham Committee.
Fellow and Member of the Syndicate of the Allahabad and Benares Universities.
Member, All-India Moderates' Deputation.

APPENDIX X.

MEMORANDUM submitted to the Joint Select Committee on the GOVERNMENT OF INDIA BILL (1919) and connected matters by *the Deputation of the All-India Conference of the Moderate Party*, on 28th July, 1919 (See Question 1039).

1. INTRODUCTION.—The signatories to this Memorandum are members of a deputation appointed under the authority of an All-India Conference of the moderate Party held in Bombay on the 1st and 2nd November, 1918, "to urge on British statesmen, members of both Houses of Parliament, political associations, the Press, and the British Public generally, the wisdom and necessity of supporting the Montagu-Chelmsford Reform Scheme and giving legislative effect to it at an early date, with such modifications and improvements as have been formulated or suggested" in the Resolutions of the Conference.

2. GENERAL ATTITUDE.—We have supported in the main the Joint Report of the Secretary of State and the Viceroy, and we would regard it as a substantial first step towards the progressive realisation of responsible government in India if its proposals be adopted without curtailment. At the same time we advocate certain modifications and improvements in the scheme which seem to us desirable and in certain cases necessary to make it yield the utmost results of which it is capable.

3. DIARCHY.—We are aware of the objections advanced againt diarchy or dual government by its critics. But we have not come across any alternate proposals which, while avoiding dual government, at the same time fulfil the terms of the deblaration of policy made by His Majesty's Government on 20th August, 1917. We have accepted the decision reached in the Joint Report that the progressive realisation of responsible government could be attained only by dividing the fuuctions of Provincial Governments into two parts, one to be administered by a Minister or Ministers responsible to a legislature with a substantial majority of elected members, the other by the Executive somewhat on the present footing. We have accepted the decision as satisfactory because the Secretary of State and the Viceroy have proposed several safeguards expressly for the purpose of minimising the inconveniences of dual government during the transition period. According to the scheme the two parts of the Government are to meet together frequently. All subjects that overlap and all subjects of capital importance should be decided at meetings of the whole Government. In the legislature and before the public the Government is to present a united front. All orders of either half of the Administration are to issue in the name of the whole Government. In particular the Budget is to be a common subject. The resources of the Province and all its revenues, whether derived from taxation or executive measures like revision of land assessment or

increased licence fees, are to be the common possession of the Executive Council and the Ministers, subject, no doubt, to certain fixed charges like the contribution to the Central Government. Taxation is to be a transferred subject, and must be approved by the Minister in charge, but every proposal under this head is to be made under the authority of the whole Government. We are convinced that, tempered in these ways, diarchy is a practicable plan, and when it is remembered that it is intended only for the transitional period the objections to it cease to be in any way formidable.

4. THE ALTERNATIVE SCHEME.—The scheme propounded by five heads of Local Governments as a substitute for that of the Joint Report is open to the objection that it lacks the element of responsibility. Further, it does not make any provision for future stages of progress towards responsible government and vests too great a discretionary power in the Governor over the entire field of administration.

5. THE GOVERNMENT OF INDIA'S RECOMMENDATIONS.—In their letter of 5th March, 1919, the Government of India have made many proposals in modification of the original scheme. We will first summarise the more important of these proposals before making any comment thereon.

1. The heads of the five Provinces which have had Civilian Governors should continue to be chosen from the Indian Services.

2. Where the Governor is a non-Civilian, there should be two European members of the Executive Council, not one as proposed in the Joint Report.

3. A thorough division of finances should be effected between the Executive Council and the Ministry. The balances, the yearly surplus, the sources of income or taxation should all be apportioned between the two halves. Both must have powers of taxation and borrowing. One half may make good the deficiency in the Budget of the other half, according to a scale agreed upon. The Budgets should also be separate. For instance, no resolution may be moved cutting down the provision for a reserved subject in order to increase the provision for a transferred subject.

4. The resolutions of the Legislative Council on the reserved Budget or on the transferred Budget are not to be binding on the Government.

5. Taxation proposals made by the Executive Council may be removed to the Grand Committee.

6. In the interval between the dismissal of a Minister and the appointment of his successor the Governor may take over the administration of the transferred departments.

7. In case a Council is dissolved by the Governor and the succeeding Council does not agree with him, he may resume the transferred subjects with the sanction of the Secretary of State and have them administered by the Executive Council.

8. Joint deliberation of the two parts of the Government should not be ordinarily resorted to.

Every Government order should be issued in a form which will show clearly from which part it emanates.

9. No fresh transfer of subjects should be made at the end of five years.

10. The composition of the Grand Committee should reflect that of the present Legislative Councils. (The proposals on this point have since been modified by the Government of India by the reduction of the Grand Committee to 33⅓ per cent. of the total strength of the Provincial Legislatures.—*Vide* Letter No. 5 of the Government of India, dated 28th May, 1919.)

11. The Governor should have power to certify any Bill on a reserved subject, not merely a Bill on a reserved subject falling within certain categories mentioned in the Montagu-Chelmsford Report.

12. The Legislative Council should not be allowed to appeal against the Governor's certificate to the Governor-General in Council.

13. The Governor should decide which departments are to have Standing Committees, and which matters are to be placed before them.

14. The appointment of Under-Secretaries should be optional. They may be chosen from the nominated or elected section, and they are to draw no salaries.

15. In the Government of India there should be no Standing Committees and no Under-Secretaries.

6. THE EFFECT OF THE RECOMMENDATIONS.—A perusal of the above list is sufficient, in our judgment, to show that, even if only a part of the recommendations be adopted, the effect will be such a great curtailment of the scope and value of the Scheme originally proposed as to make it unacceptable even to its supporters, and also to make it almost unworkable. In fact the publication of the letter of the Government of India of the 5th March and of their letters reviewing the reports of the Southborough Committees has already had a depressing effect on the public mind of India, which has recently been much agitated by other causes. In paragraph 7 of the letter of the 5th March the Government of India say: "It has been no purpose of ours either to whittle down the scheme or to expand it. We take the scheme in the report as one which, in all its essentials, has our full adherence; and our sole aim has been to translate it into a working plan which while free from obvious defects, will be in accord with the policy of His Majesty's Government." We confess we fail to see how this claim can be seriously made for these proposals. Among other things, they make the position of the Minister virtually impossible by, on the one hand, making him responsible to the Legislature, and, on the other, reducing him to the level of an agent of the Governor; and secondly, by denying to the Legislature even a modicum of financial control which lies at the root of all constitutional power, they leave nothing but the name of responsible government in a scheme designed to "realise" it in redemption of the promise of His Majesty's Government.

7. IMMEDIATE MINISTERIAL RESPONSIBILTY.—The original scheme allowed a period of six years (the life-time of two Councils) during which the Minister would not be removable by the Legislature. The Government of India have recommended that the responsibility should be there from the very start, and the Secretary of State has embodied the change in the Bill. We should gladly accept this modification as being in advance of the proposal in the Scheme provided it were accompanied by its logical corollary, namely, endowing the Minister with the power requisite for the fulfilment of his responsibility. In the Scheme itself it was explicitly stated (para. 239): "We do not contemplate that from the outset the Governor should occupy the position of a purely constitutional Governor who is bound to accept the decisions of his Ministers." The position is made worse by the proposals of the Government of India and clause 3 of the Bill. As the Bill provides that from the start the Minister is to be responsible to the

Legislature in the sense that he is removable by its adverse vote, it should logically follow that the position of the Governor should be that "of a purely constitutional Governor who is bound to accept the decisions of his Minister," and we urge that the provisions of the Bill be amended accordingly.

8. THE POSITION OF THE MINISTER.—Neither the Joint Report nor the letter of the 5th March enable us to understand with the Minister's salary should be left, as it is in clause 3 (1) of the Bill, to be determined by the Governor with the sanction of the Secretary of State. It is important that the clause should declare that the salary of the Minister shall be the same as that of a member of the Executive Council.

The Minister's responsibility is rendered difficult for two reasons. First, he has to work with officers not of his choice, nor under his complete control, but who have access to the Governor and may invoke his intercession. Secondly, the Governor is held responsible in the last resort for the welfare of his Province, and has power to direct the Minister to take action against his judgment in certain circumstances specified in the Instrument of Instructions. These limitations, we trust, are to last only for a short period, and the Governor will soon assume the constitutional position of having to accept the advice of his Minister. In the event of his dismissing a Minister and being unable to find a successor, he may dissolve the Legislature. But, if the new House take the same view of the matter in dispute as the old, the Governor must have a clear instruction to yield. The recommendation made by the Government of India that even then the Governor should be empowered to carry out his will by resuming the transferred subjects, if need be, is likely to lead to disastrous results, and will not, we trust, receive any countenance. A general election in the circumstances assumed is in reality an appeal to the judgment of the constituencies on a more or less clearly defined issue, and that judgment must be loyally accepted by the Govenor.

The fact that the Governor is a member of his Executive Council and is intimately associated with its members in the administration of the reserved subjects should make him extremely careful how he interferes with the work of the Minister. As a resolution of the Moderates Conference has it:

"Whatever power may be given to the Governor in Council to interfere with the decisions of the Governor and Ministers on the ground of their possible effects on the administration of the reserved subjects, corresponding power should be given to the Governor and Ministers in respects of the decisions of the Governor in Council affecting, directly or indirectly, the administration of the transferred subjects."

We are aware that, since this resolution was passed, the idea of interference with the Minister by the Governor in Council has been replaced by the idea of interference by the Governor acting singly. But this is an improvement in form only, and does not remove the occasion for our pointing out the essential disadvantages of the Minister's position when compared with that of the Executive Councillor.

9. PROVINCIAL EXECUTIVE COUNCILS.—The Bill, following the advice of the Government of India, keeps the numbers of members of the Executive Councils at four. We note that the Secretary of State says in his explanatory memorandum that ordinarily there will be one European and one Indian, but that, if a second European be in any case appointed, a second Indian will be likewise appointed. We would, however, press the original idea of reducing the number to two, one to be a European and one to be an Indian, and this should be embodied in the Bill. Briefly stated, our grounds are these:—

(1) It has never been found necessary in any Province to appoint four members.

(2) After the appointment of a Minister or Ministers, even three members of the Executive Council will be too many.

(3) As more subjects are transferred, the need for more members will be even less.

(4) The retention of the provision for the appointment of four members of the Executive Council may be urged as a serious ground for resisting the transfer of subjects in the future and increasing the number of Ministers.

10. JOINT PURSE *versus* SEPARATE PURSE.—The arguments against the Joint Purse as propounded in paras. 65 *et seq.* of the Government of India's letter of 5th March, 1919, might appear cogent if applied to a scheme under which there would be a permanent separation between reserved and transferred subjects. But this distinction between the official and the popular part of the Government is only a temporary makeshift, leading up to eventual absorption of the reserved subjects to be controlled by a common machinery. That being so, it is desirable during the transition period to associate the two wings as far as possible as contemplated in para. 256 of the Reform Scheme. We would also refer to para. 246 in which it is stated that "wisdom lies not in equipping each of the different elements with a complete and separate paraphernalia of its own and trusting to their orbits lying sufficiently apart for collisions to be avoided, but in taking every opportunity of bringing the two elements into contact so as to induce the habits of joint action." And in para. 256 of the Report a "financial settlement" as between reserved and transferred heads was condemned as unduly rigid and provocative of friction. The fact that each settlement was made binding for a series of years would not prevent its being constantly attacked if it was thought to lead to the undue endowment of reserved subjects at the necessary cost of the transferred.

The Joint Purse arrangement as explained in para. 257 of the Report is decidedly preferable. Its main advantages are that:—

(1) It closely associates the two wings of the Government and permits Ministers to put forward objections to any proposed increased allotment, for reserved heads in view of the claims of the transferred while, on the other hand, Ministers get an opportunity for appreciating the necessities of the reserved subjects.

(2) The members of the Executive Council, and above all the Governor, with whom the decision must rest in the event of the two wings of his Government being at issue, are not likely to belittle popular demand for expansion of outlay on transferred heads, pressed as this is bound to be in the Legislative Councils, and there is therefore less likelihood of friction occuring under the Joint Purse system than under a system of Separate Purse, which would at the very start give rise to acute opposition to the proposals of Government on the part of the Legislature.

(3) The interests of the reserved subjects will not suffer by the whole Budget being submitted to the vote of the Legislative Council. They will be further safeguarded by the Governor being able, if he thinks it necessary, to restore any allotment which may have been cut down by the Legislative Council, while the fact that additional taxation must be proposed by a responsible Minister makes it certain that this will not be undertaken till no other legitimate method is open for financing the transferred heads.

(4) It will be to the interest of both wings of the Government to avoid undue friction in view of the future Commission to consider further developments.

We would therefore adhere to the plan in the Report, subject, however, to the suggestion which Sir Sankaran Nair has made, namely, that, instead of stating, as in the Report, that the supply of the reserved subjects will have priority over that of the transferred subjects, it should be simply stated that the Executive Government as a whole will apportion the revenue between the transferred and the reserved subjects, and the Budget so framed will be placed before the Legislature.

11. BUDGET RESOLUTIONS.—We note with satisfaction that the proposals of the Government of India on this subject have not found favour with His Majesty's Government in the Bill now before Parliament. The clauses of the Bill on this point, however, are defective and require to be amended in several respects.

CLAUSE 9.—Proviso (*b*) under sub-clause (2) authorises an encroachment on the power of the Legislature to regulate the Budget of transferred subjects. The Governor is to have power in cases of emergency to authorise such expenditure as may in his opinion be "necessary for the safety or tranquility of the Province or for the carrying on of any department." In the first place the Governor must be under an obligation, when he takes such extraordinary action, to certify in specific terms the nature of the emergency that compels it. In the second place the Bill should mention expressly the contingency of the Legislative Council refusing supplies for a department, for that we understand to be the justification for giving the Governor power to sanction expenditure "for the carrying on of any department." In the third place we consider that in such a case the Governor should sanction only such expenditure as was incurred on the department during the preceding year, neither more nor less. In the fourth place, the Instrument of Instructions must contain an express injunction to the Governor that he must not frequently resort to this extraordinary action. Otherwise he might refuse altogether to come to terms with his Legislature.

The expenditure exempted from the yearly vote of the Council by proviso (*c*) should include only the contribution to the Imperial Exchequer, the interest on the public debt, and the salaries of certain high officers appointed by the Crown. We would urge that the dignity and financial control of the Legislative Council would be impaired by the inclusion of the salaries of any considerable portion of the Services under the category. The principle on which the discrimination rests is elucidated by the following passage from the report dated 1849 of a Committee appointed to recommend a constitution for the Australian Colonies:—

"It appears to us hardly consistent with the full adoption of the principles of Representative Government that as to a large part of the public expenditure of the Colony the Legislature should be deprived of all authority; nor does there appear to us any real occasion for imposing a restriction upon the powers of that body which manifests so much jealousy as to the manner in which those powers may be exercised. The expenditure thus provided for is all incurred for services in which the Colonists alone are interested. The Colonists themselves are mainly concerned in the proper and efficient performance of those services; and it appears to us that they ought to possess, through their representatives, the power of making such changes from time to time in the public establishments as circumstances may require. . . . We conceive that it might be advisable by such instructions to restrain the Governors from assenting to Acts making any alterations in the salaries of their own officers, or of those of the Judges, and some others of the public servants, unless these Acts contained clauses suspending their operation until they should be confirmed by Your Majesty's immediate authority. It appears to us that this course ought to be adopted, because we consider that the salaries of the principal officers of the Colonial Governments ought not to be changed without Your Majesty's direct concurrence. . . . We doubt not that such claims would be respected by the local Legislatures, whatever reductions they might see fit to make in other cases; but we think that Your Majesty ought to secure them even from the risk of a hasty and ill-considered decision to their prejudice, occasioned by some temporary excitement. Subject to these qualifications, we are of opinion that complete control over the Colonial expenditure ought to be given to the respective Colonial Legislatures."

Proviso (d) to clause 9 (2) is intended, we recognise, to reproduce a practice which has been found necessary in the Parliament of the United Kingdom. Seeing that at present it is open to members of the Legislative Council to propose any financial measures in the form of resolutions or Bills, subject to previous leave of the Governor in particular cases, it is eminently desirable to allow them in the future to propose increase of expenditure under one head, provided it is balanced by decrease under another, so that the total of the budgeted expenditure is not exceeded. This change we understand to be recommended by the Government of India in the closing sentences of para. 73 of their letter of 5th March. But we do not agree to the limitation laid down by them that the proposed reduction and increase should both relate either to the reserved or to the transferred Budget. Such a limitation would be necessary in their system of a divided Provincial purse; but as we are decidedly against it, and in favour of the original proposal of a Joint Purse, we are opposed to the limitation.

12. GRAND COMMITTEES.—Strong exception is taken by many friendly critics of the Reform Scheme to the device of Grand Committees, but they have become reconciled to it because these bodies were to consist of 40 or 50 per cent. of the Legislative Council, with a bare majority of nominated over elected members. The Government of India now suggest that the Grand Committees should consist of reduced percentages varying from 28 to 37 of the strength of the Council. We strongly object to this suggestion, for thus all vital legislation will be in the hands of a body even smaller than the present Legislative Council.

13. APPEAL AGAINST THE GOVERNOR'S CERTIFICATE.—We are of opinion that the proposal contained in the Montagu-Chelmsford Report (paras. 252 and 254), giving to the Legislative Council the right, by a majority vote, to request the Governor to refer to the Government of India, whose decision on the point will be final, the question whether the certified Bill deals with a reserved subject, should be embodied in the Bill. We think it is not right to abandon it. The objection taken by the Government of India, in para. 82 of their letter of 5th March, 1919, that such a reference by the Legislative Council to the Goverment of India "would impair the Governor's authority and increase the difficulties of his position," presupposes that occasions for such certificate would be frequent and appeals also would always be insisted upon by the Council. It is, on the contrary, more likely that occasions on which the Governor's certificate would be open to the objection that it has been given in reference to a Bill or clause of a Bill or amendment thereof, which does not in reality deal with a "reserved" subject, would be few and far between. The existence of a right of appeal in favour of the Legislature against the Governor's certificate is intended to serve as a check against capricious or perverse use of discretion by a Governor. If the Governor is right in giving the certificate, an

appeal to the Government of India will only vindicate his position. But if he is unwise or indiscreet in the exercise of the enormous power and discretion with which he is going to be, under the new arrangements, invested, and if the Legislature has no remedy against it, its temper is more likely to be inflamed than conciliated. The Government of India say further that in these matters the question will only be a question of fact "about which in most cases no doubt can reasonably arise." If no doubt can reasonably arise, it may be reasonably assumed that the Legislative Council will not, by a majority vote, refer the matter to the Government of India. It will do so only when the certificate has been given by the Governor with reference to a Bill which cannot reasonably be said to deal with a reserved subject. We, therefore, press for the proposal to be given effect to in the Bill and not abandoned, as has been done in the Bill as drafted. In this connection we may point out that the Crewe Committee on Home Administration of Indian affairs recommended that the Governor-General should not certify legislation for enactment by the Council of State without previous approval by the Secretary of State (*vide* para 14, page 6, of the Report). By a parity of reasoning, the Governor should not have absolute power of certification given to him without providing for an appeal to a higher authority against such certification.

14. STANDING COMMITEES AND UNDER-SECRETARIES.—Provision should be made in the Bill for the appointment of Standing Committees and Under-Secretaries as recommended in the Joint Report, not only in Provincial Governments, but also in the Government of India.

15. GOVERNORS OF PROVINCES.—We cannot but view with misgiving the recommendation of the Government of India that for a time the Governors of the United Provinces, the Punjab, the Central Provinces, Behar and Orissa, and Assam should be chosen from the Indian Services—that is in effect from the Indian Civil Service. The Government of India's letter mentions an "understanding" to this effect. If there be one, we must express our disapproval. The office of Governor in future will be one of extraordinary difficulty and delicacy, and requires a combination of qualities which could ordinarily be expected only among persons trained in the public life of a free country and the practice of parliamentary institutions. While we would not shut out the best talent of the public services of India, we think the rule should be to choose the future Governors, as far as possible, from the public life of Great Britain.

16. THE INSTRUMENT OF INSTRUCTIONS.—This document, as drafted by the Government of India, calls for a few remarks. As has been stated already, it should include an instruction that the Governor should yield to the verdict of the constituencies when he has dissolved the Council and appealed to them. Instruction VIII. mentions the legitimate interests of the European and Anglo-Indian community. "Legitimate" ought not to be construed to mean "existing" or "recognised at present." The Criminal Law and the Arms Act and the practice as regards recruitment and conditions of certain services allow these communities certain privileges which it should be open to the Legislatures to modify. If the Governor considered them legitimate, he could maintain them in disregard of the wishes of the Legislature. No. XI safeguards the interests of schools and colleges maintained by religious bodies. If they now have any undue advantage, and the Legislature desires to do away with it, it should not be left to the Governor to set aside the decision of the Legislature. In general, expressions like "legitimate," "recognised," "unfair discrimination," must not be so interpreted as to bar the removal of existing inequalities and injustices.

17. CHANGES AFTER FIVE YEARS.—Paragraph 260 of the Montagu-Chelmsford Report held out the expectation that five years after the first meeting of the reformed Councils the Government of India should consider applications from the Provincial Governments or Legislatures for the modification of the lists of reserved and transferred subjects and make recommendations to the Secretary of State; and also that they should be able to direct that Ministers' salaries should be voted annually by the Legislature, and that, failing any such direction by the Government of India, the Legislative Councils should have power to demand by resolution that Ministers' salaries should be so voted. On account of the proposal of the Government of India to make the Ministers responsible to the House from the start having been embodied in the Bill, the latter object of para. 260 does not survive. But the importance of the first part of that paragraph not only remains unaffected, but becomes all the greater, on account of the Function Committee's Report having been framed presumably on the understanding that, whatever grievances there may be in any Province as to its recommendations to transfer certain departments and reserve others falling short of public expectations, the people of the Province through their Legislative Council will have an opportunity, five years after the new Councils come into existence, to have their grievances redressed by claiming, and, if a case is made out to that effect, getting some "reserved" department or departments "transferred" to Ministers—a claim which may conceivably receive even the support of the Provincial Government. For instance, in Bombay, the Governor's Executive Council, we believe, was equally divided on the question of making "land revenue" a "reserved" subject. The three Indian members of the Functions Committee strenuously urged that "land revenue" be made a "transferred" subject in Bombay. They were defeated by a majority of only one in the Functions Committee, and they gave in presumably on the understanding that it was only a question of a short period of five years more, at the end of which the reformed Legislative Council, backed up, it may be, not by an equally divided but by a majority vote, possibly even a unanimous vote of the Governor's Executive Council, will be able to secure the removal of "land revenue" from the "reserved" list and its inclusion in the "transferred" one. If this legitimate expectation is now going to be frustrated on account of the opposition of the Government of India to this proposal for a survey after five years, the Report of the Functions Committee as to the "reserved" and "transferred" subjects in the various Provinces will have to be immediately modified by adding to the latter some of the subjects which the Committee have deemed it right to "reserve" at the start. The opposition of the Government of India (*vide* para. 111 of their letter of 5th March, 1919) is based on the ground that it is desirable that the changes now to be made should continue "for a prolonged period" and should not be disturbed until the proposed statutory Commission came after ten years and reported, and that no expectation of intermediate advance should be held out to the people. Apart from the unfairness of this proposal to block progress and prevent the fulfilment of legitimate expectations even in the case of advanced Provinces, while starting them on a career of responsible government on the express understanding that they may legitimately expect a further advance after five years of successful administration of the limited number of departments at present proposed to be "transferred," the Government of India fail to see that "a prolonged period" of no change would intensify and increase inordinately the demand which accumulated grievances would impel the elect of the people to make at the end of the "prolonged period." Timely advance checks extravagant demands. "A prolonged

period" of no progress places a premium on them. We are strongly of an opinion, therefore, that the Government of India's opposition to the first part of the proposal contained in para. 260 of the Montagu-Chelmsford Report should be over-ruled and the provision in question be embodied in the Bill in clear terms. Omission to do so would not reconcile thoughtful opinion in India to the report of the Functions Committee as to "reserved" and transferred" departments in the various Provinces.

18. THE FRANCHISE COMMITTEE'S RECOMMENDATIONS.—(*a*) These have our support generally, and we do not approve of the changes suggested by the Government of India, but we strongly advocate a system of direct election to the Legislative Assembly from the very start. (Messrs. Surendra Nath Banerjea and Sastri dissent from this view.) In particular we uphold the decisions of the Committee as regards the mode of election to the Council of State, the number and composition of the Legislative Assembly, the grant of representation to the Universities, the relative proportions of urban and rural representation, and the proportion of seats assigned to the Mahomedans of Bengal. On this last point we wish to make one observation. In the Lucknow compact the Bengal proportion and the United Provinces proportion were considered mutually dependant, and in a less degree all the proportions must be considered as one whole, so much so that to disturb any one them is inevitably to disturb all, and so reopen a dispute happily settled by mutual agreement.

(*b*) NON-BRAHMIN HINDU COMMUNITIES.—On this vexed question the All-India Conference of Moderates passed the subjoined resolution unanimously as a compromise:—

"The franchise should be so broad and the electorates so devised as to secure all classes of taxpayers their due representatives by *election*, and the interests of those communities or groups of communities in Madras and the Bombay Deccan and elsewhere who at present demand special electoral protection should be adequately safeguarded by introducing a system of plural constituencies in which a reasonable number of seats should be reserved for those communities till the first Parliamentary Commission of Enquiry."

(*c*) WOMEN'S FRANCHISE.—We wish to recommend that women should be admitted to the franchise on the same qualifications as men, differing in this respect both from the Franchise Committee and from the Government of India. Messrs. Surendra Nath Banerjea and Sastri do not accept this view for the reasons stated in the report of the Franchise Committee.

(*d*) DISQUALIFICATIONS OF CANDIDATES.—We dissent emphatically from the Government of India's opinion in favour of the retention of the present list of disqualifications. The Committee's revised list is on sound lines, but we wish they had removed the bar on account of dismissal from Government service. We would press the view of the minority of the Committee (consisting of Lord Southborough and Messrs. Banerjea and Sastri) that it is wrong on principle to maintain a disqualification which arises from and may be cured by Executive action.

(*e*) RESIDENTIAL QUALIFICATION FOR CANDIDATES.—The Committee recommend that candidates should have a residential qualification in Bombay, the Punjab, and the Central Provinces, but not in the other Provinces. It appears to us, however, that there is no justification for this discrimination, and we would abolish it throughout.

19. THE FUNCTIONS COMMITTEE'S RECOMMENDATIONS.—(*a*) We are strongly of opinion that, if education and industries be not wholly transferred, the reforms will be robbed of half their value. They are two of the subjects with whose proper administration the future of the Indian people is intimately bound up, and should be entrusted to their elected representatives.

(*b*) LAND REVENUE should be a transferred subject in Ryotwari Provinces.

(*c*) PROVINCIAL TAXATION has been already mentioned as a subject that should be transferred.

20. DIARCHY IN THE CENTRAL GOVERNMENT.—We urge strongly that an element of responsibility should be introduced into the Government of India by placing some departments under a Minister who will be amenable to the control of the Legislature. Salt, Income Tax, and "General Stamps" suggest themselves readily to the mind in this connection. Subject to conditions imposed by military considerations, Railways and Posts and Telegraphs may also be dealt with in the same way. These are essentially departments which render services to the public, and there cannot be any political considerations operating against their transfer to popular control, subject to the conditions above mentioned. Again the power of the Government of India to supervise the administration of transferred subjects in the Provinces is obviously one which should be exercised by a Minister responsible to the Legislative Assembly. In this connection we invite attention to para. 18 of the statement by Sir James Brunyate appended to the Crewe Committee Report, p. 24, in which he outlines a grouping of all-India subjects into the categories of "controlled" and "popular," though with a more limited object.

The third formula enunciated in the Montagu-Chelmsford Report lays down that the authority of the Government of India shall not be impaired in any way. In other words, whatever means might be adopted to make it increasingly amenable to popular influence, it shall remain independent of popular control. The elected representatives of the people are to have greater opportunities of criticising and embarrassing the Government without the check, as in the case of the members of the Provincial Legislative Councils, imposed by a sense of responsibility. It is the absence of this element of responsibility which forcibly strikes the authors of the Joint Report as the fundamental defect that vitiates the existing system of government and the Congress-League Scheme. And it is the introduction of this element into the Provincial Legislatures that constitutes the chief value of the declaration of August, 1917. Such being the importance of this principle, which is to be the keystone of the new fabric, how can its application be withheld from the most important sphere, viz., the Government of India, where it is needed at least as much as anywhere else? The Report does not contemplate, nor is it compatible with the line of argument adopted therein, that at any particular time when the people may be supposed to be ripe for it the entire Government of India should at one stroke be brought under the control of the popular representatives. The scheme propounded in the Report is based on the principle of "successful stages" and "progressive realisation," which applies to the Government of India as much as to the Provincial Governments. Those who are capable of managing education, local self-government, and industries in the Provinces will surely be able to administer the Salt and Income Tax departments. The mere extension of the range of jurisdiction can create no new problems, and should, therefore, give rise to no feeling of hesitation or anxiety.

One of the main objects of the scheme is to provide a machinery for securing future advance which will obviate the need for agitation. To a certain extent this object will be attained by the proposal to appoint Commissions periodically under the authority of Parliament with the express purpose of recommending suitable stages of progress in the Provincial sphere, but so far as the Government of India is concerned neither initial nor subsequent advance is explicitly provided for. The result is that agitation will be inevitable, and from that point of view the scheme stands self-condemmed. It is plain that the people of India will not rest content with authority in Provincial matters. Her destinies are largely in the hands of the Government of India. To take no steps to bring some part of it under the authority of the people, argues an inability to appreciate the dominating factor in the Indian political situation, viz., the desire of the people to have a hand in the shaping of their destinies. This idea is referred to here and there with approval in the Report, but no definite provision has been made for carrying it out, nor is there any attempt to define the stages by which the goal of full responsibility is to be reached. "The inevitable result of education in the history and thought of Europe," say the authors of the Joint Report, "is the desire for self-determination; and the demand that now meets us from the educated classes of India is no more than the right and natural outcome of the work of a hundred years." But the Report provides no method in the Central Government of satisfying this natural and legitimate demand.

It cannot be contended that the transfer of a few provincial services to popular control constitutes a serious step towards this end. Some comfort may be derived from the language of paragraph 288, which says that one of the duties of the periodic Commissions will be to examine and report upon *the new Constitution of the Government of India*, but the hope is rendered almost illusory by the words "with particular reference to the working of the machinery for representation, the procedure by certificate, and the results of joint sessions." It appears, thus, that the Commissions will have power to recommend not constitutional changes with a view to the establishment of popular government, but small improvements in the constitutional machinery which experience may render necessary or desirable. We are left in no doubt in regard to this matter. The Report itself states that the object of the proposals set forth in it is to make a beginning in responsible government in the Provinces, which must be completed before a similar process is begun in the Government of India. We are unable to understand the necessity of waiting for the completion of responsible government in the Provinces. *Hanoz Delhi dur ast* fails to convince us. In the world there is no such sharp demarcation. The affairs of life are inextricably intertwined, and progress in any one direction means increased capacity in all other directions. Apart from this, we have to guard against the inevitable danger that if the bureaucracy is taught to regard any part of the Government as specially its own, it will bitterly resist all attempts to transfer it into other hands. The Cabinet must bear in mind that the bureaucracy has to be taught at least as much the virtue of subordinating its self-interest to the good of the country as the people of India the art of governing themselves. Moreover, the progress of responsible government in the Provinces will be injuriously affected by the limited vision of an unreformed Government of India, which is to have not only overriding and concurrent power of legislation, but also the power of acting as an arbiter between the Governor and his Council and of sanctioning the removal of services from the reserved to the transferred group.

The only justification urged for this glaring omission to provide for the popularisation of the Government of India is found in paragraph 190: "For such hybrid arrangements precedents are wanting; their working must be experimental, and will depend on factors that are yet largely unknown. We are not prepared, without experience of their results, to effect like changes in the Government of India." The excessive caution displayed here is utterly inconsistent with the spirit which animates the Report. It anticipates confidently that within five years of the beginning of the experiment sufficient progress will have been made to justify making Ministers responsible to the Legislature and to admit of an increase in the number of transferred services, and bids the first Commission enquire whether full responsible government may not be conceded at least in some Provinces. The Report no doubt also contemplates the withdrawal of a subject from the control of Ministers, but the exercise of this power has obviously been provided for more to give an air of logical completeness to the scheme than for any practical purpose. We are unable to understand, therefore, why the Secretary of State and the Viceroy, who are so hopeful of the success of the experiment in the provincial sphere, should lose courage and be filled with apprehension when it is proposed that popular control should be extended to the national sphere also. Unless this is done, the scheme will be inconsistent with itself, the spirit of the declaration of 1917 will not have been fully carried out, and England will not be able to claim justly that she has set India firmly on the road to self-government.

The Report says that progress in every domain cannot go on at the same pace. There need be no correspondence in the steps which are taken to enable the Indian and the Provincial Governments to march to their appointed goal. The Minister or Ministers in charge of the transferred subjects in the Government of India will be responsible to the Legislative Assembly and not to the Council of State. The relations between the two Houses may be revised in other respects also, though *prima facie* there does not seem to be any need for it. The critics of the Council of State may become somewhat reconciled to it if certain departments are placed under the control of the Legislative Assembly.

21. FISCAL AUTONOMY.—Fiscal independence is the next important thing that we earnestly press for. England imposes free trade on India, and in the opinion of most Indians this policy stands in the way of the development of indigenous industries and manufactures. We are aware that some inter-Imperial arrangements are contemplated by which a system of preferential tariffs may be established. We trust that they will be equitable in their incidence on India, not merely in name, but also in fact. Subject to such limitations the Government of India and the Legislative Assembly should be given the same power of regulating their tariffs that the Dominion Governments and Legislatures enjoy. This would mean in practice that the Government of India should no longer be under an obligation to refer tariff proposals to the Secretary of State for his previous sanction, and that when the Legislative Assembly, agreeing with Government, has passed those proposals the Secretary of State will as a rule refrain from refusing sanction to them. This will be an act of bare justice to the people of India, and is based on a principle the adoption of which has been unanimously recommended by the Committee appointed under Lord Crewe to consider among other things the future relations between the Secretary of State and the Government of India.

22. THE VICEROY'S EXECUTIVE COUNCIL.—The Joint Report and the letter of the 5th March agree in recommending a second Indian member in the Executive Council of the Viceroy. We do not consider this adequate. Seeing that the numerical limit of the Council is now to be taken away, the rule for the future

should be that one half of the Executive Government should be composed of Indians, including the Minister, if one should be appointed.

23. PRESIDENTS OF POPULAR HOUSES TO BE ELECTED.—The official scheme of reforms, seeking to train the people of India in the exercise of responsible government, proposes to create for the purpose a legislative assembly in the Government of India and legislative councils in that of the Provinces. These bodies are intended to afford the elected representatives of the people a constitutional means of expressing their will. In the provincial sphere this will, being, of course, the will of the majority of elected representatives, is to be carried out, as regards certain functions of government, by Ministers dependent for the tenure of their office on the pleasure of the majority of the Legislature and, as regards the other functions, by Executive Councillors, except in certain cases removed from such control by the certificate of the Governor. In the sphere of the Central Government the will of the majority of the Assembly can never prevail by itself: it must be concurred in by the majority of another House, called the Council of State, or by a majority of a joint session of the two Houses. The Governor-General likewise has it in his power by issuing a certificate in a specific form to remove a subject altogether from the jurisdiction of the Assembly. In both spheres, therefore, the Executive has the means of overriding the decision of the popular Houses whenever it deems such a course absolutely necessary. This safeguard being provided, it becomes possible, and to make the training of the people in responsible government effective it becomes necessary, to make the popular Houses fully popular. This view does not seem to have been vividly present to the minds of the distinguished authors of the official scheme.

The popular character of these houses is likely to be seriously impaired by one of their proposals—that the President should be the head of the Government and the Vice-President an official nominated by him. We take strong exception to this provision, and hope the public will do the same. So far as we know, there is no constitution where a popular House is presided over by the head of the Executive. Even the Reichstag of Germany is no exception. When the scope and functions of the popular Houses in India are subject to strict limitations, why they should be further constrained by the presence and authority of the Viceroy or the Governor it is difficult to understand. Barring a few persons of eminence and courage, the other members must feel more or less oppressed under the eye of one who is the fountain of honour and patronage, and the freedom of speech which is the very breath of a popular House cannot but be prejudicially affected. If these exalted officials were to be invariably chosen from the public life of Great Britain, there might be the surety of the high traditions of the Mother of Parliaments being made familiar and maintained in India. Even then our objection would only be weakened, not altogether obviated. But the official scheme makes governorships open to the services in India. This would greatly reduce the chances of impartial administration of the standing orders, the maintenance of the privileges of the House, and that broad-minded tolerance of full-dress debates, piquant personalties and fearless criticism of Government measures which give to the proceedings of Parliament their peculiar value and character. We know that it will take time for the extraordinary impartiality and solicitude for the honour of the House which characterise the office of the Speaker of the House of Commons to grow up in India. It is precisely for this reason that we would lose no time in training non-official Indians to such high responsibility, and it is not clear to us how or in what respects a member of the Indian Civil Service, for example, however distinguished and efficient he may be, would be better fitted than an eminent lawyer, let us say, to interpret the rules of the House, to give prompt and correct decisions on points of order, and to hold the scales even between the parties or between the Government and the private member. Long exercise of executive authority would tend rather to unfit a man for the duties of President of a popular House.

24. THE PUBLIC SERVICE IN INDIA.—Clause 24 of the Bill gives to the Executive rule-making power in relation to the Public Service in India, and Clause 26 provides for the appointment of a Public Service Commission. It is stated in the Secretary of State's Memorandum regarding the Bill (p. 11): "This Part deals with questions affecting the public Service on the lines recommended by the Government of India in the Despatch of 5th March (paras. 43 to 55)." The whole tendency of these paragraphs of the Despatch is to buttress the position of the various Services—it may be in varying degrees—against possible interference by Ministers or Legislatures in India. The acceptance of the Government of India's proposals will increase the by no means small difficulties of Ministers and prevent, more or less effectually, the Legislatures from reforming the conditions of the Services as they may deem it right to do in the public interest. Scarcely any other administrative question has aroused so much interest among Indians during long years as the subject of the Public Services, and naturally they do not view with equanimity the prospect that even when they are endowed with a modicum of political power they will be deterred from dealing with the Services. The Governments of the United Provinces and Behar and Orissa proposed that "appointments, etc., of Provincial Services" should be a transferred subject, but their proposal has not been accepted. Our views on the subject are those stated by Prof. A. B. Keith in para. 29 of his Minority Report (Report of the Crewe Committee, p. 47), but we do not approve of his suggestion that the legislation of the subject should be passed before the coming into operation of the Reform Scheme. We urge that the clauses of the Bill be amended accordingly.

25. SECRETARY OF STATE IN COUNCIL AND INDIA OFFICE.—We are glad that the Bill provides that the salary of the Secretary of State shall in future be paid out of moneys provided by Parliament. For the rest it was decided to await the publication of the Report of Lord Crewe's Committee before definite proposals were made. "It was then intended," says the Memorandum of the Secretary of State, "to lay that Report before the proposed Joint Committee proposals as to provisions to be included in the Bill."

The Crewe Committee's Report has since been published, and we shall state in brief our views on the proposed reforms in the "Home Administration of Indian Affairs." The Report was not unanimous, three members, Sir James Brunyate, Mr. B. N. Basu, and Prof. A. B. Keith, having put in separate minutes or reports. We regret the Committee have not made any recommendations upon the question, which statutory functions now vested in the Secretary of State should be discharged in the United Kingdom, and which should be discharged in India. We would accept generally the views of Sir James Brunyate in regard to the classification of the functions into those which should form the subject of statutory devolution, those that should be delegated to the authorities in India, and those that should form the subject of convention or conditional devolution (paras. 6 to 17 of the Statement, pages 21 to 24 of the Report). The present stringent financial control of the Secretary of State has arisen from the statutory declaration in section 21 of the principal Act in regard to the Revenues of India. We are also in favour of the grouping of subjects

as proposed by Sir James Brunyate in para. 27 of his statement. We agree with the five recommendations of the majority of the Committee under the head "Relations between the Home and Indian Administrations," subject to the qualification as regards recommendation (iii.) (para. 35 of Report),* that in our opinion the guiding principle should be "that the administrative control of Parliament over the Government of India exercised through the Secretary of State should continue, except in so far as the control of the Legislature on the spot is substituted for the present Parliamentary control." (Resolution X (*a*) of the All-India Conference of the Moderate Party.) The reason for this is obvious—that there should be responsibility either to the people of India or to the people of England.

As regards the Secretary of State's Council, our position is that "until the India Council can be abolished by substituting Indian control for the control of Parliament over the affairs of India, it should be a mere advisory body with its strength reduced to eight members, four of whom should be Indians." (Resolution X (*d*) of the All-India Conference of the Moderate Party.) Three out of the four Indian members should be appointed in the manner recommended in para. 24 of the Committee's Report, and the fourth direct by the Secretary of State as recommended in Mr. Basu's Note (para. 15, p. 34). Of the remainder one-half may be persons who have served the Government of India and not left India more than three years earlier, and the remainder may be appointed at the absolute discretion of the Secretary of State. The term of office of members should be fixed at not more than five years; they may even be given the option to retire at the end of three years. We agree with Sir James Brunyate "that the present Bill should re-establish the Council of India for a named period only, say, twelve years, so as to enable the whole matter to be re-examined at the next decennial inquest. Then, if the Council be still required, its life can be extended, but the onus of proof will lie on its defenders. If it is found not to be wanted, its term of life will run out automatically." (Para. 28 (3) of Statement, p. 29 of Report). If it is worth while keeping up the Council at all, it is of no utility in our opinion to strip off its title and status and call it by another name as the majority of the Committee recommend in para. 24 of their Report. We agree on this point with Sir James Brunyate and Mr. Basu. But we do not think it necessary to maintain it at its present strength, and have suggested that it may be composed of eight members for the reason that with the transfer of a number of departments to popular control and the larger delegation or devolution of power to the Provincial or Central Governments in India itself it should be possible to abolish several departments of the India Office and to reduce the quantity of work in others. We cannot think that the volume of work will remain anything like what it has been. The Committee have recommended (para. 29) "the tranfer of the agency work of the India Office to a High Commissioner for India or some similar Indian governmental representative in London." We hope that suitable Indians will be appointed to this new office at least as freely as the British, and we would suggest that the High Commissioner should be assisted by an Advisory Board or Committee, of which not less than one-half of the members should be Indians. The existence of such an advisory body will produce confidence among Indians that their interests are safe.

We would press the proposal made in the joint scheme of the Indian National Congress and the All-India Moslem League, and repeated in Mr. Basu's Note (para. 17, p. 35 of Report), "that there should always be an additional Indian permanent Under-Secretary of State." We would further urge that a fair proportion of the higher officials of the India Office should be selected from among Indian officers of the Governments in India. Competent men with the requisite knowledge and experience are available, and they may be brought here on deputation for, say, three years. We endorse Mr. Basu's strong plea on this point. We are glad that the Committee have not recommended any "formal system of interchange of appointments between members of the India Office and the Indian Services." We do not think it necessary, and are not persuaded that it will even be expedient, to depute officials from here for periods of service in India.

On the question of the apportionment of the charges of the India Office between British and Indian Revenues, we approve of the Committee's recommendations embodied in para. 32 of their Report (p. 12).

We strongly differ from the Committee's recommendation that a Select Committee of the House of Commons on Indian affairs as proposed in para. 295 of the Montagu Chelmsford Report should not be appointed. Parliamentary control over Indian affairs will cease when a system of complete responsible government has been established in that country, but during the period of transition Parliament will remain responsible for a substantial and very important part of the governance of India, and we are convinced that the proposed Committee will exert a wholesome influence on administration. We do not share the Crewe Committee's fear that there will be interference in details. This is improbable in the last degree. The report of the Select Committee, published a little time before the annual Indian debate, is more likely to increase the interest of other members in Indian affairs than, as Lord Crewe and his colleagues apprehend (para. 33 of Report), to confine it "within even n rrower limits than at present." Nor is there any reason to make it a Joint Committee of both Houses of Parliament. The annual Indian debate refers primarily to finance, and takes place only in the House of Commons. We may mention that as far back as 1894 the Indian National Congress urged that there should be such a Select Committee of the House of Commons.

26. We urge that the views put forward and suggestions made in this Memoranda be given effect to in the Bill now before Parliament and in the rules made thereunder

SURENDRA NATH BANERJEA, *President.*
W. A. CHAMBERS,
M. G. CHITNAVIS,
K. G. GUPTA,
B. S. KAMAT,
H. N. KUNZRU,
B. C. MITTER,
M. RAMCHANDRA RAO,
PRITHWIS CHANDRA RAY,
K. C. ROY,
V. S. SRINIVASA SASTRI,
C. Y. CHINTAMANI, } *Hon. Secretaries.*
N. M. SAMARTH, }

23, Westminster Palace Gardens,
Victoria Street, London, S.W.1.
July 25, 1919.

* "As a basis of delegation, the principle of previous consultation between the Secretary of State and the Government of India should be substituted in all cases in which the previous sanction of the Secretary of State in Council has hitherto been required"

APPENDIX Y.

EXTRACTS from Note on Report on Indian Constitutional Reforms sent to the Bengal Chamber of Commerce by Messrs Graha & Co., Calcutta, on 6th September 1918, handed in by Sir *James Meston*, K.C.S.I., on 26th August 1919. (*See* Question 6997.)

"*Budget Procedure, paragraphs* 255–7.—It is proposed that the first charge on the revenues shall be the contribution to the Government of India, the second charge the allocations to the reserved subject, and the balance whatever it may be, will be handed over to the Ministers who, if they have not got enough funds for their needs, may propose new taxation.

"All matters regarding the budget may be discussed in Council, and presumably transfers may be proposed as between the reserved and transferred subjects, or as between items in the transferred subjects. The Governor may refuse to accept resolutions regarding the reserved subjects, but as regards transferred subjects the budget would be altered according to the resolutions.

"The whole subject bristles with difficulties, but we can scarcely imagine a scheme less calculated to avoid endless discussion and friction, both between the members of Government, and in the Legislative Council, than the scheme proposed.

"Even at present there are endless resolutions and discussions on the budget, proposing transfers from the unpopular to the popular heads, and it is certain that if the scheme as proposed is carried into effect discussions and friction will be interminable, and the Governor's veto will be exercised in an innumerable number of cases.

"It is certain that the legislature responsible for the transferred subjects, left with the balance of the revenue after other interests have been satisfied, will harbour a grievance which will be expressed by their manner of treating the budget.

"The inadvisability of the proposed system has been argued from different standpoints

"It has been argued by one side that it is grossly unfair on the Ministers to leave them with the entire onus and odium of taxation when the reason for the taxation may be the extravagance of the Executive Council; on the other hand it has been argued that since the taxation is imposed and collected by Government as a whole, the onus and odium must fall on them whether the reserved or transferred subjects are responsible for the taxation.

"Further we are strongly of the opinion that the responsibilities to be transferred should be real, and unless the Indian politician is made to understand that combined with the pleasure of spending money there is the disagreeable duty of extracting it from others, no lesson in self-government will be learnt.

"It has been pointed out that it is proposed to transfer all the popular subjects such as education, sanitation and public works, and to reserve the unpopular subjects such as police and law courts; if to these is added taxation, for we maintain that unless taxation for transferred subjects is in some way labelled it will be regarded as Sircari taxation, whoever may be responsible for its inception, then the Governor and his Executive Council will be cursed for all the evil doings of Government, and the Ministers will be blessed for all the benefits conferred.

"In our opinion an attempt must be made to allocate certain sources of revenue to the Executive Council, and other sources to the Ministers, just as is done between the Government of India and the Provinces, and to earmark these sources of revenue, and if either the Executive Council or the Ministers want more money they must raise it themselves by taxation.

"It is argued that since the Executive Council under the Governor is responsible for the essential items of Government they must not be allowed to run the risk of shortage of funds owing to famine, especially because their principal source of revenue is the Land Revenue; this contingency is however safeguarded by the Famine Relief Fund (paragraph 204). It is also argued that the large heads of provincial revenue are small in number; this is true but should not present an insuperable difficulty. Land Revenue, Excise Judicial Stamps, Forests and Registration are all large heads.

"It is not in our province to work out a scheme providing for separate heads of revenue to be allotted to reserved and transferred subjects, but we are satisfied that it can be done.

"We therefore recommend that the Provincial Revenues should be carefully examined and an attempt, should be made to allocate them to reserved and transferred subjects in proportion to probable initial expenditure on the lines of the allocations to the Government of India and the Provinces, and that the parts of Government in charge of the reserved and transferred subjects should in the future be separately responsible for increasad or new taxation necessary for their own subjects.

"We object to the alteration of any part of the budget if by this is meant the right to transfer from one subject to another.

"In the British Parliament the House of Commons cannot vote money for any purpose whatsoever, except at the demand and upon the responsibility of Ministers of the Crown; it cannot of itself insist on the raising of money by taxation or otherwise, or on spending it on a particular object; it can only agree to or refuse the proposals of the Ministers.

"We therefore recommend that resolutions on the reserved subjects, if carried, shall not be binding on the Governor, and the resolutions on the transferred subjects shall only be binding in so far as they follow the procedure laid down for the British Parliament and that no resolutions shall be allowed to be discussed which propose transfers from one subject to another."

ADDENDA TO APPENDIX Y.

Revenue and Expenditure of Bengal—Rev. Est., 1917-18.

(Figures given in 1000's of Rupees.)

	Revenue.		Expenditure.	
	Reserved.	Transferred.	Reserved.	Transferred.
1. Refunds	—	—	2,30	—
2. Assignments	—	—	82	—
3. Land Revenue	2,99,05	—	34,38	—
4. Stamps (Judicial)	1,73,00	—	4,95	—
5. Excise	—	1,55,00	—	10,21
6. Provincial Rates	1,20	—	—	—
7. Forests	15,00	—	7,30	—
8. Registration	—	19,60	—	11,60
9. Interest	6,05	—	4,71	—
10. General Administration	—	—	25,17	—
11. Law and Justice	11,07	—	1,01,10	—
12. Jails	14,00	—	30,64	—
13. Police	1,87	—	1,22,84	—
14. Education	4,75	4,65	25,08	56,04
15. Medical	—	3,90	—	27,75
16. Sanitation	—	23	—	6,10
17. Political	—	—	2,98	—
18. Agriculture	—	1,35	8,06	3,49
19. Scientific	26,10	—	6,60	—
20. Superannuation	56	—	34,02	—
21. Stationery and Printing	1,31	—	14,34	—
22. Miscellaneous	6,96	—	3, 7	—
23. Irrigation Major	2,96	—	3,52	—
24. Do. Minor				
(a) P. W. D.	—	7,87	—	11,79
(b) Civil	—	6,30	—	11,10
25. Civil Works—				
(a) Civil	—	—	14,52	—
(b) P. W D.	—	—	—	71,50
Total	5,63,88	1,98,90	4.49,70	2,09,58
	1,98,90	26,5 %	2,09,58	31,9 %
Grand Total	7,62,78		6,56,28	

APPENDIX Z.

MEMORANDUM handed in by *Chandranath Sarma* for the Assam Association.

My Lords and Gentlemen,

During the stay of the Secretary of State at Calcutta, in the cold weather of 1917, the Assam Association was allowed to send its representatives to wait upon him and His Excellency the Viceroy and to present an address defining the claims of the Province of Assam to constitutional reforms.

At the sitting of the Southborough Committees at Calcutta last cold weather, the Assam Association again had the privilege of sending its representative to submit before the two committees its views on Franchise and Division of functions for the Province. It was about that time that the note published by the Honourable the Chief Commissioner of Assam became public and the whole country viewed with alarm the one-sidedness of the proposals contained therein.

The note would look like an advocacy on behalf of the Britons residing in Assam and an effort to reduce the effects of the privileges promised to the people in the proposed Reform scheme. The public of Assam as well as this Association and its branch associations held several meetings to protest against the views of the Honourable the Chief Commissioner of Assam and many of those proceedings were published in the local as well as in the Calcutta newspapers.

Recommendations in para. 35 of the Government of India Despatch dated March 5th last.—This Association now views with alarm, and respectively begs to protest against, the recommendations of the Government of India contained in para. 35 of the Despatch dated the 5th March last, wherein it is proposed not to grant to Assam the same type of government as is proposed for the other major Provinces of India, including even the Central Provinces, which obtained a legislative council of its own after Assam, and the percentage of educated people wherein is much below that of Assam. The reason assigned for this differential treatment is that two-thirds of the whole Province are composed of Hill tracts which will be excluded from the operation of the Reform scheme. The red colour in the map attached to the Despatch shows the insignificance of the area where reforms are proposed to be granted compared to the portion sought to be excluded. Consequently the administration of the Hill Districts has been made the centre of many suggestions against

the full introduction of the measures of reform in Assam; nay, even those matters which have been favourably considered in respect of other Provinces have been ignored in the case of Assam on account of those Hill Districts. There seems to be no other reasons for treating Assam in this manner except what is stated above. In point of education Assam is only behind the three Presidencies and in matters of representative institutions from time immemorial it perhaps stands the first in India. It is, therefore, of utmost importance to consider why or how the Hill Districts will suffer by the introduction of the proposed reforms into the plains and how far will the plains be hampered by the exclusion of the Hill Districts.

Hill Districts.—It has been very vividly described by the Honourable the Chief Commissioner of Assam in his note that the Hill tracts cover 50,500 square miles out of 77,500 square miles, "the Division of Function Committee" states at page 33 of its report that two-thirds of the whole province are included in the Hill and Frontier Tracts.

Population of Hill tracts insignificant.—Now on a comparison of population and income of the two divisions it would seem that the vastness of the Hill tracts does not mean anything and would not affect any question connected with the proposed reforms. The Hill tracts contain only 7,13,635 people, whereas the smaller area of the plains contain 60,00,000 people approximately bringing the total to 67,13,635 (*vide* page 75 Franchise Committees' Report).

Income of Hill Districts insignificant and they are dependent upon the plains.—In point of expenditure also this vast tract is mainly dependent upon the one-third tract. The following table will clearly show how much money the plains are to furnish to the Hills:—

Names of Districts.	Receipts.	Net expenditure.
1. Gora Hills	2,25,094	2,46,723
2. Khasi and Jaintia	3,53,858	10,23,543
3. Lushai Hills	1,05,494	2,54,878
4. Naga Hill	1,19,689	3,10,848
5. North East Frontier	58,369	4,84,030
Total	8,62,504	23,20,022

The above figures show that instead of the plains districts being in any way indebted to the Hills, the latter depend upon the plains to the extent of Rs 14,67,518 for their administration. The Honourable the Chief Commissioner of Assam does not wish the Legislative Council to have anything to do with these Hill tracts—they being recommended to be directly under him—but at the same time suggest that "as the Legislative Council has power to pass laws which may be applied to the Hill Districts, the administration of the Hills must be financed from the plains." The above argument does not seem to be quite sound and fair towards the plains. The Committee for the Division of Functions in their report recommends that the tracts in question should be excluded from the jurisdiction of the reformed Provincial Government. Taking that as the correct point of view, the question that naturally arises is "who is to finance the administration of the Hills?"

Political Importance of the Hills make it an Imperial concern.—The political importance of the Hill Districts makes it a matter of Imperial concern. The North East Frontier, the Lushai Hills, the Naga Hills and the Garo Hills have all more or less of frontier importance, and should therefore be made an all India concern, not only on account of their frontier importance but also for general civilising influence, the entire cost of this mission being proper to be borne by the Central Government, and governed under the agency system by the Provincial Governor.

Plains are made to pay for the Hills, and that is again urged as the reason to withdraw privileges.—It would be a grievous wrong done to the people of the Valleys if under the above circumstances the existence of the hills be made a reason (1) to refuse them an advanced type of Government along with the other provinces of India, (2) to saddle them with the cost of administering some districts with which they are not very much concerned, (3) to withdraw the paying Departments allowed to be "transferred" in other parts of India from the list of tranferred subjects in Assam.

Regarding the recommendations of the Southborough Committee. } DIVISION OF FUNCTIONS.

The opinion all over India is that all Departments should be in the hands of the people, and that there can be no responsible Government without the control of finance. But in the case of Assam, even the subjects transferred in other Provinces have been recommended to be "reserved." The Departments of "Forests," "Excise," "Public Works," "Fisheries" and "Education" are very important ones so far as the Assamese people are concerned. While the people fought earnestly for their inclusion among the "transferred" subjects, the official element opposed it as strenuously. It is therefore necessary to examine each of these subjects somewhat in detail.

Forest.—It is said that where the greater part of the work of the Forest Department lies in the excluded areas the question of transfer of Forests hardly arises. It is evidently doubtful. A good deal of work of the Forest Department is carried on in the plains as well, otherwise there would have been no necessity for the huge expenses on establishments and pay of high officers in the Valleys much more than in the hills. We are not sure yet whether the hills show more profit in the Forest Department or the plains; but it is sure that the bulk of the Department's works is carried on in the plains. However it would give entire satisfaction to the people if the Forest Department of the Hills be separated from that of the plains, and the latter be put under a minister.

Excise.—The reasons adduced for not recommending the Excise Department to be administered by the ministers are quite untenable. It is regrettable that the members of the Committee could so far misunderstand matters. The reasons given at page 33 of the report clearly tend to indicate that the opium habit being strong in the population of the Assam Valley, there is some chance that the effort to check the spread of the habit to the hills will weaken if it be administered by a popular minister. If the Committee has obtained this information from officials, it can only be said that it would have been better for it to rely on this point on the evidence of the representatives of the people, who stated that a popular minister would

try his utmost to discourage the opium habit, as he would be aware of the havoc which this pernicious habit has been creating among his own people. Some officers who are better informed entertain a fear exactly the other way (*vide* Mr. Botham's note and evidence before the Committee). The recent affair in the Assam Council between Rai Phanidhar Chaliha Bahadur and the Honourable Sir N. D. Beatson Bell is clearly illustrative of the real state of affairs. One cannot do better than quote the Rai Bahadur's speech representing the Assam Public opinion in the matter, and refer to the Honourable the Chief Commissioner's reply thereto:—

Thus said the Rai Bahadur, who is the elected representative of the Municipal bodies in the Assam Valley:—

"The Excise Department contributes the largest amount to the Provincial receipts. They have been increasing by leaps and bounds. In 1917–18 they were Rs. 53,74,000, in 1918–19 (revised) Rs. 58,61,000. The opium revenue (opium and its preparation and sale proceeds) alone comes to Rs. 33,50,000. This Department is an eyesore to the educated Indian commnnity, and to all who have the welfare of the country at heart. The sooner the opium habit is stopped the better it is for the people and the Government. The traffic has been encouraging immorality, and indolence has deteriorated the Assamese race, and it is feared that if the opium trade is retained, the Assamese race will be almost extinct within about two hundred years hence. Experience shows that the closing of some shops, and the raising of the treasury price do not help the people a jot. They bring an increased amount of revenue, but do not reduce the number of opium eaters who are steadily increasing."

The reply of the Honourable the Chief Commissioner need not be stated in extenso. He did not controvert or try to controvert any of the facts enumerated in the Rai Bahadur's speech, but found fault with him for having eaten the salt of Government, and wearing the honour conferred upon him with pride, and at the same time making an embittered attack on the whole excise department throwing mud at the Government (*vide* Assam Gazette, April 23rd, 1919, p. 87, Part VI). This clearly shows that the educated section of the community is against the spread of the opium habit. In this matter — especially in Assam — the beareaucracy has failed, and a popular minister alone will be able to check the spread of this habit, and thus save his people from the chance of extinction. There can be no truth in the observation that a minister's administration of the plains Districts in this matter will weaken the effort to check the spread of this habit to the hills. There being no other ground on which this subject has been recommended to be reserved, it is earnestly hoped that you will kindly include it among the "transferred" subjects.

Public Works Department.—In discussing the Public Works Department the Government of India seems to be prepared to transfer buildings connected with "transferred" subjects, roads, etc., not of military importance and municipal tramways. The Southborough Committee however did not see its way to recommend this subject to be transferred in Assam, because among the most important duties of this department are the construction of the hill and frontier roads. The argument of the Committee does not at all hold in the light of the Government of India despatch, and this Association therefore humbly prays that no differential treatment be meted out to Assam in this respect.

Fisheries.—The only other Department transferred in other parts of India but reserved in Assam is the Fisheries. Assam and Bengal are the most fish eating Provinces in India It has been recommended to be reserved in Assam on the ground—it seems—that in Assam restrictive measures taken to protect fish have been unpopular, and the administration of fisheries is closely connected with Land Revenue Department. Both the above reasons are untenable and it is evident that all the earning departments are recommended to be reserved in Assam by assigning even the most far fetched reasons for doing so. The restrictive measures alluded to were the award of Rs. 10/- as reward for the killing of a crocodile in the Brahmaputra river. The Brahmaputra river extends from Tibet to Bay of Bengal. The crocodiles also breed in large numbers. Under these circumstances it became very easy for a class of professional crocodile killers to kill the animals in those portions of the Brahmaputra which are near to the towns and take the rewards daily or weekly. In this way thousands of rupees were drawn annually by these fishermen without any appreciable reduction in their number as this operation is carried on only during a few months and only in a few miles of the Brahmaputra river, without devising any means to stop the crocodiles from going upstream or down or to find out the places where they lay their eggs and breed. It is impossible to see how this weighs against the people or, why objection to such a measure should be made the bases of reserving the subject The Government also considered the objection reasonable and accepted the resolution moved in the council in the matter. In any case it would seem to be hard reasoning to reserve any subject, until the people learn to swallow an unpopular measure. The better course seems to be to make them feel and learn for themselves, especially in petty matters like these.

Fisheries not connected with Land Revenue Department—It is also not understood how the administration of the fisheries is closely connected with Land Revenue Department either, being under different laws administered under different principles. The Committee itself considers the subject to be allied to industries and Co-operative Credit and the Government of India thinks it more allied to Agriculture.

Education.—Education in all its branches ought to be given in the hands of the popular Minister. It is frequently urged by the Anglo-Indian Press and also by Government officials that higher education is responsible for the agitation for all sorts of political rights and privileges, and there is a strong popular belief that the average Government official is no friend of high education; it is already in the air that the present ruler of this province also does not view the extension of higher education very favourably in spite of the pronounced policy of a benign Government that "India must rise by Education, and that educational advancement must have a predominant claim on the resources of the Empire," the question of opening one additional class in the local college to avoid 150 to 200 boys from being deprived of collegiate education has remained unheeded. Under the circumstances this Association respectfully urges that it would be a mistake to take any risk in respect of the educational policy. People have learnt to value education, and any retrograde policy cannot but make the people disappointed and discontented.

No Saving Department transferred in Assam.—The most noteworthy fact in the whole Report is that not a single earning department of any importance is proposed to be "transferred" in Assam. The members of the Committee put more weight on the official evidence in this matter than to the claims of the popular representatives. That the Honourable the Chief Commissioner of Assam has not shown much solicitude towards the popular advanced demands regarding Reforms, will be evidenced by his note, which is throughout illiberal and unsympathetic (advocates mainly the cause of the Britons), and by the note of the five Provincial Governors, of which he is a signatory. This Association respectfully begs to submit that the

reforms have become necessary only on account of the inability of the Civil Service to properly appreciate the popular feelings and ideas and its reluctance to part with power. The Association feels that official objections to transference of subjects in Assam are mainly due to such reluctance more than anything else. In this unfortunate Province there will be no chance of unsophisticated statesmen from England coming to rule over it if the recommendation of the Government of India be adopted. The result will be that the "administration" of the "transferred" subjects which are only spending departments but at the same time most important subjects for the welfare and advancement of the people, by a popular Minister, under a civilian ruler may end in failure, and the failure would be explained as due to the incapacity of the people to govern themselves.

FRANCHISE.

While in para. 229 and 230 the joint M.C. report very strong reasons are given for not perpetuating divisions and stereotyping existing relations between the existing classes by giving them special representations, the Honourable the Chief Commissioner of Assam strongly advocated the opposite views. The Southborough Committee has now recommended class representations in Assam on a very lavish scale and without giving due consideration either to the importance of the communities who are refused communal representation or to the unimportance of the classes, who, it is recommended, must have seats assigned to them either by election or by nomination. In Assam the Europeans do not form even one three-hundredth of the total population, but the proposal of the Honourable the Chief Commissioner to reserve ten seats for them out of a total of forty elected seats has been substantially complied with by the Franchise Committee. The Indian National Congress during the last session protested against this view by a resolution and the Assam Association as well as the public of Assam in many meetings protested against this view. The Southborough Committee has recommended at page 78 of its report that there should be an *urban* seat (meaning a member to be elected for the Schillong Municipality." It has been urged by the Honourable the Chief Commissioner of Assam because thereby he hopes to get an European to be returned to the Council.

Planting Seats.—Five seats have been recommended for the planters. These five will be perforce Europeans.

Commerce and Industry Seats.—Unless the qualifications to this seat be not so defined as to include all traders, merchants and shopkeepers who pay an income of Rs. 25/– or above per annum, the seat will also go to the Europeans. The great bulk of commercial concerns in this province are not registered companies, and it will be a gross injustice to the real trading community in the province to define the franchise qualifications for this seat as proposed by the Committee. The Association humbly prays that the definition may be altered as suggested above.

Seat for Europeans and Anglo-Indians.—There are no Anglo-Indians in Assam as a distinct class except a few telegraph signallers and such others. There is neither a distinct class of Europeans in Assam except planters, Government officials and miners. It is inconceivable why then there should be a seat reserved specially for Europeans or Anglo-Indians, whose interests will be amply represented by the official and non-official seats they have been given.

Seat for Indian Christians.—In the same page the committee recommends that a seat should be reserved for Indian Christians. The Indian Christian Community in Assam is neither numerous nor so politically important as the Ahom Community. Why then is a seat reserved for the Indian Christians when there would be so many European Christian members officials and non-officials to protect their interests as Christians and so many Indian members to protect their interests as Indians.

Labour Seat.—The seat meant for labour is also unnecessary at present unless employers of labour are excluded from the category.

Nomination of a Member from the Excluded Tracts.—There seems to be no necessity for a seat for a member from the excluded tracts. If the tracts be directly under the Governor it is not seen how a member from those tracts would help the Governor by merely sitting in the Legislative Council. If, however, that seat is retained, the Assam Association urges that the member must be a native of the Hills.

Regarding Distribution of Seats.—It will be seen at page 75 of the report that there are altogether 3,637,400 Hindus in the Province and 1,868,528 Mahomedans. The number of seats at present recommended are Hindu seats 18 and Mahomedan seats 12, while agreeing to the 12 seats for Mahomedans, my Association claims more seats for Hindus and a proportionate enlargement of the Legislative council if necessary. The only community which can claim a special treatment in Assam is the Ahom Community who ruled in Assam till only a hundred years ago if special treatment be accorded at all. My Association notices with sorrow also the fact that in some cases the accepted calculations and principles are disregarded in the distribution of the seats. At page 79 the committee evidently distributed the seats on calculation of the population by thousands. Among non-Mahomedan seats Kamrup has been recommended to have two seats with its 306 thousands while others are recommended just their dues according to the calculation by thousands. Among Mahomedan seats Goalpara has been given two seats with a Mahomedan population of only one hundred and twelve thousands It looks like robbing Kamrup of one seat to give it to the Mahomedans of Goalpara. This Association would not grudge the extra seat granted to the Mahomedans, but it certainly objects to the lessening of a Hindu seat from Kamrup and thereby from the total.

RE: THE GENERAL RECOMMENDATIONS OF THE GOVERNMENT OF INDIA.

The recommendations of the Government of India in their despatch, dated March 5th, are inconstant with original report and declaration of the 20th August. The Assam Association endorses the views of Sir Sankaran Nair generally and take special exception of the following proposals in the despatch :—

1. I. C. S. Governors of all provinces except Madras, Bombay and Bengal.
2. Composition of the Executive Council.
3. The difference in the status and salary of an Executive Councillor and Minister.
4. The proposal that secretaries and permanent heads of departments should have direct access to the Governor.
5. A definite allocation to each half of Government of receipts from transferred and reserved subjects. In Assam it is significant that not a single earning department worth the name has been recommended to be transferred.
6. Giving no voice to the Legislative Council in matters of taxation regarding reserved subjects.
7. Proposal that no appeal is to be allowed from the certificate of the Governor, nor is any reference

to be made in such a matter to the Government of India or the Secretary of State, before certifying a bill.

8.. Proposal to appoint under-secretaries by members of council or ministers, which are to be honorary and informal.

9. Joint deliberation of the whole Council not being the ordinary rule.

10. Regarding treatment of finance by the Executive Council independently of the ministers and the Legislative Assembly.

11. Authority of Parliament and the Governor-General of India on the transferred subjects.

The Assam Association humbly places the above facts for your consideration, and prays that they may have the systematic treatment that their importance demands.

I have the honour to be,
My Lords and Gentlemen,
Your most obedient servant,
Chandranath Sarma,
General Secretary, Assam Association.

APPENDIX AA.

STATEMENT supplied by Messrs. *Bardaloi* and *Baruah* at the direction of the Committee and received on 6th October, 1919. (*See* Question 6974.)

TO THE PRESIDENT OF THE JOINT COMMITTEE ON INDIAN REFORMS.

My LORD,

We thankfully avail ourselves of this opportunity offered to us for filing an additional written statement and beg to state as follows:—

The last statement that we made before the Committee was that the original proposal of the Honourable the Chief Commissioner of Assam was much in advance of the proposal made by the Government of India. Of course, we do not agree with the Chief Commissioner that the people of the two Valleys are irreconcilably different from each other, and therefore two different centres should be the headquarters of the two portions of the divided council. The people of the two Valleys are no more different from each other than the people of 24 Pergannas in Bengal are different from the people of Chittagong or Serajgunj in the same Province.

We have already submitted in our previous memorandum—while discussing the unreasonableness of the Southborough Committee's recommendations regarding functions—that "all departments in the Provincial Administration should be in the hands of the people." At the same time we submit that the scheme submitted by the Honourable the Chief Commissioner conclusively and authoritatively supports our contention that Assam is fit for a more advanced system of popular administration than what the Government of India has proposed even for what are called "Advanced Provinces."

The Honourable the Chief Commissioner of Assam found his scheme feasible, and never doubted that he would be able to meet the expenses of such an administration. But the Government of India object to it, because more advanced Provinces would not get it, and they therefore propose for Assam a system of government which is only a makeshift and no council government at all. We beg to submit that no advantages under the Reform Scheme finally adopted should be denied to Assam because of the vague term "backward" applied to it by the Government of India.

We respectfully place the above before the Committee and pray that due consideration may be given to the unanimous public opinion of the unhappy Province.

The main objections of the Government of India are two-fold, viz.:—

1.—The administration would be topheavy because the area left after the exclusion of the Hill Districts would not be able to pay the increased expenses, and that people would not like to spend the 3 laks surplus for this purpose.

2.—The people are politically and socially backward.

1st OBJECTION.

I. The Hill Districts may be large in area but they do not contribute much. The exclusion of the Hill Districts from Assam would make Assam richer by 14 laks of rupees, an amount which would be more than sufficient to meet any ambitious scheme of Reforms in that Province.

II. Even if the Hill Districts are not excluded and the money raised from the ryots of the Plains are spent on the Hills without any justification whatever, Assam would be able to pay for an advanced system of administration.

The two Commissionerships shall be abolished in any case, and their average salaries of Rs. 3,000 each per month, their office expenses (they have two big offices with about 20 to 25 officers), the salaries of the personal assistants, the costs of their steam yachts, etc., would be more than sufficient to pay the increased expense.

The revenue of the Province is yearly increasing from permanent causes, namely, the influx of large numbers of settlers from Bengal, and the acquiring of lands for special cultivation by monied individuals and Companies. When the authors of the Montague-Chelmsford Report found the gross revenue of the Province to be Rs. 171 laks only and expenses Rs. 150 laks, leaving a surplus of Rs. 21 laks only; the year after that, viz., in 1916-17 the gross receipts was Rs. 184 laks and the gross expenditure only Rs. 148 laks, leaving a surplus of about Rs. 36 laks. The surplus in the year 1917–18, might be about the same if not more.

The Southborough Committee recommended the exclusion of Hills from the operation of the Reforms. But though the Hill people are as much non-Assamese as Bhutyas are non-Bengalese, the ryot of the Plains are made to pay 14 laks of rupees for the Hills, and then they are called poor and backward, and advanced popular administration is proposed to be denied to them. If in years past Assam had been made to pay for these Hills on account of their contiguity we state that it is now about time to rectify that wrong. Almost all the Hill Districts are Frontier Districts of more or less Political importance, and if the people there are to be civilised they ought to be All-India concerns instead of being a burden to Assam financially and a bar to Assam in its political progress.

2nd OBJECTION.

Socially, Assam is not a bit more backward that any other Province in India, and we need only refer to the evidence of Sir Archdale Earle in support of that fact. In higher education it has been rapidly rising, and to quote the remarks of the Director of Public Instruction in his educational report of the year 1917–18, "Assam continued to hold its place at the head of the Provinces with reference to the success of its students in the various university examinations from the matriculation to the degree."

Politically, we believe nowhere else in India a political institution like the Assam Association has steadily advanced in the style of a miniature national congress collecting the representatives of the people of different districts every year in pre-arranged places, whereto the ryots are invited in large numbers. The institution has now lived for more than twelve years and is a recognised institution, having active branches all over the Assam Valley districts. Similarly, the Surma Valley People's Association is also working in the same manner. It is true that Assam did not evince any tendency towards violent political activities as it showed during the serious agrarian riots of 1894, or like Bengal of recent years. But it is a matter to be considered that hopes have been raised in the minds of a cultured and intelligent people, inheritors of a very ancient civilisation, and the meting out of differential treatment converting the scheme into nothing, might produce extremely harmful results.

As regards Franchise the proposals made by the Southborough Committee as well as by the Government of India are not quite fair, and we have already discussed that question in our first written statement, and as the Committee has kindly promised to treat that as a part of our evidence, we refrain from making any further statements under that head.

In matters of distribution a strict policy has not been followed, e.g., it has been proposed that the most advanced District in the Province, viz., Kamrup District, should obtain two seats with a population of 300,000, whereas other districts and communities are allowed to have a seat for every 100,000 or less.

We have the Honour to be

Your Lordship's most obedient servants,
N. C. BARDALOI,
P. K. BARUAH
Representatives of the Assam Association.

Dated London the 30th September, 1919.

APPENDIX BB.

PAPER handed in by Sir *James Meston*, on Tuesday, the 22nd of July.—(See Question 360.)

ACCOUNTS, 1917–18.

PROVINCIAL REVENUE.

(In crores.)

	Bombay.			United Provinces.		
	Reserved Departments.	Transferred Departments	Total.	Reserved Departments	Transferred Departments.	Total.
Normal revenues in Statement –	6,38	3,89	10,27	9,91	1,51	11,42
Deduct contribution – – –	88	—	88	3,27	—	3,27
Balance, normal revenues – –	5,50	3,89	9,39	6,64	1,51	8,15
Normal expenditure – – –	6,89	1,77	8,66	6,26	1,08	7,34
Add 1¼ per cent. margin to reserved expenditure.	09	—	—	—	—	—
Surplus (+) or deficit (–) –	– 1,48	—	—	—	—	—
Adjust by half share of Excise –	1,55	– 1,55	—	—	—	—
Resultant revenue – –	7,05	2,34	9,39	—	—	—
Resultant expenditure –	6,89	1,77	8,66	—	—	—
Resultant surplus – –	16	57	73	—	—	—

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PROVINCIAL REVENUE—*continued.*

(Thousands of Rupees.)

—	BOMBAY.			UNITED PROVINCES.			Remarks.
	Total.	Reserved.	Transferred.	Total.	Reserved.	Transferred.	
I. Land Revenue	4,91,54	4,91,54	(*a*)	6,50,76	6,50,76	(*a*)	(*a*) The receipts from fisheries, if there are any, are not separately shown in the accounts.
IV. Stamps (Court fees).	46,51	46,51	—	1,04,01	1,04,01	—	
V. Excise	3,11,06	—	3,11,06	1,38,32	—	1,38,32	
VI. Provincial Rates	—	—	—	1,72	1,72	—	
IX. Forest	63,12	—	63,12	61,17	61,17	—	
X. Registration	9,25	—	9,25	7,37	—	7,37	
XII. Interest	11,39	11,39	—	14,97	14,97	—	
XVIA. Courts of Law	8,99	8,99	—	8,75	8,75	—	
XVIB. Jails	3,62	3,62	—	3,95	3,95	—	
XVII. Police	97	97	—	1,15	1,15	—	
XVIII. Ports and Pilotage	1,65	1,65	—	—	—	—	
XIX. Education	9,51	9,50	1	6,73	6,73	—	
XXA. Medical	4,60	1,61	2,99	1,12	18	94	
XXB. Sanitation	8	—	8	42	—	42	
XXIA. Agriculture	2,28	—	2,28	2,73	—	2,73	
XXIB. Scientific, &c.	1,48	1,48	(*b*)	23	23	—	(*b*) The receipts from registration of births, deaths and marriages, if there are any, are not separately shown in the accounts.
XXII. Superannuation	4,80	4,80	—	1,07	1,07	—	
XXIII. Stationery and Printing.	1,96	1,96	—	1,70	1,70	—	
XXV. Miscellaneous	2,55	2,55	—	4,79	4,79	—	
XXVI. State Railways—Net Receipts	—	—	—	—	—	—	The Museum receipts do not finally appear in the Provincial books.
XXIX. Major Works :—							
Direct Receipts—	15,87	15,87	—	1,02,14	1,02,14	—	
Land Revenue due to Irrigation.	26,74	26,74	—	20,80	20,80	—	
XXX. Minor Works	3,83	3,83	—	2,89	2,89	—	(*c*) Estimate, details by departments as regards buildings not being shown in the accounts.
XXXI. Civil Works	5,34	5,09	(*c*) 25	5,26	4,26	(*c*) 1,00	
TOTAL	10,27,14	6,38,10	3,89,04	11,42,05	9,91,27	1,50,78	

ACCOUNTS, 1917–18.

PROVINCIAL EXPENDITURE.

(Thousands of Rupees.)

—	BOMBAY.			UNITED PROVINCES.			Remarks.
	Total.	Reserved	Transferred.	Total.	Reserved.	Transferred.	
1. Refunds	7,05	3,22	3,83	2,16	1,24	92	
2. Assignments	1,05,19	97,09	8,10	2,93	2,87	6	
3. Land Revenues	84,35	84,35	(*a*)	96,20	96,20	(*a*)	(*a*) The charges for fishery collections, if there are any, are not separately shown in the accounts.
6. Stamps (Court Fees)	79	79	—	1,16	1,16	—	
7. Excise	11,14	—	11,14	4,77	—	4,77	
8. Provincial rates	—	—	—	—	—	—	
11. Forest	33,54	—	33,54	32,05	32,05	—	
12. Registration	3,87	—	3,87	3,03	—	3,03	
13. Interest	5,60	5,60	—	10,34	10,34	—	
18. General Administration	21,40	21,40	—	18,17	18,17	—	
19A. Courts of Law	57,25	57,25	—	66,85	66,85	—	
19B. Jails	13,97	13,07	—	23,29	23,29	—	
20. Police	1,07,84	1,07,84	—	1,25,50	1,25,50	—	
21. Ports and Pilotage	1,10	1,10	—	—	—	—	
22. Education	79,96	38,96	(*b*)41,00	66,19	46,19	(*b*) 20,00	(*b*) Approximate.

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